

SUPREME COURT OF INDIA

Munna Roy

Vs.

Union of India (Uoi)

(G.B. Pattanaik and U.C. Banerjee JJ.)

03.04.2000

ORDER

G.B. PATTANAİK, J.

1. Leave granted.

2. The appellant, pursuant to an advertisement issued by the Railway Recruitment Board for the post of Craft Teacher (Bengali Medium), applied for the same. She possesses qualification of a graduate. On the basis of a written test held thereafter, she was successful, and then was called for the interview. But after the interview was over and a select list was published wherein her name also appeared but as no appointment letter was issued, she moved the Central Administrative Tribunal. While the application was pending before the Tribunal, the Railway Recruitment Board cancelled the panel by order dated 5.9.1996 on the ground that there has been sufficient irregularities in the matter of selection, the appellant, therefore, filed an application before the Tribunal for setting aside the order of cancellation and directing the Board to complete the recruitment process. The Tribunal allowed the said application. Against the order of the Tribunal, the matter was taken to the High Court and the High Court having interfered with the order of the Tribunal, the appellant has approached this Court. The High Court while interfering with the order of the Tribunal, has taken into consideration the fact that mere inclusion of a person's name in the list does not confer any right and, therefore, Mandamus cannot be issued. The aforesaid enunciation as a proposition of law cannot be disputed. However, if the administrative authority takes a decision and the reasons for such decision are erroneous then such a decision can be interfered with by Court of Law. In the case in hand the appellant pursuant to an advertisement had applied for and she had the requisite qualification. She became successful in the written test as well as in the viva-voce. The list of successful candidates included her name but the ground for cancellation of the entire list without even informing the appellant was that though the minimum qualification required was a matriculate she was a graduate and thus dubious method has been adopted for being selected. We really fail to understand that if a candidate possesses a qualification higher than the required qualification and the advertisement itself had prescribed the same then how can the authority come to a conclusion that selection has been made by adopting a dubious method. In the aforesaid premises, we have no hesitation to come to a conclusion that the reasons which weighed with the authorities to quash the selection are not germane and must be held to be arbitrary and irrational. We, therefore, set aside the impugned order of the High Court as well as the order of the concerned authorities quashing the selection panel and direct that the order of the Tribunal be implemented.

3. The appeal is disposed of.