

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1166/2015

M.A.No.925/2016
M.A.No.2615/2015
M.A.No.2842/2015
with

O.A.No.1167/2015

M.A. No.922/2016
M.A.No.2618/2015
M.A.No.2846/2015
and

O.A.No.1168/2015

M.A. No.923/2016
M.A.No.2614/2015
M.A.No.2847/2015

Order Reserved on: 09.03.2016
Order pronounced on 06.04.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

O.A.No.1166/2015:

Laxman Singh Negi (Manager Grade I), aged about 35 years
S/o Sh. Manver Singh Negi
R/o Flat No.815, Shree Awas (L&T)
Sector 18B, Dwarka
New Delhi – 110 078. ... Applicant

(By Advocate: Mr. Sourabh Ahuja)

Versus

Union Public Service Commission
through its Secretary
Dholpur House, Shahjahan Road
New Delhi – 110 001. ... Respondent

(By Advocate: Mr. Ravinder Agarwal and Mr. Ranjan Tyagi for the respondents)

O.A.No.1167/2015:

Neeraj Mehta (Manager), aged around 35 years

S/o Sh. Jagdish Raj

R/o WZ IIIA/10A

Vishnu Garden

New Delhi – 110 018.

... Applicant

(By Advocate: Mr. Sourabh Ahuja)

Versus

Union Public Service Commission

through its Secretary

Dholpur House, Shahjahan Road

New Delhi – 110 001.

... Respondent

(By Advocate: Mr. Ravinder Agarwal and Mr. Ranjan Tyagi for the respondents)

O.A.No.1168/2015:

Yadvinder Singh Rawat (Manager), aged around 38 years

S/o Sh. A.S.Rawat

R/o 230-A, Pratap Vihar, Phase-II

Kirari, New Delhi – 86.

... Applicant

(By Advocate: Mr. Sourabh Ahuja)

Versus

Union Public Service Commission

through its Secretary

Dholpur House, Shahjahan Road

New Delhi – 110 001.

... Respondent

(By Advocate: Mr. Ravinder Agarwal and Mr. Ranjan Tyagi for the respondents)

O R D E R (Common)

By V. Ajay Kumar, Member (J):

Since the facts and issues involved in all the aforesaid three OAs are common, they are being disposed of by way of this common order. For the sake of convenience, the facts of OA No.1166/2015 are taken for consideration.

2. The Respondent-Union Public Service Commission (UPSC) vide Annexure A2 Advertisement No.16/2013 invited online recruitment applications for recruitment by selection to 14 Manager Gr.I/Section Officer in Canteen Stores Department, Ministry of Defence, among other posts.

3. The applicant, who belongs to General category, having fully qualified and eligible for selection to the post of Manager Gr.I/Section Officer in Canteen Stores Department, has applied, in pursuance of the aforesaid Annexure A2 Advertisement.

4. The Respondent-UPSC, vide their Annexure A5 email dated 03.11.2014 informed to the applicant that based on the information filled in by him in his online recruitment application, he was shortlisted for calling for Interview and requested to furnish certain material within 10 days from the date of receipt of the said mail. It was also informed in the said email that the date of Interview will be intimated in due course.

5. When the applicant has not received the interview call letter for sufficient time, on his inquiry, he came to know that the interviews are scheduled to be held from 06.04.2015 to 08.04.2015 but the applicant was not called for interview as he was not possessing the minimum required experience of 15 years for the General category candidates, as enhanced from 3 years to 15 years as a short-listing criteria. Aggrieved by the said action, the applicant filed the present OA.

6. Heard Shri Sourabh Ahuja, the learned counsel for the applicants and Shri Ravinder Agarwal, the learned counsel for the Respondent-UPSC and Shri Ranjan Tyagi, the learned counsel for the Union of India, and perused the pleadings on record.

