

MAHARASHTRA PUBLIC SERVICE
COMMISSION

v.

DR. BHANUMATI PURUSHOTTAM
TATHOD AND ORS.

APRIL 21, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

Service Law :

Appointment—Post of Deputy Medical Superintendent—Prescribed qualification post graduation in Medicine and 15 years experience—Candidate with 14 years experience not called for interview—Tribunal holding that the condition of 15 years experience was vague and he was wrongly excluded from zone of consideration—Granted exemplary costs and compensation—On appeal held, it was not a case of wrongful rejection but of rejection in accordance with the rules—Tribunal could not award any damages as it is beyond its jurisdiction to grant relief by way of damages—Practice & Procedure.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3142 of 1997.

From the Judgment and Order dated 24.10.96 of the Central Administrative Tribunal, Bombay in O.A. No. 954 of 1995.

D.M. Nargolkar for the Appellant.

The following Order of the Court was delivered :

Though notice was served on the contesting respondent, he is not appearing either in person or through counsel.

Leave granted. We have learned counsel for the appellant.

The admitted position is that for appointment to the post of Deputy Medical Superintendent, qualification prescribed is of post graduation in Medicine and 15 years' experience. Admittedly, the respondent did not possess 15 years' experience. He had only 14 years' experience. The Tribunal in the impugned order dated October 24, 1996 in O.A. No. 954/97

has held that the condition of 15 years experience is vague and, therefore, the respondent was wrongly excluded from the zone of consideration without calling for the interview. Since the selection had already taken place, the Tribunal has granted exemplary costs and compensation to the respondent. We find that the procedure adopted by the Tribunal is wholly illegal and unwarranted. The only question the Tribunal was required to consider was whether the respondent fulfilled the qualifications prescribed for the post. In view of the admitted position that 15 years' experience is one of the qualifications for selection and since the respondent did not possess the same, the respondent was rightly not called for interview. The Tribunal, therefore, not justified in holding that the respondent was wrongfully excluded from being called for interview for selection. It is not a case of wrongful rejection, but of rejection in accordance with the rules. Even otherwise also, the Tribunal could not award any damages as it is beyond its jurisdiction to grant relief by way of damages.

The appeal is accordingly allowed and the order of the Tribunal stands set aside. No costs.

Appeal allowed.