

**Central Administrative Tribunal
Principal Bench**

OA No.1218/2019

New Delhi, this the 15th day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Swati Bajpai
D/o Shri A. K. Bajpai
K8-B, 3rd Floor,
Lajpat Nagar-2,
New Delhi 110 024. Applicant.

(By Advocates : Shri Nitin Bajpai)

Vs.

1. Union of India through its
Secretary
Ministry of Health and Family Welfare,
Govt. of India,
Room No.348, 'A' Wing,
Nirman Bhawan,
New Delhi 110 011.

2. AIIMS
(All India Institute of Medical Science)
Through its Director
Sri Aurobindo Marg, Ansari Nagar,
Ansari Nagar East,
New Delhi 110 029. Respondents.

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The respondents issued a Notification dated 02.05.2018 inviting applications for various posts. One such post is Clinical Psychologist/Psychologist in the pay band of Rs.15600-39100 + Grade Pay of Rs.5400. The selection process involved conducting of written test,

followed by interview. The applicant states that she is working as Clinical Psychologist in the respondent organisation itself. She submitted an application in response to the advertisement. A written test was held on 09.03.2019. It is stated that the roll number of the applicant did not figure in the list of successful candidates.

2. The grievance of the applicant is that though the Notification dated 02.03.2019 provided for issuance of call letters to ten times the number of vacancies, she was not issued such a call letter. According to her, four posts were notified and only 15 candidates were issued call letters for interview.

3. The applicant initially filed a writ petition before the Hon'ble Delhi High Court for the relief in the form of writ of mandamus to quash the selection process and to restrain the respondents from conducting interview for the post of Clinical Psychologist. The writ petition was transferred to the Tribunal on finding that the jurisdiction in such matters is conferred upon the Tribunal.

4. We heard Shri Nitin Bajpai, learned counsel for the applicant in detail.

5. Four posts of Clinical Psychologists were notified on 02.05.2018, along with certain other posts. The applicant

responded to the same and even participated in the written test. On 02.03.2019, the respondents issued Notice No.20/2019 indicating that the interview would be held by inviting candidates ten times the number of vacancies. In the same notice, it was mentioned that the qualifying marks in the written test shall be 50% for General, 45% for OBC and 40% for SC candidates.

6. On 27.03.2019, the respondents issued result notification wherein it was mentioned that only 15 candidates were eligible after the written test was conducted. The roll number of the applicant did not figure therein.

7. There is no dispute that the roll number of the applicant did not figure in the list of qualifying candidates. Once, she is not qualified, she does not have any right to be called for interview, even if, the respondents did not issue call letters in the ratio of 1:10 between posts and candidates.

8. Reliance is placed upon the judgment of Hon'ble Supreme Court in the matter of **K. Manjusree Vs. State of Andhra Pradesh** (2008) 3 SCC 512 in support of the contention that the respondents were not justified in changing the selection process half way through. It would

have been possible for us to appreciate that contention if only the facts relating to that were pleaded in the body of the OA, and a specific prayer in that behalf is incorporated. Even on a meticulous verification of the entire OA, we do not find any mention about those aspects. Even otherwise, we find from the record that the stipulation as to the requirement of minimum qualifying marks in the written test was notified on 02.03.2019, i.e., much before the written test was conducted on 09.03.2019.

9. We, therefore, do not find any merit in the OA. It is accordingly dismissed. Order 'Dasti'.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/