

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1473/2009

With

OA 1674/2009

New Delhi this the 13th day of September, 2010.

Hon^oble Mr. Justice V.K. Bali, Chairman

Hon^oble Mr. L.K. Joshi, Vice Chairman (A)

OA 1473/2009

Harikesh Bahadur Singh Gautam,

462, Block 13,

Lodhi Colony, New Delhi.

Applicant

(By Advocate Shri S.K.Pathak)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan, Parliament Street,
New Delhi.

2. The Prasar Bharti,
Through its CEO, PTI Building,
Parliament Street, New Delhi-01

3. DD News,
Through its Director General
Central Production Centre (CPC),
Khel Gaon, New Delhi.

4. Broadcast Engineering Consultants India Limited,
Through its CMD 14-B, Ring Road
Indrapastha Estate,

New Delhi-110002.

5. Mamta Chopra,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

6. Jaya Sinha,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

7. Tejinder Singh,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

8. Chandra Shekhar Joshi,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

9. Sakal Bhatt,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

10. Priyanka Agarwal Chaudhary,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

11. Aryendra Pratap Singh,
Anchor Cum Correspondent,

Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

12. Om Prakash Das,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

13. Nikhil Kumar Singh,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

14. Rahul Gupta,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

15. Anika Kalra Kalha,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

16. Ashutosh Pandey,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

17. Hindol Basu,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

18. Swati Bakshi,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

19. Preeti Kaur,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

20. Ramaa Tyaagi,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

21. Rajani Sen,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

22. Piyushi Sharman,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

23. Nadeem Akhtar Ansari,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

24. Suhail Akram Rathore,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,

New Delhi-49

25. Asim Kumar,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

26. Ashwini Kumar,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

27. Yashvi Tirath,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

28. Manoj Tibrewal Aakash,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49

29. Aamir Rizvi,
Anchor Cum Correspondent,
Central Production Centre,
DD News, Khel Gaon,
New Delhi-49.

Respondents

(By Advocates Shri Arun Bhardwaj and Shri Harish Kr. Garg for respondent No.4 and Ms. Biji Rajesh for Sh. Gaurang Kanth for respondents No 1-3 and none for private respondents)

OA 1674/2009

Atul Keshav Pateriya,
House No. 103, Gagan Vihar Extension,

East Delhi-110051.

Applicant

(By Advocate Shri Atul Pateria with Sh. Amit K.Pateria)

VERSUS

1. The Union of India Through
The Secretary,
Government of India,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi.
2. The Director General,
Doordarshan, Mandi House,
New Delhi-110001.
3. The Chief Executive Officer
Prasar Bharati,
Ministry of Information & Broadcasting,
Mandi House, New Delhi-110001
4. The General Manager,
Broadcast Engineering Consultants India Ltd.,
(A Govt. of India Enterprise),
Head Office : 14B, Ring Road,
Indraprastha Estates,
New Delhi-110002
5. Sh. Om Prakash Das
65-C Lok Sabha Flats
CPWD Housing Complex,
Vasant Vihar, New Delhi-110057
6. Shri Nikhil Kumar Singh,
B-1217, 2nd Floor, G.D. Colony,
Mayur Vihar Phase-II,
Delhi-110092.

7. Sh.Manoj Tibrewal Aakash,
92, North Avenue,
New Delhi-110001.

.. Respondents

(By Advocates Shri Arun Bhardwaj and Shri Harish Kr. Garg for respondent No.4 and Ms. Biji Rajesh for Sh. Gaurang Kanth for respondents No 1-3 and none for private respondents)

O R D E R

Mr.L.K.Joshi, Vice Chairman (A):

We are dealing with both the OAs in the same order as identical facts and questions of law are involved. We are, however, extracting the facts from OA number 1473 of 2009.

