

Union of India and Another

Vs

T. Sundararaman and Others

Civil Appeal No. 44 of 1990

(Sujata V. Manohar, V. N. Khare JJ)

09.04.1997

ORDER

1. The Union Public Service Commission (for short "the Commission") issued an advertisement dated 10-10-1987 inviting applications for three posts of Assistant Professors of Medicine. The essential qualifications for the post were set out in the application. One of the qualifications was : at least three years' teaching experience in the speciality concerned as a Lecturer/Tutor/Demonstrator/Senior Resident/Registrar after obtaining the requisite postgraduate degree qualification. Note 21 to the advertisement states that the prescribed essential qualifications were the minimum qualifications and a mere possession of minimum qualifications does not entitle the candidates to be called for interview. Where the number of applications received in response to an advertisement is large and it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates to a reasonable limit on the basis of qualifications and experience higher than the minimum prescribed in the advertisement or by holding a screening test.

2. In the present case 37 applications were received for the three posts. The Commission thereupon shortlisted the candidates to be called for interview on the basis of 4 years' experience or more. As a result, 20 candidates were called for interview. Respondent 1 did not qualify for shortlisting and hence he was not called for interview.

3. He along with one Dr. V. S. Gopalakrishnan filed an application before the Central Administrative Tribunal, Madras Bench (hereinafter referred to as "the Tribunal") for setting aside the selection to the post of Assistant Professor of Medicine pursuant to the said advertisement by challenging shortlisting. The Tribunal held that the Commission had not filed a separate reply. Taking note of an averment made by the applicants before the Tribunal that a large number of vacancies were available, it remitted the case to the Commission for reprocessing all applications including those of the applicants for fresh selection, disapproving of the shortlisting done by the Commission.

4. The Tribunal has clearly erred in doing so. Note 21 to the advertisement expressly provides that if a large number of applications are received the Commission may shortlist candidates for interview on the basis of higher qualifications although all applicants may possess the requisite minimum qualifications. In the case of M.P. Public Service Commission v. Navnit Kumar Potdar [(1994) 6 SCC 293 : 1994 SCC (L&S) 1377 : (1994) 28 ATC 286 : JT (1994) 6 SC 302] this Court has upheld shortlisting of candidates on some rational and reasonable basis. In that case, for the purpose of shortlisting, a longer period of experience than the minimum prescribed was used as a criterion by the Public Service Commission for calling candidates for an interview. This was upheld by this

Court. In the case of Govt. of A.P. v. P. Dilip Kumar [(1993) 2 SCC 310 : 1993 SCC (L&S) 464 : (1993) 24 ATC 123 : JT (1993) 2 SC 138] also this Court said that it is always open to the recruiting agency to screen candidates due for consideration at the threshold of the process of selection by prescribing higher eligibility qualification so that the field of selection can be narrowed down with the ultimate objective of promoting candidates with higher qualifications to enter the zone of consideration. The procedure, therefore, adopted in the present case by the Commission was legitimate. The decision of the Tribunal is, therefore, set aside and the appeal is allowed. There will, however, be no order as to costs.