7. The relevant paragraphs of the Annexure A2 – Advertisement No.16/2013 of the Union Public Service Commission, in pursuance of which the applicant has applied for selection to the post of Manager Gr.I/Section Officer in Canteen Stores Department, Ministry of Defence, are reproduced below for the sake of convenience:

"3. (Vacancy No.12101603426)

Fourteen Manager Grade-I/Section Officer in Canteen Stores Department, Ministry of Defence. Of the fourteen posts, three posts are reserved for Scheduled Castes Candidates, one post is reserved for Scheduled Tribes Candidates, seven posts are reserved for Other Backward Classes Candidates and remaining three posts are Unreserved. Of the fourteen posts one post is reserved for Physically Challenged Persons with disability viz. Orthopaedically Handicapped//Locomotor Disability/Cerebral Palsy with One Arm Affected (OA) (Right or Left) (Functional Arm Should not be affected). The posts are also suitable for Physically Challenged Persons with disability viz. Orthopaedically Handicapped/Locomotor Disability/Cerebral Palsy with One Arm

Affected (OA) (Right or Left) (Functional Arm Should not be affected).

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QUALIFICATIONS: ESSENTIAL: A. EDUCATIONAL: I) Degree of a recognized University or equivalent. (ii) Diploma/Degree in Business Management or Material Management from a recognized institution. **B. EXPERIENCE:** Three years, experience of Administration, Accounts and Establishment work in a Government office or a Public Body or a Commercial Organization of repute. **DESIRABLE:** i) Experience of storage, distribution and accounting stores. ii) Knowledge of Government Rules and Regulations. **DUTIES:** Planning, provisioning, accounting and distribution of Canteen Stores as per laid down policy/procedure in an effective manner to ensure high level consumer satisfaction, General Administration of a depot; maintenance of up-to-date and accurate personnel records of employees and advising AGM (Admn) on rules and regulations pertaining to recruitment, resignation, promotions, pay fixation, transfers and re-employment. Maintenance of Stores records, etc. And provide information on stock levels to Assistant General Manager (Stores) to enable effective control. **HQ:** CSD at Mumbai with All India Services liability.

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IMPORTANT
CLOSING DATE FOR SUBMISSION OF ONLINE RECRUITMENT APPLICATION (ORA) THROUGH ORA WEBSITE IS 23:59 HRS ON 15.11.2013
THE LAST DATE FOR PRINTING OF COMPLETELY SUBMITTED ONLINE APPLICATION IS UPTO 23:59 HRS ON 16.11.2013
DATE FOR DETERMINING THE ELIGIBILITY OF ALL CANDIDATES IN EVERY RESPECT SHALL BE THE PRESCRIBED CLOSING DATE FOR SUBMISSION OF ONLINE RECRUITMENT APPLICATION (ORA). THE APPLICANTS ARE ADVISED TO FILL IN ALL THEIR PARTICULARS IN THE ONLINE RECRUITMENT APPLICATION CAREFULLY AS SUBMISSION OF WRONG INFORMATION MAY LEAD TO REJECTION THROUGH COMPUTER BASED SHORTLISTING APRT FROM DEBARMENT BY THE COMMISSION.
DATE FOR THE INTERVIEW ON WHICH THE SHORTLISTED CANDIDATE IS REQUIRED TO BRING THE PRINTOUT OF HIS/HER ONLINE APPLICATION ALONGWITH OTHER DOCUMENTS AT UPSC SHALL BE INTIMATED SEPARATELY.