2. The Applicant had challenged the entire selection process for the posts of Senior Anchor- cum- Correspondent Grade I, Anchor- cum- Correspondent Grade II and Junior Anchor- cum- Correspondent Grade III in the Doordarshan News (hereafter DD News) and the consequent final selections made by the Respondents for the posts and issued by order dated 17.01.2009. A copy of the recommendation dated 17.01.2009 has been placed at Annex P-1. The following reliefs have been sought:

□8. That this Hon□ble Tribunal may be graciously pleased to call for the entire record of the selection process and allow this OA and set aside the impugned recommendation dated 17.01.2009, the selection process and consequent illegal appointments of respondents 5 to 29.

8.1.That this Hon□ble Tribunal may be further pleased to grant any other relief which may be deem fit and proper under the circumstances of the case.

8.2.That this Hon□ble Tribunal may be further pleased to award the costs of this petition in favour of the applicant.□

3. An advertisement was issued on 3.09.2008 for the posts of Senior Anchor-cum-Correspondent Grade I, Anchor-cum- Correspondent Grade II

and Junior Anchor- cum- Correspondent Grade III for DD News. The requisite qualifications for each of the posts have been reproduced below:

S.No. Post Qualifications & Experience Fee per month

1. Senior Anchor-cum-Correspondent Grade-I
For

- 1.Hindi General
2. Hindi Sports
- 3.English General
- 4.English Business

1.Graduate/Post graduate degree or diploma in Journalism/Mass Communication from a reputed institute.

2.Minimum of five years experience as a TV Reporter/Anchor or in any communication medium with the visible ability to raise the level of bulletin presentation/programming.

3.Knowledge and interest in national/international affairs.

As these Senior Anchor-cum-Correspondents would be the face of the channel, emphasis shall be laid on attributes of the personality, diction and experience. In deserving cases requirement of degree in Journalism/Mass Communication may be waived.

Rs.65,000

2. Anchor-cum-Correspondent Grade-II
For

- 1.Hindi General
- 2.Hindi Sports
- 3.Hindi Business
4. English General
- 5.English Business
- 6.Engsih Sports

1.Graduate/Postgraduate degree or diploma in Journalism/Mass Communication from a reputed Institute.

2.2-3 years experience in television news.

3. Ability to conceptualize and develop ideas on programming content.
Rs.45,000

3. Junior Anchor-cum-Correspondent Grade III for

1.Hindi General

2.Hindi Sports

3.English General

4.English Business

5.English Sports 1.Graduate/Postgraduate degree or diploma in Journalism/Mass Communication from a reputed institute.

2.Command of spoken language and smart communication ability. Rs.
25,000/-

The number of posts for Grade I, Grade II and Grade III were 11, 11 and 12 respectively, as seen from the instructions given to BECIL by the Director (Administration), Ms. Mamta Verma, by her letter dated 29.08.2008, which is placed at page 124 of the paper book. The advertisement was issued by Broadcast Engineering Consultants India Ltd (BECIL), the fourth Respondent herein. BECIL is a Government of India Enterprise under the Ministry of Information and Broadcasting, i.e., the Respondent number 1. The second Respondent, Prasar Bharti controls the DD News, the third Respondent. Fifth to the 27th Respondents are the candidates who were selected for the posts.

4. The tests for the selection for the posts consisted of four stages, namely, written test, audition test, reporting skills test and interview. The marks for the written examination were 100, 75 and 50 respectively for Grade I, Grade II and Grade III; 100 marks each for audition and the reporting skills test for each of the Grades; and 100 marks for interview for each of the Grade. The Applicant applied for Grade I and Grade II posts. The schedule of the tests was as follows:

12. 10. 2008 Written Examination

01 to 03. 12. 2008 Audition and Reporting Skills Test

15 to 18. 12. 2008 Interviews

In the written examination, the question paper was in in three parts. Candidates appearing for Grade III had to attempt Part I only, which was for 50 marks. Candidates appearing for Grade II had to attempt Parts I and II only consisting of 50 marks and 25 marks, total of 75 marks. Candidates appearing for Grade I had to attempt Parts I, II and III of 50, 25 and 25 marks respectively, totalling 100 marks. The Applicant appeared for Grade I and Grade II and scored 29.5 marks for Grade I and 20 marks for Grade II. He was called for audition and reporting skills test for Grade I only. He was awarded 42.5 and 50 marks respectively for audition and reporting skills test. He was called for interview to be held on 15.12.2008 vide letter dated 8.12.2008. The impugned list of successful candidates was issued on 17.01.2008. The Applicant was not selected for both Grades I and II.

