

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2714 OF 2005

DIRECTOR GENERAL, INDIAN COUNCIL FOR
AGRICULTURAL RESEARCH & ORS

Appellant (s)

VERSUS

D. SUNDARA RAJU

Respondent(s)

Date: 11/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Sarab Mishra, Adv.

Ms. D. Durga Devi, Adv.
Mr. Vikas Mehta, Adv.

For Respondent(s)

Mr. P.P. Singh, Adv. (Not Present)

UPON hearing counsel the Court made the following
O R D E R

For the reasons stated in the signed order, the
appeal is allowed. No order as to the costs.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2714 OF 2005

Director General, Indian Appellants
Council for Agricultural
Research and Ors.

Versus

D. Sundara Raju Respondent

O R D E R

1. Heard learned counsel for the appellants.
2. None appears for the respondent although the name of Shri P.P. Singh, Advocate-on-Record has been shown in the

cause list.

3. The case has been called out twice and hence we are not adjourning the same.

4. This appeal has been filed against the impugned judgment and order dated 03.06.2004 of the High Court of Karnataka whereby the Writ Petition filed by the appellants herein has been dismissed and the order dated 11.02.2004 of the Central Administrative Tribunal, Bangalore has been affirmed.

5. Facts in details have been given in the impugned judgment as also of the Central Administrative Tribunal. The respondent wanted to be considered for promotion from the post of Senior Scientist to the Principal Scientist under the Career Advancement Scheme. A copy of the said Career Advancement Scheme is annexed as Annexure-P1 to this appeal.

6. The respondent was not found fit by the Selection Committee to give him the benefit of Career Advancement Scheme.

7. The Tribunal as well as the High Court have quashed the selection on the ground that the Selection Committee awarded 50% marks for the oral interview while 30% marks were for research/publication/achievements and 20% for recommendation of superiors. Since there is no mention of personal interview in the Career Advancement Scheme, the Tribunal and the High Court have quashed the selection.

8. We have perused the Career Advancement Scheme. In Para 2.4 of the same, it is stated that the claimant has to appear before the Selection Committee with certain documents. In our opinion, it is for the Selection Committee to fix the criteria for selection and the Courts cannot sit in appeal over the said criteria unless it is totally arbitrary or irrational.

9. In the case of appraisal of scientists, surely the Selection Committee can put questions to the claimant for

their performance and make an evaluation accordingly.

Hence, we see nothing wrong for fixing 50% marks for oral interview.

10. As held by this Court in the case of Tata Cellular

Vs. Union of India AIR 1996 SC 1 there should be restraint

by the judiciary in administrative matters. Hence, in our opinion, the impugned judgment as well as the order of the

Central Administrative Tribunal cannot be sustained and are

hereby set aside.

11. For the reasons stated above, this appeal is

allowed. No order as to the costs.

.....J.
(MARKANDEY KATJU)

.....J.
(A.K. PATNAIK)

NEW DELHI;
MARCH 11, 2010