

(2009) 07 DEL CK 0260

Delhi High Court

Case No: Writ Petition (Civil) No. 377 of 2007

Mohd. Abdullah

APPELLANT

Vs

The Lt. Governor, The Director,
Dept. of Health and Family
Welfare Govt. of NCT and The
Secretary Union Public Service
Commission

RESPONDENT

Date of Decision: July 27, 2009

Hon'ble Judges: Madan B. Lokur, J; A.K. Pathak, J

Bench: Division Bench

Advocate: U. Srivastava, for the Appellant; Rohit Madan, for Respondents Nos. 1 and 2,
Naresh Kaushik and Aditi Gupta, for the Respondent

Final Decision: Dismissed

Judgement

Madan B. Lokur, J.

The Petitioner is aggrieved by an order dated 14th September, 2006 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 957/2006.

2. The Petitioner had completed his Bachelor in Unani Medicine and Science in 1997. It appears that thereafter he did his post graduation for three years and for another two years he undertook clinical practice in the Unani system of medicine.

3. Some time in mid July, 2003 the Respondents issued an advertisement for filling up the post of Medical Officer. The essential qualification as given in the advertisement was a Bachelor's degree in Unani Medicine from a recognized university. The Petitioner fulfilled this essential qualification and, therefore, sent in his application for consideration.

4. From the response filed by the Respondents before the Tribunal, we find that a very large number of candidates had applied for the post of Medical Officer. In fact, 1518 applications were received against 8 advertised posts. In view of the large

number of applications, the Respondents evolved a short-listing criteria and for OBC candidates (the Petitioner belongs to the OBC category) the criteria was as follows:

i) Degree in Unani of a recognized University/Statutory State Board/Council/Faculty of Indian Medicine or equivalent recognized under the Indian Medicine Central Council Act, 1970 (48 of 1970).

ii) Enrolment on the Central Register of Indian Medicine or State Register of Indian Medicine.

iii) Five years" professional experience after obtaining the BUMS Degree as on closing date i.e. 01-07-2003.

5. In the application form submitted by the Petitioner, against the question pertaining to experience, the Petitioner had indicated that he had no experience. It appears that despite this, the Petitioner was short-listed and called for an interview conditional on his producing a certificate that he had five years" experience.

6. The Petitioner participated in the selection process but since he did not have the requisite experience, he was not selected.

7. Feeling aggrieved, the Petitioner preferred an original application before the Tribunal which came to be dismissed by the impugned order and that is how he is now before us.

8. It was submitted that the Petitioner had the requisite experience and in fact some documents were shown to us by learned Counsel for the Petitioner in Court. However, we find that since the matter was fully examined by the selection committee and it was found that the Petitioner did not have the requisite experience, he cannot claim selection as a matter of right. It is significant to note that the Petitioner had himself in the relevant column concerning experience indicated that he had no experience. The Petitioner may have done his post graduation in Unani medicine and may have undertaken some internship or residency courses but that by itself cannot count as experience. Indeed even the Petitioner understood this to be so and that is why he stated in his application form that he did not have any experience.

9. Learned Counsel for the Petitioner very fairly did not challenge the short-listing criteria which was evolved because of the very large number of applications received by the Respondents. In any case, we do not find the short-listing criteria to be arbitrary or irrational. It appears that short-listing was resorted to so that the interview process could be more manageable.

10. We find no error in the view taken by the Tribunal that the Petitioner did not meet the eligibility requirements for selection. There is no merit in the writ petition.

11. Dismissed.