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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

O.A. No. 270/97
T.A. No.

199

DATE OF DECISION 16 12 1999

Madan Lal Meena

Petitioner

~~Mr. Chetan Bairwa~~

Advocate for the Petitioner (s)

Versus

~~Union of India and Arn.~~

Respondent

~~Mr. K.N. Shrimal for resp. 1~~
~~Mr. M. Rafiq for resp. 2~~

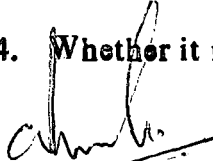
Advocate for the Respondent (s)


CORAM :

The Hon'ble Mr. S.K. AGARWAL, JUDICIAL MEMBER

The Hon'ble Mr. N.P. NAWANI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(N.P. NAWANI)
Adm. Member


(S.K. AGARWAL)
Judl. Member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: 16/12/99

OA No.270/1997

Madan Lal Meena S/o Shri Beerbal Singh Meena, aged about 30 years, R/o 1398-A, Railway Colony, Gulab Bari, Ajmer.

.. Applicant

Versus

1. Union Public Service Commission through its Chairman, Dholpur House, Shahjahan Road, New Delhi.
2. Union of India through its Secretary for Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, New Delhi.

.. Respondents

Mr. Chetan Bairwa, counsel for the applicant

Mr. K.N.Shrimal, counsel for the respondent No.1

Mr. M.Rafiq, counsel for respondent No.2

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

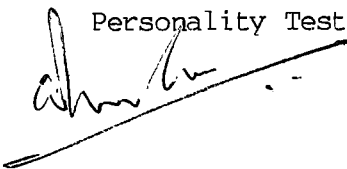
ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

The applicant prays for directions to be issued to respondent No.1 to conduct Personality Test for the applicant by the new end in Hindi Language against the Civil Services (Main) Examination 1996 which he has already passed with roll No. 6659/E.XIX with all consequential benefits.

2. The case of the applicant, briefly stated, is that after being successful in the Civil Services (Main) Examination (for short, Exam. of 1996) he was invited (Ann.A1) for the Personality Test on 20.5.1997 at the office of the Union Public Service Commission (for short, the Commission). However, in spite of having opted for Hindi medium, his Personality Test was taken in English Language which will be evident from the record available

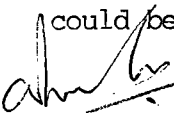
with UPSC. This resulted in his poor performance which deprived him from being selected for Civil Services. He has alleged in his letter dated 24.5.1997 (Ann.A2) that when he was called in for Personality Test at 12 AM (sic 12 noon), the very first question asked by the Chairman of the Board, Shri S.K.Mishra was in English whereupon, even though he knew the answer, he skirted the reply by requesting that questions be put to him in Hindi. Second question was asked in a mix of English and Hindi and as he could not understand one particular word of English, he requested Shri Mishra the meaning of the said word in Hindi. On this he appeared angry, stopped asking questions and indicated to other members to put questions. If Shri Mishra had told him the meaning of that English word or if the interpreter had cooperated, he could have performed well in the Personality Test. In fact, after coming out and finding out the meaning of that word, he realized that it was a question regarding the Constitution and he knew the answer very well. Other members of the Board also asked questions in English but they could not be blamed as they did not know Hindi. The attitude of the interpreter was stern and he even remarked that one should know at least this much English. The Chairman of the Board also failed to give necessary instructions to the interpreter. Thus, in spite of having good general knowledge about various subjects like public administration, philosophy, environment etc. the applicant could not perform well in the Personality Test due to lack of communication between him and the Board and after a little while after one or two questions, he was given the indication that the Personality Test is over. The applicant feels that the objective of the Personality Test is not to test the skills of a candidate in English Language but what is required is a general knowledge of that language. In view of all this, the applicant wondered as to how his performance would have been evaluated by such Board and requested for a fresh Personality Test. This letter of his evoked no response from respondent No.1. The roll No. of the applicant did not figure in the list of successful candidates and he was thus deprived of a chance to become an IAS, IPS or IFS officer. Non-conduct of this Personality Test in Hindi, as opted by him, was nothing but the violation of



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the legal rights of the applicant.

3. Notice of this OA was given to the respondents and respondent No.1 (UPSC) has filed a reply. It has been stated that the rules for the Civil Services Examination (Ann.R1) are applied uniformly to all the candidates by the UPSC. The candidates are interviewed in the medium offered by them. The Interview Boards are constituted keeping in view the language medium opted by the candidates and their medium is indicated in the interview papers and for medium other than English, language experts are associated with the Interview Boards. The Board which interviewed the applicant had one Hindi language expert for assisting the Board. The applicant was grouped with Hindi medium candidates only and interviews for Hindi medium candidates were held from 19.5.1997 to 26.5.1997, the applicant having been interviewed on 20.5.1997. It has been contended that in view of such procedure, there is no possibility of a candidate being interviewed in wrong medium. There were about 300 candidates of different language medium (other than English) for interview and no complaint from any other candidate about having been interviewed in a wrong medium has been received by the Commission. It has further been confirmed that the applicant was interviewed in Hindi only and as such there should be no cause for such a grievance. The Commission being a Constitutional Body, discharges its functions and duties based on the principles of justice, equity and fairplay. The applicant was interviewed by a Board of competent and unbiased persons, eminent and distinguished drawn from different fields with a member of the Commission, a Constitutional functionary appointed by the President of India as President/Chairman of the Interview Board. Candidates are assessed and allotted marks strictly on the basis of their merit and performance before the Interview Board, which is final. The applicant in order to suppress his own inefficiency has tried to malign the fair and impartial Interview Board of the Commission by raising baseless allegations and misleading statements. Incidentally it was applicant's fifth successive failure and before a reply to his letter dated 24.5.1997 could be given, he had filed this Original Application. In any case, the

