

UNION OF INDIA AND ANR.
v.
T. SUNDARARAMAN AND ORS.

APRIL 9, 1997

[SUJATA V. MANOHAR AND V.N. KHARE, JJ.]

Service Law :

Selection—Post of Assistant Professor of Medicine—Advertisement issued by Union Public Service Commission—Shortlisting of candidates with a minimum of 4 years experience, for interview—Challenge of—Tribunal remitting the case to UPSC for re-processing of all applications disapproving the shortlisting—On appeal held, the shortlisting procedure adopted by UPSC legitimate—Tribunal's decision set aside.

M.P. Public Service Commission v. Navnit Kumar Potdar & Anr., JT (1994) 6 SC 302 and Govt. of A.P. v. P. Dilip Kumar & Anr., JT (1993) 2 SC 138, relied on.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 44 of 1990.

From the Judgment and Order dated 29.6.89 of the Central Administrative Tribunal, Madras in O.A. No. 381 of 1988.

P.P. Malhotra, S. Wasim A. Qadri and C.V. Subba Rao for the Appellants.

Chandan Ramamurthi for the Respondents.

The following Order of the Court was delivered :

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 concerned speciality as a Lecturer/Tutor/Demonstrator/Senior Resident/Registrar after obtaining the requisite post-graduate degree qualification. Note 21 to the advertise-

ment 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.

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 No. 1 did not qualify for shortlisting and hence he was not called for interview.

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 re-processing all applications including those of the applicants for fresh selection, disapproving of the shortlisting done by the Commission.

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 & Anr.*, 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 & Anr.*, JT (1993) 2 SC 138 also this Court said that it is always open to the recruiting agency to screen can-

didates 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.

Appeal allowed.