5. Two candidates Mr. Saket Bhatt and Mr. Tejender Kumar Singh, who had applied for Grade I, appeared in a special written test conducted for them on 10.12.2008 because they had been held up in an assignment for Prasar Bharti, the second Respondent, on the date they were required to appear in the written test. Both the candidates were finally selected for the Grade I post. The marks obtained by them in the written test have not been revealed by the Respondents.

6. The learned counsel for the Applicant would contend at the outset that there were four distinct tests for the posts comprising written examination (100, 75 and 50 marks respectively for Grades I, II and III), audition test (100 marks), reporting skills test (100 marks) and interview (100 marks for each Grade). Mark sheets separately for the four separate tests for each grade have been annexed at pages 61 to 97 of the paper book. A perusal of the mark sheets would reveal that separate marking was done for each of the tests in each grade. For example a comparison of mark sheet for written examination for Grade II at page 70 with mark sheet for Grade I at pages 62 and 61 shows that roll numbers 3014, 3020, 3054, 3073 and 3083 have been given marks in the written examination separately for both the Grades. Seperate marks have been indicated for roll number 3081, 3082 and 3083 at page 84, which is the mark sheet for Grade III. The learned counsel would contend that the candidature was considered for every Grade according to the options exercised by a candidate otherwise every candidate appearing for Grade I would have been allotted separate marks for Grade II and Grade

III also. Advertence has been made to paragraph 5 of the counter affidavit of the fourth Respondent, BECIL, which reads thus:

□A total of 792 applications were received in response to the above cited advertisements. After screening the applications, 698 candidates were invited for written test conducted on October 12, 2008. Some of the candidates had applied for more than one category and were short listed accordingly for multiple categories based on their meeting the prescribed criteria as laid down for respective categories.□ (emphasis supplied)

Similarly, for audition test and reporting skills test, separate marks sheets were prepared, e.g., page 88 is the mark sheet for audition test for Grade II and page 86 is the mark sheet for audition test for Grade I. It is seen that roll numbers 3014, 3054, 3075, 3076 and 3078 were given different marks in audition and reporting skills test for Grade I and Grade II. It was contended that this shows that each candidate was separately assessed for each grade, if he had exercised options for more than one grade. Moreover, it was contended that qualifications for each grade were different as reproduced in paragraph 2 above. The learned counsel has taken us to the evaluation sheet for Grade I, placed at page 111. The Applicant is at serial number 4 in the list. In the remarks column it is written against his name "not recommended". It is pointed out that in case of the candidates at serial numbers 1 and 2, Anita Kalra Kalha and Rahul Gupta respectively, it is written in the remarks column "recommended for Grade II". It is contended first, that the candidates at serial numbers 1 and 2 had not given any option for Grade II and did not appear for audition test for Grade II, as can be seen from pages 87 and 88, which is the result for audition test for Grade II. The roll number of the candidates at serial numbers 1 and 2 is not mentioned in the result for audition test for Grade II at pages 87 and 88. It was further pointed out that the candidate at serial number 1 at page 111, Anita Kalra Kalha, had secured only 20.75 marks in written examination as seen from the third column in the table at page 111. The candidate at serial number 4 (the Applicant) had more marks than her in written examination. Therefore, he should have been called for audition and reporting skills test in preference to her. Similarly, the candidate at serial number 13 on page 112, who had secured 21.3 marks in written examination, more than Ms. Anita Kalra Kalha was not called for audition and reporting skills test and the remark in the columns under the audition and reporting skills test is □did not qualify for this stage□. It was vehemently contended that the Applicant was