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d) **AGE LIMIT AS ON CLOSING DATE:**

- i) Not exceeding 55 years for the posts at Item Nos.12*(*For 1 Post reserved for Scheduled Castes Candidates), 15* (*For 1 Post reserved for Scheduled Castes Candidates) and 16.
- ii) Not exceeding 53 years for the posts at Item No.10, 12* (*For 1 Post reserved for Other Backward Classes Candidates), 14 and 15* (*For 1 Post reserved for Other Backward Classes Candidates).
- iii) Not exceeding 50 years for the posts at Item No.13,

- iv) Not exceeding 45 years for the posts at Item Nos.4,5,6,7 and 8.
- v) Not exceeding 40 years for the posts at Item Nos.1 and 11.
- vi) **Not exceeding 35 years for the posts at Item Nos.2 and 3.**
- vii) Not exceeding 33 years for the posts at Item Nos.9.

e) The age limits shown against Item Nos.12* (*For 1 Post reserved for Scheduled Castes Candidates), 15* (*For 1 Post reserved for Scheduled Castes Candidates) and 16 is relaxed age limit for Scheduled Castes Candidates. The age limits shown against Item Nos.9, 10, 12* (*For 1 Post reserved for Other Backward Classes Candidates 14 and 15* (*For 1 Post reserved for Other Backward Classes Candidates), is relaxed age limit for Other Backward Classes Candidates), is relaxed age limit for Other Backward Classes candidates. The age limit shown against all items is the normal age limit and the age is relaxable for SC/ST/PH candidates upto 5 years and upto 3 years for OBC candidates in respect of vacancies reserved for them. SC/ST/OBC Candidates have to produce a caste certificate in prescribed proforma. For age concession applicable to other categories of applicants please see relevant paras of the "Instructions and Additional Information to Candidates for Recruitment by Selection."

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INSTRUCTIONS AND ADDITIONAL INFORMATION TO CANDIDATES FOR RECRUITMENT BY SELECTION

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2. AGE LIMITS: The age limit for the post has been given in the advertisement. For certain age concessions admissible to various categories please go through the instruction regarding Concessions & Relaxations.

3. MINIMUM ESSENTIAL QUALIFICATIONS: All applicant's must fulfil the essential requirements of the post and other conditions stipulated in the advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts. No enquiry asking for advice as to eligibility will be entertained.

NOTE-I: The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be called for interview.

NOTE-II: IN THE EVENT OF NUMBER OF APPLICATIONS BEING LARGE, COMMISSION WILL ADOPT SHORT LISTING CRITERIA TO RESTRICT THE NUMBER OF CANDIDATES TO BE CALLED FOR INTERVIEW TO A REASONABLE NUMBER BY ANY OR MORE OF THE FOLLOWING METHODS:

- (a) On the basis of higher educational qualifications than the minimum prescribed in the advertisement.

- (b) On the basis of higher experience in the relevant filed than the minimum prescribed in the advertisement.
- (c) By counting experience before or after the acquisition of essential qualifications.
- (d) By holding a Recruitment Test."

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5. CONCESSIONS & RELAXATIONS;

- (a) **The upper age limit in case of Ex-Servicemen and Commissioned Officers including ECOs/SSCOs shall be relaxed by the length of Military Service increased by three years subject to the conditions that on the closing date of receipt of applications** (i) the continuous service rendered in the Armed Forces by an Ex-Serviceman is not less than six months after attestation and (ii) that the resultant age after deducting his period of service from his actual age does not exceed the prescribed age limit by more than 3 years. This relaxation is also available to ECOs/SSCOs who have completed their initial period of assignment of five years of Military Service and whose assignment has been extended beyond 5 years as on closing date and in whose case the Ministry of Defence issues certificates that they will be released within 3 months on selection from the date of receipt of offer of appointment. Candidates claiming age relaxation under this para would be required to produce a certificate in the prescribed proforma to the Commission.

NOTE: Ex. Servicemen who have already secured regular employment under the Central Govt. in a Civil Post are permitted the benefit of age relaxation as admissible for Ex-Servicemen for securing another employment in any higher post or service under the Central Govt. However, such candidates will not be eligible for the benefit of reservation, if any, for Ex-Servicemen in Central Govt. jobs.

- (b) In order to qualify for the concession under (a) above, candidates concerned would be required to produce a certificate that they have been released from the Defence Forces. The certificate for Ex-Servicemen and Commissioned Officers including ECOs/SSCOs should be signed by the appropriate authorities specified below and should also specify the period of service in the Defence Forces:-

- (i) In case of Commissioned Officers including ECOs/SSCOs:

Army: Directorate of Personnel Service, Army Headquarters, New Delhi.

