

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

**SWP No. 2201/2001
CMP no. 2283/2001**

Date of Decision: 01.05.2009

Ashok Kumar Raina. Vs. Union of India and ors.

Coram:

Mr. Justice J.P.Singh, Judge.

Appearing counsel:

For Petitioner(s) : Mr. P. N. Bhat, Advocate.

For Respondent(s) : Mr. K. L. Sharma, Advocate.

i) Whether to be reported
in Press/Journal/Media : **Yes/No**

ii) Whether to be reported
in Digest/Journal : **Yes/No**

On consideration of petitioner's candidature for the post of Junior Grade of Indian Information Service, Group-B in the Ministry of Information and Broadcasting, Government India, pursuant to the directions issued in petitioner's earlier writ petition, SWP no. 1998/1999 directing consideration of petitioner's claim against the vacancies which were available with the Ministry of Information and Broadcasting, the Union Public Service

Commission did not find the petitioner fit for appointment and, accordingly, communicated his rejection vide their order no. F.1/325/95-R.IV dated September 3, 2001.

Seeking issuance of a writ of certiorari to quash the Union Public Service Commission's communication of September 3, 2001, the petitioner has additionally prayed for issuance of a direction to the respondents to reconsider his case for selection and appointment against the post of Junior Grade of Indian Information Service Group 'B'.

Raising the plea that the Commission had rejected his candidature, annoyed by the petitioner's approach to the Court against their refusal to consider his candidature on the earlier occasion, it is additionally projected by the petitioner that he had answered 19 questions correctly out of 20 put to him during the course of the interview, and in such view of the matter, he was entitled to be selected. The rejection of his candidature by the Commission, according to him, was thus unwarranted.

Controverting the case set up by the petitioner in the writ petition about the biased approach of the Commission towards him, it has been stated by the Commission on

andavit through its Under Secretary that the Commission had decided to implement the judgment delivered by the Court and in pursuance thereto, the petitioner had submitted application forms. On examination of the applications of the petitioner for all the three languages, he was found meeting the short-listing criteria fixed by the Commission for English and Urdu language only. He had, however, not been found fit for consideration for the post for Hindi language. The petitioner was, accordingly, interviewed by a duly constituted Board on August 23, 2001 for the post of Junior Grade Indian Information Service, English and Urdu, Group-B. The independent Interview Board constituted by the Commission for the purpose having two outside experts, examined the merit of the petitioner, keeping in view his already acquired qualifications; but did not find him suitable for the post.

The respondents have thus sought dismissal of the writ petition.

I have considered the submissions of learned counsel for the parties and seen the original records, which the respondents' counsel had produced at the time of consideration of the writ petition.

After going through the records of the Commission, it is found that the Commission had rejected the candidature of the petitioner on the basis of the evaluation of his merit by the duly constituted Interview Board which included two outside experts. The Interview Board, after evaluating the petitioner's merit, has reflected the result of his evaluation in the records, on the basis whereof, he was not found suitable for the job.

Petitioner's plea that he had answered 19 out of 20 questions put to him at the time of the interview and was thus entitled to be selected, may not be tenable to upset petitioner's evaluation by the duly constituted Interview Board of the Union Public Service Commission, which was constituted inter alia, of the experts in the field. This is so because the experts and others on the Interview Board are the best persons to evaluate the merit of the candidates and candidate's own assessment of having answered the questions put to him correctly is absolutely irrelevant for determining his merit. The candidates, usually make their own appraisal about themselves little knowing about the parameters which may be necessary to adjudge their ability, suitability and merit which can be evaluated and assessed only by the Boards/authorities

specifically constituted for the purpose by the employer who alone has the prerogative of nominating such persons or authorities, who according to its wisdom, are best suited for the job of selecting the employees needed by the employer for his work.

In view of the evaluation of the petitioner made by the Interview Board, I do not find any merit in petitioner's writ petition entitling him to the reliefs prayed for in the writ petition.

There being no merit in the writ petition, it is, accordingly, dismissed. The original records be returned to the respondents' counsel.

(J. P. Singh)
Judge

Jammu
01.05.2009
Tilak, Secy.