

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 834 of 2013

Reserved on: 29.10.2018

Order pronounced on: 30.10.2018

Between:

1. Ravi Kumar Vodela, S/o. Rajaiah Vodela,
Aged about 31 years, Occ: Unemployed,
C/o. Gogalaya, R/o. H. No. 1-10-134,
Street No. 9, Ashok Nagar, Hyderabad – 500 020.
2. Sudha Rani Chinnam, D/o. Jojappa,
Aged about 34 years, Occ: Unemployed,
R/o. Iralapadu, Nadendla, Guntur (AP) – 522 611.
3. Madhu Babu Surisetti, S/o. Nageshwara Rao,
Aged about 31 years, Occ: Asst. Grade II,
O/o. District Manager, AP Civil Supplies Corporation,
C/o. S. Ramchandra Rao,
R/o. Plot No. 188, Laxmi Nagar, APHB Colony,
Moulali, Hyderabad – 500 040.

...Applicants

And

1. The Government of India,
Rep. by its Under Secretary,
Ministry of Youth Affairs & Sports,
Near Central Secretariat Metro Station,
Room No. 15C, Sastry Bhavan,
Department of Youth Affairs & Sports,
New Delhi.
2. The Director General,
Nehru Yuva Kendra Sangathan, Core-4,
2nd Floor, Cope Minar, Twin Tower Complex,
Laxmi Nagar, New Delhi – 110 092.
3. The Joint General,
Ministry of Youth Affairs & Sports,
Govt. of India, SCOPE Minar,
Nehru Yuva Kendra Sangathan, Core-4,
2nd Floor, Cope Minar, Twin Tower Complex,
Laxmi Nagar, New Delhi – 110 092.

...Respondents

Counsel for the Applicants ... Mr. N. Ramesh

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***
Hon'ble Mr. Swarup Kumar Mishra ... ***Member (Judl.)***

ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA is filed against the action of the respondents in not considering their claims for appointment to the post of District Youth Coordinator (DYC) in Nehru Yuva Kendra Sangathan (NYKS) .

2. The facts of the case are that the 1st Respondent has issued circular dt 1.11.2010 to fill up 45 posts of DYC in NYKS. The eligibility criteria is that candidates should posses post graduate degree in any discipline from a recognised University and declared successful in the civil services main exam. The desirable qualification is to have at least 3 years experience in Youth development activities, rural development/other social sectors including voluntary work in a recognised organisation in responsible position. The applicants applied and got call letters plus their certificates were verified as per 2nd respondent letter dt 18.1.2011. Thereafter applicants participated in the interview held on 21.1.2013. However, without finalising their candidature the respondents have floated another notification dated 9.5.2013 for the same posts. Aggrieved by the action of the Respondents the present OA has been filed.

3. The contention of the applicants is that after participating in the selection process, not considering them is illegal. Going for a fresh notification without passing orders in regard to the earlier notification is arbitrary and unconstitutional.

4. The Respondents confirm that the selection process was initiated, applications were screened by a screening committee, candidates interviewed by a selection committee and the final marks obtained based on certain criteria were kept in a sealed cover. However no select list prepared nor the competent authority has approved the recommendations of the selection Committee. Chairman of the Board of Governors of NYKS directed to keep the special recruitment drive of 2010 on hold in the meeting held on 27.1.2011. By taking the approval of the competent authority the special selection drive of 2010 was cancelled in April 2013. Respondents claim that it is not correct to state that the applicants were selected, as no select list of selected candidates by a competent authority was prepared. By just participating in the selection process the applicants cannot acquire a right for the jobs to which they applied. Hence the OA lacks merit and needs to be dismissed.

5. Heard the learned counsel and perused the documents on record.

6. The learned counsel for the applicants argued that the respondents did not give any reasons for the cancellation of the previous notification. He has submitted the Honourable High Court judgment in support of his argument. The learned counsel for the respondents claimed that the applicants were not selected for the said posts and submitted Honourable Supreme Court Judgments to support the averments of the respondents.

7. The details of the case do reveal that the applicants participated in the selection process and it went to the stage of keeping the marks awarded by the selection committee in a sealed cover. However, the select list duly approved by the competent authority was not prepared. The judgment of the Honourable High Court of A.P in W.P no7963 of 2012 cited by the 1st counsel, dealt with an issue where complaints of irregularities have been alleged in the selection

process and that based on the same rejecting the candidates in the select list who did not indulge in malpractices, was observed to be arbitrary and incorrect. In the present case no such select list was prepared and hence the citation quoted by the Ld counsel for the applicants does not apply. On the contrary the Honourable Supreme Court has held in ***Rakhi Ray & Ors v High Court of Delhi, (2010) 2 SCC 637*** that

“A person whose name appears in the select list does not acquire any indefeasible right of appointment. Empanelment at the best is a condition of eligibility for purpose of appointment and by itself does not amount to selection or create a vested right to be appointed. The vacancies have to be filled up as per the statutory rules and in conformity with the constitutional mandate.”

In the present case not even the select list was prepared and therefore the applicants do not have the vested right to claim the jobs applied for. In the absence of the select list the question of approval of the competent authority does not even arise. Neither were there any proven malpractices which were brought on record nor violations of any rules were pointed out by the applicants. Moreover, there were no selections made as per notification of 2010 and hence there is no element of discrimination or illegality as alleged by the applicants. The Chairman of the Governing body who is competent to take the decision has kept it on hold. Later the 2010 notification was cancelled by the competent authority. Thus there has been no arbitrariness in the decision of the respondents. The second notification of 2013 was again an open one where all eligible candidates including the applicants could participate.

8. Therefore we do not find any grounds to intervene. More so, in the context of the law laid by the Honourable Supreme Court cited above. Hence the OA fails and is therefore dismissed with no order to costs.

(SWARUP KUMAR MISHRA)
MEMBER (JUDL.)

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 30th day of October, 2018

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