
(2006) 02 DEL CK 0145
In the Delhi High Court
Case No : Writ Petition (C) 425 of 2003

Monika Kadiyan	Vs	APPELLANT
National School of Drama		RESPONDENT

Date of Decision : 07-02-2006

Acts Referred:

Citation : (2006) 02 DEL CK 0145

Hon'ble Judges : S. Ravindra Bhat, J

Bench : Single Bench

Advocate : Jasbir Singh Malik, for the Appellant; V.N. Raghupathy and Sanjeev Sagar, for the Respondent

Final Decision : Dismissed

Judgement

S. Ravindra Bhat, J.—Issue Rule. Learned counsel for respondents, who are present in the Court, waive service of notice of Rule. With consent of parties, the matter was heard finally.

2. The writ petitioner here question the selection process for the post of Senior Hindi Translator in the first respondent organisation (hereafter referred to as "NSD"). The NSD is a society and an autonomous body, fully funded and controlled by the Central Government.

3. By an advertisement issued sometime in the end of September 2002, the NSD called for applications from eligible candidates of Senior Hindi Translator. The relevant portion of the advertisement reads as follows:

National School of Drama, an autonomous organisation fully financed by the Government of India, Ministry of Tourism & Culture, Deptt. Of Culture invites applications for the following post:

SENIOR HINDI TRANSLator: One post

Pay Scale: Rs. 5500 - 175 - 9000

Qualifications & Experience:

Essential:

1. Consistently good academic record with high second class (B+). Master's Degree in Hindi with English as an elective subject at degree stage or Master's Degree in Linguistics with Hindi and English as elective subjects at Degree stage of recognised University or equivalent.
2. Diploma in Translation course of a recognised University, Institute or equivalent.
3. About one year's experience of translation work from Hindi to English and vice-verse.

Desirable:

1. Working knowledge of Sanskrit and/or a Modern Indian Language other than Hindi.
2. Knowledge and interest in Linguistics/Applied studies for those with a Master's Degree in Hindi and English only or in both.

Age: 35 years and below (40 years in case of SC/ST/Departmental candidates)

The above pay scales carry allowances as admissible to Central Government employees stationed at Delhi. The age limit as prescribed above shall be reckoned as on 1.7.2002.

4. The petitioner, who completed her B.A. (pass) from Delhi University in 1993 with 50%, with English, Hindi, History and Political Science and M.A. In Hindi in the year 1995 with Hindi Literature and Translation with 55% and who is also holder of diploma in addition to post-graduation, applied for the post. She was called for interview by letter dated 2.12.2002. The interview was held on 17.12.2002. It is averred that the petitioner participated in the process was considered by the Selection Committee of the NSD. The petitioner, however, was not selected and one Smt. Chetna Vashishta was selected and appointed to the post.

5. The Petitioner approached this Court complaining arbitrariness in the selection process principally on the ground that no criteria had been indicated and that the procedure adopted in the interview was arbitrary. It is also alleged that the petitioner was a better merited than the selected candidate.

6. When the petition was filed, the selected candidate was not imp leded. By a subsequent order, the said Smt. Chetna Vashishta was imp leded as a party in the proceedings. She and the NSD have filed returns in these proceedings.

7. The common defense of the respondents which was also reiterated in the course of hearing is that the Selection Committee considered the candidature of all the persons including the petitioner and adjudged the second respondent as

more suitable than the petitioner. Learned counsel has relied upon the ranking given and the panel published which indicated that out of 9 candidates who had applied for the post, the second respondent ranked first and the petitioner was ranked second.

8. Learned counsel for the second respondent submits that even if the academic qualifications and experience were to be considered, the second respondent would stand a better chance since she completed her B.Sc. From Bangalore University in 1991 with Hindi, English, Chemistry, Botany, Zoology and secured 58% marks; she completed post-graduation in Hindi in the year 1994 and secured 60% marks and thereafter obtained a diploma in Hindi Translation with 70% marks in the year 1995. It is also claimed that the said respondent had both teaching and translation experience for the period 1994-95 till 2000 which included translation experience for about 3 years.

9. Learned counsel for the NSD has produced the relevant notings of the Selection Committee and also the attendance sheets which contained presence of all the candidates who were called for interview.

10. Learned counsel for the petitioner submitted that the procedure adopted in the interview was without indicating the marking and also without publishing the criteria which was arbitrary. According to him, the petitioner had better qualifications for the post and her candidature was rejected without any reason.

11. I have considered the materials on record and also the submissions of the parties. It is well settled that in judicial review proceedings the Court is concerned primarily with the legality, procedural regularity and bona fide of the administrative decision. In such a challenge to a selection process is no exception from the well settled parameters that apply to judicial review. The added function of Court would also be to consider whether the decision taken was so unreasonable that no reasonable person would have arrived at such conclusions in the given circumstances.

12. The advertisement in question set out the basic qualifications required for the post. I am not persuaded to accept the contention of the petitioner that NSD could not have interviewed the candidate for the post and that the advertisement did not stipulate such a requirement. It is an undisputed fact that the petitioner was given at least two weeks notice to prepare herself for the interview. Indeed, she participated in the interview and do not protest at that stage. Her candidature was considered and she was ranked second in the ranking list reckoned by the Committee. No rule or regulation applicable to the NSD was brought to my notice prohibiting the holding of interview. In the absence of such a prohibition, the Selection Committee would have, power in my opinion, to adopt a suitable non-arbitrary criteria. It did precisely that; it apparently evaluated the academic qualifications of the candidates, the experience as furnished by them and also considered their performance in the interview while making final recommendations. I see no infirmity in such procedure.

13. One last submission made by the counsel for the petitioner was that the constitution of the Selection Committee was improper as the Head of the Department mandated by the concerned regulation, namely, para 6, was not present during the proceedings. Learned counsel for the respondent submitted that Sh. D.R. Ankur, who was Director of the NSD at that stage chaired the Selection Committee and that he has also the Head of the Rastriya Bhasha Unit and Therefore the head of the department. In view of this submission and having considered the fact that this aspect was not specifically pleaded, I see no merit in the contention.

14. In view of the above findings, the writ petition is lacking in merits and the same is accordingly dismissed.