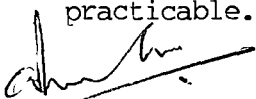


Rules for the Civil Services Examination, 1996 do not empower the respondent No.1 to hold fresh interview for the applicant. Allowing this OA would not only be contrary to the Rules of the Examination but would also be discriminatory and violative of Articles 14 and 16 of the Constitution of India. The OA is devoid of merit and may be dismissed.

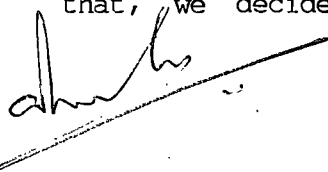
4. This Tribunal, vide its interlocutory order dated 26.3.1998 had directed respondent No.1 to bring records relating to calling of candidates for interview on 25.5.1997. The Chairman of the Commission has accordingly filed an affidavit on 12.10.1998. It was stated therein that the Constitution of Personality Test Boards and association of Advisors/Experts including language Experts/Facilitators/Interpreters is a highly confidential matter and is part of the internal functioning of the Commission. Permission is, therefore, not given to anyone to produce related records, names of Advisors etc. and give any evidence derived therefrom. However, it was stated that there was, however, no objection to produce the records for perusal by the Hon'ble Central Administrative Tribunal.

5. We have heard the learned counsel for the parties and have perused the records carefully.

6. We have carefully gone through the records received from the Commission. From the programme sheet, it is observed that the candidates who had opted for being interviewed in language other than English were interviewed between Monday, the 19th May, 1997 and Monday the 26th May, 1997. We do not think it is very material that the reply of the respondent Commission mentioned at one place that the applicant was grouped with Hindi medium candidates only because all the candidates who had opted for a language other than English, including Hindi were found to have been grouped together and interviewed between 19.5.1997 and 26.5.1997. The objective of the Commission in grouping together all the candidates who are to be interviewed in languages other than English appears to us fair, just and practicable. That the applicant was interviewed with candidates who had opted




for a language other than English is clearly established and there was thus no question of his having been mixed up with the candidates who were being interviewed in English. It is also observed that during these five days more than three hundred candidates had faced the Personality Test in a medium other than English and more than fifty out of these had opted for being interviewed in Hindi. We appreciate this system adopted by the Commission as the entire atmosphere in the Commission, as far as conduct of Personality Tests are concerned, would have been, in a way, non-English language during those five days. We have also ascertained that there has been no mistake as far as typing HINDI against the MEDIUM column of the interview sheet of the applicant, meaning thereby that the Interview Board was well aware that the applicant was required to be interviewed in Hindi medium. Taking into consideration above, a presumption can certainly be drawn that the Personality Test was conducted in Hindi medium, backed as it is, by the assertions on oath by the Commission and stressed by the learned counsel for them that the system is fool-proof and there could be no possibility of the applicant having been interviewed in a medium other than the one opted for by him. The Commission has confirmed on oath that the candidate was interviewed in Hindi medium and when all this is pitted against the allegations made by the candidate, we see no reasons to believe his allegations. The candidate has, therefore, not been able to substantiate his allegations. In fact, he has not helped his cause by stating at one place in his letter dated 24.5.1997 (Ann.A2) that his interview was over with one or two question whereas at another place he has stated that other members of the Board had also asked him questions in English (apart from two asked by the Chairman) but he cannot blame them as they were not Hindi knowing persons. We have also received a sealed envelope alongwith the records from the Commission which contains the names of the Chairman and Members/ Experts of the Board which conducted the Personality Test of the applicant. We have decided not to open it and give any scope at all for compromising the confidentiality of the names of the members of the Interview Board in any possible manner. More than that, we decided this because knowing the names of the Chairman and



Members/Experts will in no way help the cause of the applicant. In this letter of 24.5.1997 (Ann.A2) addressed to UPSC, New Delhi the applicant has essentially made allegations against the Chairman and the Language Expert/Interpreter of the Board that interviewed him and has named Shri S.K.Mishra as the Chairman. We feel it will serve no purpose if we come to know the names of all the members of the Board and as mentioned above that knowledge cannot help the applicant in any manner. Registry may ensure that all the records- one programme sheet, four folders and a sealed envelope may be handed over to the learned counsel for the respondent No.1 for return to the Commission. We will also like to put on record our appreciation in the way cooperation was extended to this Tribunal by the Commission, especially its distinguished Chairman.

7. In view of above discussions, we come to the conclusion that the applicant has not been able to substantiate his allegations and the Original Application, therefore, fails. The Original Application is accordingly dismissed with no order as to costs.


(N.P. NAWANI)

Adm. Member


(S.K. AGARWAL)

Judl. Member