

Central Administrative Tribunal Principal Bench

OA No.4238/2015

New Delhi, this the 03rd day of December, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

(By Advocate: Mr. Alamgir with Mr. Praveen Nagar)

Versus

1. Union Public Service Commission
Through its chair person
Dholpur House, Shahjahan Road
New Delhi – 110069.
2. Union of India
Through the Development
Commissioner, Micro, Small &
Medium Enterprises,
Ministry of Micro, Small
& Medium Enterprise
L-Block-Opp, Haldiram, Connaught Circus
Barakhamba Road, New Delhi – 110001

(By Advocate: Mr. R. V. Sinha for R-1 & Dr. Ch. Shamsuddin Khan for R-2)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The UPSC issued an advertisement in April, 2014 inviting applications for the post of Assistant Director (Gr.

- II), (Mechanical) in the office of Development Commissioner, Ministry of Micro, Small and Medium Enterprises Development Organization. In all eight posts were to be filled. The candidates holding degree in Mechanical Engineering were made eligible to apply. One post is reserved in favour of Physically Handicapped Candidates. The applicant responded to the notification. He is a Physically Handicapped Candidate, holding degree in Mechanical Engineering. He was also called for interview. However, his name did not figure in the name of selected candidate. Hence, this O.A. is filed, assailing the action of the respondents.

2. The applicant contends that on being satisfied about his qualification, the respondents invited him for interview and despite the fact that there were only two candidates in the Physically Handicapped Category and other candidate did not turn up, the respondents did not select him. Further grounds are also urged.

3. Respondents filed counter affidavit. It is stated that the selection was on the basis of interview and against the minimum of 40 marks stipulated (50 in case of general candidate), the applicant secured only 22 marks and accordingly he was not selected.

4. We heard Mr. Praveen Nagar and Mr. Alamgir, learned counsel for the applicant and Mr. R. V. Sinha, learned counsel for respondent No. 1 and Dr. Ch. Shamshudin Khan for respondent No. 2.

5. The selection to the post in question was exclusively through interview. It is not disputed that applicant was eligible to be considered. However, in the interview he secured only 22 marks. The minimum stipulated for the post, is 50 in the scale of 100, and for reserved category, it was reduced to 40. Since, the applicant secured only 22 marks, he was not selected.

6. No exception can be taken to the action taken by the respondents. The O.A. is dismissed. There shall be no order as to costs.

**(Aradhana Johri)
Member(A)**

**(Justice L. Narasimha Reddy)
Chairman**

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