Navy: Directorate of Personnel Services, Naval Headquarters, New Delhi.

- (ii) In case of JCOs/Ors and equivalent of the Navy and Air Forces:

Army: By various Regimental Record Offices.

Air Force: Air Force Records, New Delhi.

- (c) **Age relaxation for Central Government employees:**

The upper age limit is relaxable for Central/U.T.Govt. Servants up to 5 years as per instructions issued by the Govt. of India from time to time. (10 years for persons belonging to Scheduled Castes/Scheduled Tribes and 8 years for persons belonging to other Backward Classes in respect of the posts reserved for them) in accordance with the instructions or orders issued by the Government of India. A candidate claiming to belong to the category of Central Government servant and thus seeking age relaxation under this para would be required to produce a Certificate in the prescribed proforma **issued after the date of advertisement** from his/her Employer on the Office letter head to the effect that he/she is a regularly appointed Central Government Servant and not on casual/adhoc/daily wages/hourly paid/contract basis employee.

The age relaxation will be admissible to such of the Government servants as are working in posts which are in the same line or allied cadres and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of the post(s) recruitment to which has been advertised. Decision in this regard will rest with the Commission

(d) **Age relaxation for meritorious Sports persons:**

The relaxation in upper age limit upto a maximum of 5 years (10 years for persons belonging to SC/ST Communities and 8 years for persons belonging to Other Backward Classes in respect of posts reserved for them) may be allowed to meritorious sportswomen/sportsmen in the field of Games/Sports recognized by the Government for such purpose provided they satisfy all other conditions prescribed by Government from time to time. The persons claiming age relaxation under this sub-para would be required to produce a certificate issued by the competent authority in the prescribed proforma. For others, age limit will be strictly adhered to save in exceptional circumstances, and in no case be relaxed beyond a limit of three years.

(e) **Age relaxation for Widows, Divorced Women and Women Judicially separated from Husbands:**

The upper age limit is relaxable up to the age of 35 years (upto 40 years for members of Scheduled Castes/Scheduled Tribes and upto 38 years for members belonging to the Other Backward Classes in respect of the posts reserved for them) for Widows, divorced Women and Women Judicially separated from their Husbands who are not remarried. The persons claiming age relaxation under this sub-para would be required to produce following documentary evidence:

- (i) In case of Widow, Death Certificate of her husband together with the Affidavit that she has not remarried since.
- (ii) In case of divorced Women and Women judicially separated from their husbands, a certified copy of the judgment/decreed of the appropriate Court to prove the fact of divorce or the judicial separation, as the case may be, with an Affidavit in respect of divorced Women and they have not remarried since.

(f) **Age relaxation to persons who had ordinarily been domiciled in the State of J&K during the period from 1st January, 1980 to 31st December, 1989;**

The relaxation in upper age limit of 5 years shall be admissible to all persons who had ordinarily been domiciled in the State of J&K during the period from 1st January, 1980 to 31st December, 1989. The persons claiming relaxation under this sub-para would be required to produce a certificate to this effect from the District Magistrate within whose jurisdiction they had ordinarily resided or from any other authority designated in this behalf by the Government of Jammu and Kashmir. This relaxation shall remain in force upto 31.12.2013.

(g) **Age relaxation to Physically Handicapped (PH) persons:**

Age relaxation of 5 years is allowed (total 10 years for SCs/STs and 8 years for OBCs in respect of the posts reserved for them) to blind, deaf-mute and orthopedically handicapped persons for appointment to Group 'A' and Group 'B' posts/services. The persons claiming age relaxation under this sub-para would be required to produce a certificate in prescribed proforma in support of their claims clearly indicating that the degree of physical disability is 40% or more. In any case, the appointment of these candidates will be subject to their being found medically fit in accordance with the standards of medical fitness as prescribed by the Government for each individual Group 'A' and Group 'B' posts to be filled by Direct Recruitment by Selection."

