

**Central Administrative Tribunal
Principal Bench**

OA No.969/2014

New Delhi, this the 3rd day of May, 2019

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

Avinash Shukla, son of Prakash Narain Shukla,
Aged 48 years, presently employed as Assistant,
Editor (Rank: Under Secretary) in the Ministry
Of Law & Justice, Legislative Department,
Vidhi SahityaPrakashan. Government of India,
New Delhi. Resident of Central Govt. Residential,
Colony, 1058, Type – 5, Block-2, NH-4,
Faridabad – 121001. ... Applicant

(Applicant in Person)

Vs.

1. Union Public Service Commission,
Through Secretary, Dholpur House,
Shahjahan Road, New Delhi – 110069.

2. Union of India, through Secretary,
Ministry of Law & Justice,
Department of Legal Affairs,
4th Floor, Shastri Bhavan,
New Delhi – 110001. ... Respondents

(By Advocate : Mr. Ravinder Agarwal and Mr. Girish Pandey)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant is working as Assistant Editor in the Department of Legal Affairs, Ministry of Law. In the year 2014, the UPSC issued an advertisement in July, inviting applications for the post of Additional Legal Officer in the Department of Legal Affairs by way of direct recruitment.

Departmental candidates were also permitted to apply. The qualifications were stipulated and selection process was undertaken. The applicant contends that though he fulfilled all the prescribed qualifications, he was not selected. According to him, the UPSC has adopted arbitrary short listing criteria and thereby his chances of being selected were taken away.

2. Respondents filed a counter affidavit opposing the OA. It is stated that in response to the advertisement, as many as 314 applications were received and as provided for in relevant provisions of law, short listing criteria was adopted and that resulted in preparation of a list of 32 candidates.

3. It is stated that interview was conducted for those 32 candidates and 16 were found to be suitable and the rest were rejected. Respondents contend that the applicant did not make it to the short listing and no illegality can be said to have taken place.

4. We heard Applicant in person and Mr. Ravinder Agarwal and Mr. Girish Pandey, learned counsel for the respondents.

5. At the outset, it needs to be mentioned that this very selection process, advertised in the year 2014 was the subject matter of OA No. 224/2014. Through order dated

23.08.2016, the Tribunal dismissed the OA. The same factual and legal position obtains in this O.A. also.

6. The applicant, no doubt, has fulfilled the prescribed qualifications. However, the respondents reserved to them, the right to frame the short listing criteria in case a large number of applications are received. The following short listing criteria was adopted in this behalf.

“Criteria 1 : EQ(A)(i) Raised to Ph.D in Law + EQ(A)(ii)

Criteria 2 : EQ (A)(i) Raised to Post Graduation in Law
+ EQ (A)(ii) Raised to 20 years.”

7. As of Result of application of this criteria, list of 32 candidates was obtained. The applicant did not figure therein. Once this Tribunal has taken a view in respect of the same posts, we do not find any basis to grant relief to the applicant. The OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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