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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 18.07.2022

+ W.P.(C) 10754/2022, CM APPL Nos. 31250/2022 &
31251/2022

KULDEEP & ORS.

..... Petitioners

versus

UNION OF INDIA THROUGH ITS SECRETARY & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Nishant Bishnoi, Advocate.

For the Respondents : Mr. Ripu Daman Bhardwaj, CGSC with Mr.
Gokul Sharma, G.P. for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 15.10.2019, whereby the Original Application filed by the petitioners seeking a declaration that the action of the respondents in changing the procedure for selection midway, is contrary to law and further seeking a direction to select the petitioners for the post of Scientist 'B' in accordance with the prescribed procedure, has been dismissed.

2. The respondents had issued an advertisement on 12.04.2016



seeking to fill up 8 Scientists 'B' posts. Petitioners had applied for the said post pursuant to the said advertisement. A written test was conducted and total of 1865 candidates appeared in the written test. Based on the written test, 56 candidates were shortlisted and called for interview. Only 50 appeared before the Interview Board. The Interview Board in its meeting held on 13.04.2018 rejected all the candidates holding that they did not find any candidate suitable for appointment to the said post, keeping in mind the technical competence and preparedness required for the job.

3. Aggrieved by the said decision, petitioners filed the subject O.M.

4. By the impugned order, Tribunal has held that though the advertisement had prescribed that there would be a written test, however, the written test was not a mandatory precondition for the selection. The Tribunal has further held that the written test that was held was only for the purposes of screening and short listing the candidates and had no direct relevance to the selection process.

5. The Interview Board interviewed and interacted with each of the shortlisted candidates, who had appeared for the interview, however did not find even a single candidate suitable for appointment to the said post and consequently, rejected all the candidates.

6. Learned counsel for the petitioners has been unable to show that the written test was a precondition for the selection or any particular weightage was awarded to the written test.



7. The contention of learned counsel for the petitioners that in earlier years and subsequently also respondents have given a particular weightage to the written tests and taken the same into account for the purposes of selection is of no consequence for the reason that neither the advertisement nor the Recruitment Rules specify that a written test shall be a precondition for selection.

8. Further submission that earlier and subsequently, even though no weightage has been specified in the advertisement, still weightage has been given to a written examination, also does not help the case of the petitioners for the reason that where discretion is granted to an Interview Board, Screening Committee or Selection Committee, it is for that committee to decide as to what weightage is to be given to a particular aspect of the selection process, *inter alia*, written test or an interview.

9. In the absence of any procedure being prescribed either by the Recruitment Rules or the Advertisement, it would be within the discretion of the Interview Board, Screening Committee or Selection Committee to formulate its own procedure and to select the best candidates for the particular job.

10. We find no infirmity in the view taken by the Tribunal that the written test was barely a screening test to shortlist the candidates for the purposes of interview. Clearly, this is not a case where the petitioners have been discriminated and somebody less meritorious being selected.



11. The Selection Board rejected all candidates as it did not find anyone suitable. The Selection Board comprising of experts in the specified field, would be in a better position to decide as to who is suitable for a particular post. Rightly, the Tribunal held that the Tribunal would not sit in judgment over the findings recorded by the Interview Board, Screening Committee or Selection Committee.

12. In view of the above, we find no infirmity in the impugned judgment or any merit in the petition. Accordingly, the petition along with pending applications is dismissed.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

JULY 18, 2022/nd

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