8. Though the applicant fulfilled all the requirements as mentioned in the Advertisement including the requirement of experience of 3 years in the relevant field but since the respondent-UPSC, as a method of short-listing, enhanced the required experience for General category candidates from 3 years to 15 years and since the applicant is not having the said required 15 years experience, he was not called for the interview for selection.

9. The applicant filed the OA in March, 2015, i.e., even before the respondent-UPSC conducted the interviews. This Tribunal, on 01.04.2015, as an interim relief, directed the respondents to provisionally allow the applicant to appear in the interview scheduled to be held between 06.04.2015 to 08.05.2015, and to keep the result in a sealed cover and not to declare the same without the leave of the

Tribunal. Accordingly, the applicant was interviewed along with others and the respondents have not declared the results of any candidate, including the applicant, till date.

10. Shri Sourabh Ahuja, the learned counsel appearing for the applicant submits that all the applicants are having more than 11 years experience in the required field as against the essential requirement of 3 years. As per the age limit for the post the candidates not exceeding 35 years of age as on the closing date, i.e., 15.11.2013, are alone eligible for selection. The applicants who are possessing the Degree of a recognized University and Diploma/Degree in Business Management/Material Management, which are the essential educational qualifications as per the Advertisement and who are possessing more than 11 years experience in the required field, as against the requirement of 3 years experience, denied the opportunity to participate in the selection process by illegally and arbitrarily enhancing the essential experience from 3 years to 15 years, only to benefit the Ex-Servicemen and other categories who gets age relaxations.

11. The learned counsel for the applicants submits that out of the 4 short-listing methods prescribed in the advertisement, the respondent-UPSC arbitrarily chosen the short-listing method of higher experience that too by unreasonably enhancing from 3 years to 15 years.

12. It is also submitted that the enhancement is arbitrary and violative of Articles 14 and 16 of the Constitution of India as the respondent-UPSC which has not at all enhanced the required experience for ST candidates, has enhanced the same for SC candidates from 3 years to 3 years 6 months, for OBC candidates from 3 years to 8 years. However, in respect of General category candidates the same was enhanced from 3 years to 15 years, arbitrarily, illegally and without application of proper mind.

13. The learned counsel placed reliance on Annexure A7 Judgement of the Hon'ble High Court of Delhi, in WP (C) 3894/2014 and batch dated 23.07.2014 (**Santosh Pal Meena v. UPSC & Others**).

14. Per contra, Shri Ravinder Agarwal, the learned counsel appearing for the Respondent-UPSC would contend that the Advertisement in pursuance of which the applicants have applied for selection itself provides power to the UPSC to adopt any of the short-listing methods, as mentioned therein. It is for the UPSC, to choose any of the methods provided therein, in view of the administrative necessities keeping in view the nature of the post for which selection is to be made and the number of applications that were received. The order mentioned under Note-II, such as (a), (b), (c) and (d), of the Advertisement does not prescribe the preference as per the seriatum but only indicates that the UPSC can adopt any of the said methods. The candidates or any other authority cannot direct the UPSC out of

the available methods which short-listing method is to be adopted, as the same is exclusively an administrative decision to be taken by the UPSC.

15. The learned counsel for the UPSC further submits that the applicants who have submitted their applications after accepting the conditions, including the power and short-listing criteria, provided in the Advertisement, cannot turn around and contend that the UPSC cannot adopt a particular short-listing method, once they become ineligible as per the short-listing method adopted. The UPSC adopted the method of enhancement of minimum experience from 3 years to 15 years uniformly and equally to all the General category candidates, including the applicants, without any discrimination and hence, the same cannot be found fault with. The enhancement of the minimum experience differently in respect of the SC, ST and OBC categories is also fully valid, legal and permissible as per the constitutional guarantees conferred on the said category candidates.