arbitrarily denied consideration for Grade II and Ms. Anita Kalra Kalha was illegally and arbitrarily recommended for Grade II. It was further pointed out that the candidates at serial numbers 5, 6 and 7 at page 111 were recommended to be assessed for Grade II, while the Applicant was straightway rejected although he had more marks in column 8 of the evaluation sheet at page 111, which is the total percentage with equal weightage for 1,2 and 3, i.e., written, audition and reporting skills test. The percentage indicated against the Applicant's name is 40.67 and 39.08 for Mr. Manoj Tiberwal Aakash at serial number 6 on page 111. Moreover, it is stated that it is clearly mentioned in the letter dated 29.08.2008, already adverted to above, that there would be elimination at every stage. The argument is that there was no uniformity in recommending candidates for Grade II and total arbitrariness prevailed.

7. The further argument derived from the above submission is that initially the weightage for interview was 1/4th of the total, because it was mentioned in the letter dated 5.12.2008 from Director (Administration) of the DD News addressed to BECIL that:

□As far giving weightage to the marks secured by candidates at various stages of selection process, BECIL may kindly give equal weightage to the marks obtained by candidates at written test, audition test and reporting skill test at the time of short listing candidates for the interview. For determining the final merit list, equal, weightage may be given to the marks obtained by candidates at written test, reporting skill test, audition test and interview. □ (emphasis added)

It was urged that there were four tests for the selection, which included written test, audition test, reporting skills test and interview. In the light of the clarification dated 5.12.2008 it would be clear that interview carried only 25 per cent weightage, contended the learned counsel.

8. It was further argued that the second and the fourth Respondents changed the selection criteria even after the written test, audition test and the reporting skills test were over and mark sheets (merit list) was available on the basis of these tests, so that interview could be manipulated to favour certain candidates. The Director (Administration) of DD News, Ms. Mamta Verma, indicated to BECIL in a letter dated 15.09.2008, addressed to Joint General Manager of BECIL, the number of candidates to be called for

interview could be 25 candidates for Grade I, 25 for Grade II and 35 for Grade III (pages 132-133). However, by letter dated 12.12.2008, from Director (Administration), DD News to the said Mr. Nathani, it was stated that 35 candidates may be called for interview for each of the Grades I and II. It was further argued that the weightage for interview was changed from 1/4th to 1/3rd on 13.12.2008, two days before the interview, after other tests were over and the respective merits of candidates on the basis of the three previous tests, i.e., written, audition and reporting skills tests, was known. The letter from Director (N&CA & Admn.), Ms. Mamta Verma, who was also a member of the interview board, addressed to Mr. J P Nathani of BECIL, inter alia, reads thus:

□ It has been decided that for determining the merit list the interview will be given 1/3rd weightage. The other three qualifying exams, i.e., the written test, the reporting test, and audition will be given 2/3rd weightage. The division of weightage in the three qualifying exams will be equal. Thus, the merit list as prepared as per earlier letter dated 5/12/2008 stands and candidates may continue to be called for interview as per the merit list. □

It was urged that the number of persons for interview was increased to favour some candidates, which, among others, included Mr. Manoj Kumar Tiberwal, roll number 3075, who ranked 27th in the merit before interview for Grade I, as seen at page 149 of the paper book in the evaluation sheet for Senior Anchor-cum- Correspondent Grade I after written examination, audition test and reporting skills test. The other candidate is stated to be and not denied by the Respondents, Ms. Yashvi Tirath, roll number 2152, who was 33rd in the merit list for Grade I, as seen at page 148. It was urged that the said Ms. Yashvi Tirath is the daughter of an influential Member of Parliament, Ms. Krishna Tirath.

