

A CHOU DHARY GOUTAM KUMAR SARAN
v.
DIRECTOR OF SPORTS AND YOUTH SERVICES ORISSA
AND ORS.

B SEPTEMBER 6, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law :

C *Orissa Auditors Service (Method of Recruitment & Conditions of Service) Rules, 1987 :*

Schedule I—Rule 6—Selection to the post of Senior Auditor—Marks obtained by a candidate in the academic qualification test—Award of—Held Justified.

D CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) 16871 of 1996.

From the Judgment and Order dated 17.6.96 of the Orissa Administrative Tribunal at Bhubaneswar in O.A. No. 875 of 1994.

E H.K. Puri for the Petitioner.

The following Order of the Court was delivered :

F This special leave petition arises from the order of the Central Administrative Tribunal, Bhubaneshwar Bench, made on June 17, 1996 in OA No. 875/94. Applications were invited for recruitment to the post of Senior Auditor. The petitioner who at the relevant time was working on *ad hoc* also applied for selection to the said post. In the selection, three candidates, viz., S. Sahu with post-graduation in Commerce, Rao with graduation in Honours Commerce and the petitioner with graduation in
G Commerce. Sahu secured in *viva voce* 17 marks; minimum qualification would secure 2 marks whereas post-graduation would secure 5 marks out of the total 24 marks. Rao secured 15-1/2 in *viva voce*, 2 marks for graduation, 3 marks for graduation in Honours amounting to total of 20-1/2 marks. The petitioner secured 18 marks in *viva voce*, 2 marks in commerce
H graduation amount to the total of 20 marks. Thus Sahu having secured

highest marks came to be selected. Impugning the selection, the petitioner filed OA in the Tribunal. The Tribunal rejected the same holding that the procedure adopted was valid in law and no interference is called for.

Shri H.K. Puri, learned counsel for the petitioner, contended that Rule 6 of Schedule I to the Orissa Auditors Service (Method of Recruitment & Conditions of Service) Rules, 1987 provides that no extra weightage should be given to the marks for academic qualification and that, therefore, the award of the marks to Sahu and Rao for post-graduation in Commerce and Commerce Honours is illegal. We find no force in the contention. Clause (6) of Schedule I to the abovesaid Rules reads as under :

"6. Academic qualification - The marks secured from High School Certificate examination to degree examination shall be the basis for awarding the marks for academic qualification. No weightage shall be given to higher examinations which the candidate might have passed. The marks obtained by a candidate in the academic qualification test shall be added to the marks obtained by him in the test and the aggregate so obtained shall determine his position *inter se* in the select list to be prepared by the Selection Board."

A reading of it would indicate that the marks secured from High School Certificate examination to degree examination shall be the basis for awarding the marks for academic qualification. No weightage has been given for higher examination which the candidate might have passed. However, the second clause indicates that the marks obtained by a candidate in the academic qualification test shall be added to the marks obtained by him in the written examination as well as *viva voce* test and the aggregate so obtained shall determine his *inter se* position in the select list to be prepared by the Selection Board. It would thus be seen that the second part of the Rules gives power to the Selection Board to award appropriate marks to the academic qualification without giving weightage for post-graduation or Honours graduation since marks obtained by such candidates for those qualification are to be added to the marks obtained by him in the written examination as well as *viva voce* test and the aggregate of all should be the basis to determine *inter se* position in the select list to be prepared by Selection Board.

A Thus, we hold that the process for selection of the candidates adopted by the Selection Board is consistent with clause (6) of Schedule I to the Rules. The Tribunal, therefore, has not committed any error warranting interference.

The special leave petition is accordingly dismissed. No costs.

B

G.N.

Petition dismissed.