16. The learned counsel for the UPSC, in support of his contentions, placed reliance on the following:

- (a) Shri Parvez Qadir v. Union of India, (1975) 4 SCC 318.
- (b) Madhya Pradesh Public Service Commission v. Navnit Kumar Potdar and Another, (1994) 6 SCC 293.
- (c) Union of India and Another v. T.Sundararaman and Others, (1997) 4 SCC 664.

(d) B. Ramakichenin alias Balagandhi v. Union of India and Others, (2008) 1 SCC 362.

17. Shri Ranjan Tyagi, the learned counsel for the Union of India, submits that as no final selection is made they are not necessary parties to the OA and prays for deletion of them from the array of respondents in the OA.

18. In **Santosh Pal Meena** (supra), the question was whether the UPSC was right in insisting that the candidates should have the required 10 years teaching experience after acquisition of the Post Graduation Degree for selection to the post of Principal, Directorate of Education, GNCTD. The Hon'ble High Court held that since the Recruitment Rules for the post of Principal provides only for 10 years experience but not prescribed the said experience should be after acquisition of the Master's Degree, the UPSC cannot insist for the 10 years experience after acquisition of the Master's Degree, a fortiori, when the same is also not provided specifically in the advertisement.

19. It is true that though the Advertisement does not provide for adopting the short-listing method differently to General and reserved categories, but since the same does not in any way affect the rights and selection chances of the applicants, who belonged to General category, we deem it fit not to consider the said issue in this OA.

20. All the decisions cited by the learned counsel for the UPSC are to the affect that the UPSC is empowered to adopt any of the short-listing

methods wherever necessary, as long as the same is on some rational and objective basis. Since, the said power of UPSC, as a whole, is not disputed, we do not consider to discuss the same in detail.

21. In view of the settled position of law, and also as per the decisions relied on by the respondent-UPSC, and as provided in the Advertisement itself the respondent-UPSC is having the power and authority to adopt any of the short-listing methods, if the number of applications are large. For the same reason, it is also trite that this Tribunal cannot sit in appeal against the decision of the UPSC, about the requirement of number of years of experience, and its wisdom to adopt a particular short-listing method. This is more so when the UPSC applies the enhanced experience criteria equally to all the General category candidates, including the applicants. However, the only requirement is that the short listing method should be rational and objective.

22. Whether the short listing method of enhancing the required experience from 3 years to 15 years for the post is with any rationale and object sought to be achieved, is the short question to be answered by us in the aforesaid OAs.

23. The maximum age limit prescribed for the post is that "not exceeding 35 years as on 15.11.2013", i.e., the last date for receipt of online applications. The essential educational qualifications are that a Degree of a recognized University or equivalent and Diploma/Degree in

Business Management or Material Management from a recognized Institution. The essential experience originally prescribed in the Advertisement is 3 years. In the present educational system of our country, i.e., in the form of 10 + 2 + 3, by the time a person obtains a Degree of a recognised University, normally, he attains the age of 21 years. To acquire the second essential qualification of Diploma or Degree, even if the same is one year's duration, the said person will attain 22 years. By the time he acquires the required 3 years experience, the said person will attain 25 years. Because of the short listing method adopted by the respondent-UPSC, i.e., by enhancing the required experience, from 3 years to 15 years, no person can acquire these qualifications, i.e., University Degree and a Diploma or a Degree in the required field, and 15 years experience before attaining the age of 37 years. Therefore, the short listing method adopted by the respondent-UPSC resulted in excluding all the persons who are not having any age relaxations, such as (i) Central/UT Govt. servants, (ii) meritorious sports persons, (iii) widows, divorced women, and women judicially separated from husbands, (iv) persons who had ordinarily been domiciled in the State of J & K during the period from 01.01.1980 to 31.12.1989 (v) Physically Handicapped persons, and (vi) Ex-Servicemen. This is so, as no person without any age relaxation can acquire the required essential qualifications as enhanced by the short listing method before completion of at least 37 years. By adopting the short listing method of enhancing the experience from 3 years to 15 years in respect of the General category candidates for whom the

maximum age limit is 35 years, the Respondent-UPSC completely deprived the persons without any age relaxations from consideration of their cases. The same is clearly irrational, unreasonable and cannot withstand to the scrutiny of judicial review on the touch stone of Articles 14 and 16 of the Constitution of India.