9. It was further submitted that 100 marks fixed for interview were excessive and it was abused by the Respondents by awarding disproportionately high marks to the candidates who were selected. By increasing weightage from 1/4th of the total to 1/3rd the scope for misuse was increased. Ms. Yashvi Tirath who was 27th in the merit list before the interview, was given 90 marks out of 100 in the interview. The Applicant on the other hand was given only 15 marks. The candidates from serial number 8 to 12 assessed successfully for Grade I were awarded marks between 85 to 90. It is contended that a difference of 50 marks was created between those

who were selected and those who were not found fit. It was also argued that giving 1/3rd weightage to interview was excessive especially in view of the fact that separate audition and reporting skills test had also been conducted. The excessive marks allotted for interview were actually misused for the benefit of a few favoured candidates. It is pointed out that a candidate holding second rank before the interview was rejected (roll number 3006 at page 141), but roll number 3041 for whom special test was held and who obtained 14th rank in the merit list before the interview, was selected. Another example of roll number 3075 has been given, who was 27th in the pre-interview merit list, but was recommended. On the other hand, roll numbers 2111 and 2043, third (Ms. Shalini Nair) and fifth respectively in the pre-interview merit list were rejected. Roll number 2152, 33rd in the merit list before the interview was selected. It is contended vehemently that the intention of the Respondents in increasing the number of candidates to be called for interview and in giving increased weightage to interview was to favour certain candidates. Advertence has been made to paragraph 19 of the reply of the fourth Respondent, BECIL, to buttress the argument that the Respondents had already decided about the persons to be selected and the Grade in which they would be selected. Paragraph 19 is quoted below:

□19. In some cases, the interview board, had analyzed and screened the candidates and had come to conclusion that certain candidates were not fit for selection in grade I and some for grade II but found fit for lower grade, accordingly they have given marks to the candidates in the interview. □

10. The learned counsel for the Applicant has also taken exception to the holding of a special test for only two candidates on 10.12.2008 on the recommendation of the third Respondent in the letter dated 5.12.2008. It was argued that according to the Respondents themselves about hundred candidates could not appear for the written test but they were not given any opportunity to reappear in the test as was given to the two candidates mentioned above. We are not inclined to accept this argument because it has been explained in the letter dated 5.12.2008, inter alia, that the two candidates, Sakal Bhatt and Tejinder Singh, could not appear for the tests on the date fixed for the tests because they were on official duty on behalf of the DD News for coverage of Commonwealth Youth Games at Pune. We see nothing objectionable in giving the two candidates an opportunity to appear for the tests since they were prevented from doing so because they were on the duty given by the Respondents.

11. It is contended that the entire selection process was completely arbitrary and selections were made on consideration other than merit. The learned counsel would submit that the whole process of selection was a mere charade.

12. The Respondents have contested the arguments raised on behalf of the Applicant. It was argued by the learned counsel for the Respondents that there were only three tests, namely, written, audition and reporting skills test and interview. The learned counsel would contend that in the letter dated 29.08.2008, adverted to above, no percentage of marks for different tests was mentioned. It was also argued that it would be seen from the evaluation sheet at page 112 for Grade II that the Applicant secured less marks than others in written test for Grade II. While the Applicant had secured 20 marks in written test for Grade II, Mr. Manoj Tiberwal Aakash secured 29 marks and Ms. Yashvi Tirath secured 28.8 marks. In Grade I the Applicant had secured more marks in written test than the above mentioned candidates but less marks than some of those who were selected for Grade I. This was because there were more papers in written test for Grade I than for Grade II. The learned counsel would explain that it was because of these reasons the Applicant was not selected either for Grade II or Grade I. It was further contended that interview had a great deal of importance for the post of Senior Anchor/Anchor as the personality of the candidate and eye-ball movement were important for the persons manning these posts. It was further argued that the persons who had appeared for the interview and not selected cannot challenge as they had not protested earlier.

