

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00792/2019

Date of Order: 26.08.2019

CORAM

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Saurabh Kumar, aged about 37 years, Son of Ajay Kumar, resident of 3rd Floor, C 80, Delhi, East of Kailash, South Delhi, Delhi-110065 at present residing at 4A/8, Jagdamba path, North S.K. Puri, Patna- 800013 (Bihar).

..... Applicant.

- By Advocate: Mr. Samir Kumar

-Versus-

1. The Union of India represented through the Secretary, Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi- 110001.
2. The Union of India represented through the Secretary, Government of India, Ministry of Health and Family Welfare, New Delhi- 110001.
3. Director (S), Government of India, Ministry of Health and Family Welfare, New Delhi- 110001.
4. The Director (S), Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi- 110001.
5. The Director (S), Government of India, Ministry of Health and Family Welfare, New Delhi- 110001.
6. All India Institute of Medical Science, Patna (Bihar) through its Director, Phulwari Sharif, Patna, Bihar-801507.

..... Respondents.

- By Advocate: Mr. H.P. Singh, Sr. SC for AIIMS
Mr. Radhika Raman for UOI.

O R D E R
[ORAL]

Per Dinesh Sharma, A.M: In the instant OA, the applicant has requested for declaring the advertisement dated 11.06.2019 calling applications for recruitment of faculty post of various department at AIIMS, Patna, as illegal,

void and unconstitutional. He has also requested for striking down that part of the advertisement by which different departments have been grouped together as one cadre and both posts of psychiatry have been categorized for OBC candidates. The grounds for seeking this cancellation are that this is in flagrant violation of Article 14, 16 and 21 of the Constitution. No reason has been assigned in this order about how the groupings were made and more than 50% posts in the same category reserved for OBC.

2. The matter was heard at the admission stage. While going through the annexures enclosed with the OA it is very clear from Annexure-2 where the report of methodology for reservation roster in each of the 6 new AIIMS (at Bhopal, Bhubaneshwar, Jodhpur, Patna, Raipur and Rishikesh) is given, we find that a committee meeting was held on 02.12.2013 under the Chairmanship of Dr. Jagdish Prasad, DGHS, where Directors and other representative of all the new AIIMS and other experts were present. This Committee did the grouping to make reservation roster in the six new AIIMS with the clear objectives as laid down by the Department of Personnel & Training under their various circulars on this matter. Thus, it *prima facie* does not appear to be an irrational grouping and the applicant could not give any reason why this Tribunal should substitute its judgment for the judgment of the Committee of experts. We also see that in Annexure-3, all the points raised by the applicant have been answered as answers to the queries made by one Dr. Ajay Kumar. Since the posts in the advertisement are shown against various categories on the basis of a grouping done on objective considerations and since the last date

for applying against this advertisement has already elapsed and also since the applicant has admittedly not applied against any of these posts, we do not see any purpose being served by admitting this OA and interfering with the process of recruitment already set in motion. The OA is, therefore, dismissed. No order as to costs.

[Dinesh Sharma]/M[A]

[J.V. Bhairavia]/M[J]

Srk.