

(2019) 04 CAT CK 0087

In the Central Administrative Tribunal

Case No : Original Application No. 1060 Of 2019

Rajesh Kumar Bajaj

APPELLANT

Vs

Union Public Service Commission And Ors

RESPONDENT

Date of Decision : 02-04-2019

Acts Referred:

Citation : (2019) 04 CAT CK 0087

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Amit Yadav, Naresh Kaushik, Devik Singh

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The respondents issued advertisement in the month of June, 2018 inviting applications for appointment to the post of Joint Secretary (Road Transport & Highways) on contract basis, through the process of lateral entry. The qualifications for the post were prescribed. In para 6 of the instructions for filling detailed application form, it was mentioned that the Commission may formulate the short-listing criteria on the basis of certain guidelines.

2. The applicant contends that his candidature was not considered on account of certain stipulations made by the respondents, and thereby he has been omitted from the list of candidates called for interview. The prayer for quashing the interview schedule is made, and directions are sought in this behalf.

3. We heard Shri Amit Yadav, learned counsel for the applicant, and Shri Naresh Kaushik and Shri Devik Singh, learned counsel for the respondents.

4. The applicant first approached the Hon'ble Delhi High Court by filing WP(C) No.3274/2019. However, the Hon'ble High Court directed transfer of the writ petition to this Tribunal, and accordingly it is numbered as OA No.1060/2019.

5. The post of Joint Secretary is generally filled through Central Deputation or promotion of officers in the feeder category. A new method of lateral recruitment of competent and eminent persons is evolved. The appointment of selected candidates would be contractual in nature. The applicant responded to the advertisement and furnished his particulars. In para 6 of the instructions, the UPSC mentioned as under:

"6. IMPORTANT NOTE

The essential qualifications indicated in the original advertisement are the minimum and mere possession of the same does not entitle applicants to be called for Test/Interview. As the numbers of applications are large, Commission may adopt short-listing criteria to restrict the number of candidates to be called for Test/Interview to a reasonable number by any or more of the following methods:

- (a) By defining the comparable level of experience suitably.
- (b) On the basis of any specific experience or higher Experience in the relevant field than the minimum prescribed in the advertisement.
- (c) On the basis of higher/relevant Educational Qualifications in the core area than the minimum prescribed in the advertisement.
- (d) By holding a Recruitment Test."

From this, it becomes clear that though the minimum qualifications are stipulated, there is every likelihood of other factors, such a higher qualifications, experience and accomplishments in the field, being taken into account, depending upon the number of applications received and the qualifications possessed by the applicants. Through a detailed circular, the criteria were evolved. Para 4 of the circular reads as under:

"4. Modalities

I. Scrutiny has been done on the basis of the report generated by the computer system through Scrutiny of only the information filled up by the candidates in their DAF and thereafter by analysing the supporting documents uploaded, in support of the claims made by the applicants in the DAF in respect of only those whose claims satisfy the eligibility requirements and are relevant.

II. Total experience of the candidate as claimed in the DAF has been taken into consideration, if supported by necessary certificates.

III. Only candidates possessing qualifications and experience as per Department requirements have been shortlisted.

IV. Applications without Experience certificate in support of the claims of experience made in the DAF have been rejected.

V. However candidates who have submitted some documents such as joining

letters, resignation letters, service certificates etc, in support of their claim of 15 years experience in the core sectors, which prima facie gives an indication that the experience claimed by them is relevant have been shortlisted provisionally subject to their submission of Experience certificate indicating nature of duties within 15 days after email to that effect is sent to them by the Commission asking for the relevant documents.

VI. Experience in own entity has not been considered and such applications have been rejected.

VII. Self certification has not been accepted as an Experience Certificate.

VIII. Teaching experience has not been considered.

IX. B.E/M.E Construction, Structural Engineering has been considered.

X. Candidates currently working in the Central Government have not been considered eligible, however if a candidate has experience of working in Central government but is no more employed Central Government, has been considered eligible.

XI. Minimum Gross Salary during any of the last two financial years (as per Form-16/ITR/Pay Slip/Employer Certificate) drawn by the candidate, must be at least Rs. 20 Lac per annum."

The outcome of the scrutiny for the above post is given in para 5, as under:

"I. Total number of candidates applied for Recruitment to the Joint Secretary level post on contract basis (Lateral Entry) in the Ministry of Road Transport and Highways in response to the advertisement of DOP&T: 573

II. Total number of candidates who submitted DAF out of (i) mentioned above: 346

III. Number of candidates shortlisted to be called for Interview: 08"

The name of the applicant did not figure in the list of eight candidates called for interview.

6. From a perusal of the modalities evolved by the respondents, it becomes clear that they were within the parameters of the stipulations under para 6 of the instructions. The mere fact that a candidate possesses the minimum qualifications stipulated in the advertisement, does not entitle him to be called for interview. The UPSC has retained to itself, the power to evolve the short-listing criteria. We do not find any basis to grant relief to the applicant.

7. The OA is accordingly dismissed. There shall be no order as to costs.