13. We have given our utmost consideration to the rival contentions and have gone through the record placed in the OA.

14. First, the plea of the Respondents that only three tests and not four were conducted for assessing the candidates is totally unconvincing as it is disproved by the results of various tests placed on record by the Applicant at Annex P-11 from pages 61-97 of the paper book. Marks have been given separately for written test, audition test, reporting skills test and interview. If, as contended by the Respondents, audition and reporting skills test was one test only, separate marks would not have been given for these tests. There would have been combined marks for the tests if these were not different tests. Second, it is also seen that marking in all the tests has been done differently for different Grades, i.e., Grades I, II and III. The fourth

Respondent in its counter affidavit has admitted that some candidates had applied for more than one Grade as we have already noted above. It is also apparent from the fact that the qualifications for the three Grades are different as noted in preceding paragraph. Four tests have been mentioned in the letter of DD News to BECIL, as reproduced in paragraph 7 of this order. Thus it emerges that (a) the weightage for interview was only 25 per cent when the tests commenced, as it was mentioned that all the tests would carry equal weightage and (b) the tests for each Grade were separate with separate qualifications. It is now well established that the initial conditions in the tests for selections to the posts under the Government should not be changed without explainable reasons. In *P. Mohanan Pillai Vs. State of Kerala and Others*, (2007) 9 SCC 497 the Honourable Supreme

Court observed thus:

□11. It is now well settled that ordinarily rules which were prevailing at the time, when the vacancies arose would be adhered to. The qualification must be fixed at that time. The eligibility criteria as also the procedures as were prevailing on the date of vacancy should ordinarily be followed□.

The Respondents changed the weightage fixed for the interview from 25 per cent to 33 per cent on the eve of the interview, when the merit of the candidates on the basis of the three preceding tests was known. Not only this the number of candidates to be called for interview was also increased from 30 to 35 for Grade III. Ms. Yashvi Tirath, for example, was 33rd in the merit before interview. She was awarded 90 marks in the interview. This is a glaring example of arbitrariness obviously to favour her. It has also not been explained by the Respondents as to how Ms. Anita Kalra Kalha could be recommended for Grade II, when she had not applied for it and had not appeared in the audition test for the same. The marking in the interview also seems to be quite arbitrary as some of the candidates seen to be very high in the merit list before the interview have completely floundered on the rocks of interview. The selected candidates have marks in the range of 85 to 90 in the interview, whereas the candidates who were rejected are trailing far behind though they had done well in other tests.

15. There was no satisfactory explanation from the Respondents about the irregularities, which have taken place in conducting the test. It would be of no avail to contend that the Applicant could not challenge the interview as

irregular after having participated in it because the irregularities become manifest only after a thorough analysis of the results as has been done by the Applicant.

16. In Indra Prakash Gupta Vs. State of Jammu & Kashmir and others, 2004 (5) SCALE 90, the Honourable Supreme Court held thus:

□35. It is true that for allocation of marks for viva voce test, no hard and fast rule of universal application which would meet the requirements of all cases can be laid down. However, when allocation of such marks is made with an intention which is capable of being abused or misused in its exercise, it is liable to be struck down as ultra vires Article 14 of the Constitution of India.

All the circumstances in the instant OA point towards misuse of marks in the interview, especially in view of the fact that the weightage of marks in interview was raised only two days prior to the interview and after the merit list for other tests was available and also because of the fact that the number of persons to be called for interview has also been increased after the above mentioned merit list in other three tests was available. It has also been seen, as discussed in the preceding paragraphs that the selected candidates have secured 85 to 90 marks in the interview, which is very high and in conjunction with other circumstances, as discussed above, give rise to the impression that there has been an abuse of the process.

17. On the basis of the above consideration we are of the opinion that the process of selection for the posts in question suffers from arbitrariness and irregularities have been committed in the process, which has vitiated the whole process. The OA is allowed. The selection for the posts of senior Anchor- cum- Correspondent Grade I, Anchor- cum- Correspondent Grade II and Junior Anchor- cum- Correspondent Grade III initiated vide letter dated 29.08.2008 culminating in recommendation dated 17.01.2009 is quashed and set aside. Appointments made for the aforesaid posts also on the basis of recommendation dated 17.01.2009 are also set aside. No costs.

18. A copy of this order may be placed in each of the OAs.

(L.K.Joshi)
Vice Chairman (A)

(V.K. Bali)
Chairman

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