

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

.....

original Application No. 495/2002

Jabalpur, this the 6th day of July, 2004

1. Amit Kumar Mishra
s/o S.P. Mishra, aged about 23 yrs.,
R/o Behind Rest House, Civil Lines,
Sihora, Distt. Jabalpur (MP).
2. Amit Singh Thakur,
S/o Shri C.S. Thakur,
Aged about 22 years,
Jatwan (Sarsawa),
Panagar, Distt. Jabalpur (MP).Applicants.

(By Advocate: Shri S.Ganguly on behalf of Sh. Manoj Sharma)

-versus-

1. Union of India through
Secretary,
Ministry of Defence,
Govt. of India, New Delhi.
2. Director General of Ordnance Services,
OS-BC-II, Master General of Ordnance Branch,
Army Headquarters, Delhi, Post office,
New Delhi.
3. Commandant, Central Ordnance Depot,
Post Box. No. 20, Jabalpur.
4. Office In charge,
Recruitment Cell,
Central Ordnance Depot, Post Box No. 20,
Jabalpur.
5. Lt. Col. D.P. Singh (S.M.),
Dy. Commandant, & ROD 5 FOD,
C/o 99 APO.Respondents

(By Advocate: Shri B.da.Silva)

O R D E R

By Madan Mohan, Judicial Member -

By filing the present original application, the applicant has sought the following main reliefs:-

- (i) to hold and declare the entire selection process in question as bad and be further pleased to quash the same.
- (ii) to direct the respondents to conduct the selection process afresh in a just, fair and reasonable manner in accordance with law within a stipulated time.

2. The brief facts of the case are that the respondent no. 3 has issued an advertisement for recruitment of various posts in the Central Ordnance Depot, Jabalpur in daily newspapers published on 26.6.2001. The qualifications as sought for appointment to the post of Store Keeper is matriculation or equivalent and the applicants in response to the said advertisement applied for the post of Store Keeper. In accordance with their respective call letters on the stipulated time and date presented themselves wherein they were made to undertake a race of 2.4 km which both the applicants qualified, while such condition was not mentioned in the advertisement. Both the applicants were then subjected to a quiz test wherein applicant no. 2 qualified while the applicant no. 1 was turned away on the pretext that he could not qualify in the said quiz. It is surprising that the examination process itself consisted a written examination and interview and all the applicants even in accordance with the call letters as issued by the respondents, were entitled to appear in this three-part selection allegedly after qualifying the physical hurdle on the race. Applicant no. 2 even qualified the stage of quiz and appeared in the written examination and also qualified the same and appeared in the interview. However, in the list of successful candidates, he does not find his name. As far as the conduct of three part examination is concerned, all candidates were entitled to appear in all the three stages and they could not have been eliminated as the three stages are part of one integral whole i.e. the test. Hence, on this count the expulsion/elimination of applicant no. 1 at the stage of quiz is absolutely illegal and vitiates the selection process. In the panel of select list, one Sachin Kumar Yadav has been selected who is the son of Mahesh Chand Yadav who is the Vice-President of C.O.D. Karamchari Union and as such the selection of Sachin Kumar Yadav has been made with ulterior motives and on extraneous consideration and under the threat

of the union activities. Hence, this O.A. has been filed seeking the aforesaid reliefs.

3. Heard the learned counsel for both the parties.

4. It is argued on behalf of the applicants that for the post of Store Keeper, no physical test was required even then the applicants appeared in this test, and were found qualified. Hence, they should have been permitted to appear in all the three sets of examination i.e. Quiz/Written Test and interview but the respondents have not followed the procedure prescribed in this regard and the applicants are ignored of their rightful claim of employment. Hence, the whole selection procedure is vitiated.

5. In reply, learned counsel for the respondents argued that the final selection was done based on a quiz, written test and an interview. The Board of Officers after considering the large number of candidates, divided the final test into two phases, For each phase, a separate Board of officers was constituted to ensure that the selection would fair and just and without any extraneous influence. Phase-I comprised a Quiz Test and Phase-II a written test, followed by an interview. All the candidates, who reported were subjected to the final test of Phase-I and were asked to report the next day with regard to the declaration of the results. The successful candidates of Phase-I were called for Phase-II and based on the performance of candidates, the select list has been prepared. It is further argued that all efforts have been taken to ensure that all eligible candidates were given a fair opportunity in the selection process and the action of the respondents is neither arbitrary, malafide or based on any extraneous consideration. All the candidates were given prior notice about the procedure to be followed and no objection was received from any of the candidates including the applicants. It is settled law that the selection committee is at liberty to formulate its own procedure for selection subject to



ensuring a fair opportunity to all eligible candidates. The applicants took part in the quiz, knowing fully well that they could be weeded out if they did not find place in the results declared pursuant to phase-I of the selection process. Both candidates on being found unsuccessful, have approached this Tribunal and on this ground itself, their application needs to be dismissed. It is further argued that all eligible candidates were given a fair opportunity and there was no scope of extending any undue benefit to any particular candidate. The allegation of the applicant that family members of Union Leaders have accommodated is not only vague but does not warrant consideration as details are known to the applicants and they have not impleaded them as party.

6. After hearing the learned counsel for both the parties and careful perusal of the record, we find that the arguments advanced by the applicants' counsel that all the three tests i.e. quiz, written test and interview should have been taken by the respondents do not seem to be correct or legally tenable because these are three stages of test and if the candidates fails in one test he is not required to appear in another tests i.e. written test / interview meaning to say that the applicant once failed in one test cannot be considered for the second stages of test. Since both the applicants were failed as mentioned in para no. 7 of the reply and were fully aware of the fact that they could be weeded out if they did not find place in the results declared pursuant to phase 'I of the selection process, they cannot now claim any relief whatsoever in regard to their employment. Hence, we find no infirmity in the selection process conducted by the respondents. Moreover, it is the settled legal position that the Tribunal cannot interfere with the selection process conducted by the respondents. As the applicant could not get success, hence, no relief can be legally



given to the applicants and the O.A., being bereft of merit,
is dismissed without any order as to costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

| NA |

पृष्ठांकन से ओ/व्या..... जबलपुर, दि.....
प्रतिलिपि अवृत्ति सिरुः—

- (1) राधिय, उच्च न्यायालय वार ए. रेजिस्टर, जबलपुर
(2) आकेश श्री/क्षीरस्ती/कु..... के वारंसल
(3) प्रत्यार्थी श्री/क्षीरस्ती/पटु..... के कारंसल
(4) अधिकारी, एप्पल, जबलपुर मार्गपेठ

Marcy Thorne
B. dasra
उप रजिस्ट्रर 19-7-84

Lissued
on 19.7.84
by