24. In **B. Ramakichenin alias Balagandhi** (supra), which was relied on by the respondents themselves to contend that the respondent-UPSC is empowered to adopt any of the short listing methods where there are more candidates or more applications were received, the Hon'ble Apex Court while upholding the said power, observed as under:

"15. It is well settled that the method of short-listing can be validly adopted by the Selection Body vide *Madhya Pradesh Public Service Commission vs. Navnit Kumar Potdar and another* - 1994(6) SCC 293 (vide paras 6, 8, 9 and 13), *Government of Andhra Pradesh vs. P. Dilip Kumar and another* 1993(2) SCC 310, etc.

16. Even if there is no rule providing for short-listing nor any mention of it in the advertisement calling for applications for the post, the Selection Body can resort to a short-listing procedure if there are a large number of eligible candidates who apply and it is not possible for the authority to interview all of them. For example, if for one or two posts there are more than 1000 applications received from eligible candidates, it may not be possible to interview all of them. In this situation, the procedure of short-listing can be resorted to by the Selection Body, even though there is no mention of short-listing in the rules or in the advertisement.

17. However, for valid short-listing there have to be two requirements - (i) It has to be on some rational and objective basis. For instance, if selection has to be done on some post for which the minimum essential requirement is a B.Sc. degree, and if there are a large number of eligible applicants, the Selection Body can resort to short-listing by prescribing certain minimum marks in B.Sc. and only those who have got such marks may be called for the interview. This can be done even if the rule or advertisement does not mention only those who have the aforementioned minimum marks, will be considered or appointed on the post. Thus the procedure of short-listing is only a practical via-media which has been followed by the courts in various decisions since otherwise there may be great difficulties for the selecting and appointing authorities as they may not be able to interview hundreds and thousands of eligible candidates; (ii) If a prescribed method of short-listing has been mentioned in the rule or advertisement then that method alone has to be followed.

([Emphasis supplied])

25. In view of our above analysis on the effect of short listing method, with reference to the maximum age prescribed for the post, and since the said short listing clearly deprived the right of consideration for selection of one set of candidates, in our considered view, definitely cannot be said to be rational and objective.

26. Since the applicants questioned the action of the respondent-UPSC only and that unless selection process is completed and names of the selected candidates are sent for appointment, the other respondents have no roll to play, the MA No.2615/2015, MA No.2618/2015 and MA No.2614/2015, filed for deletion, respectively in OA Nos.1166/2015, OA No.1167/2015 and OA No.1168/2015 are allowed.

27. In the circumstances and for the aforesaid reasons, the OAs are partly allowed by directing the respondent-UPSC to re-do the exercise by modifying the short listing method which they have adopted presently or to adopt any other short listing method, as prescribed in their Advertisement, so that the said short listing method does not completely eliminate any particular set of people from consideration for interview, and to re-draw the list of eligible candidates for calling for Interview, by keeping in view the aforesaid observations and to re-conduct the Interviews for selection to the post of Manager Gr.I/Section Officer in Canteen Stores Department, Ministry of

Defence. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

28. In view of the final disposal of the OAs, no orders are required to pass in MA No.2842/2015, MA No.2846/2015 and MA No.2847/2015, filed for production of the marks sheet of the interview, in the respective OAs. Accordingly, they are disposed of. Similarly, MA No.925/2016, MA No.922/2016 and MA No.923/2016, filed for early disposal of the respective OAs, are also accordingly disposed of. There shall be no order as to costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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