

No.22034/3/2007-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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New Delhi, the 11th April, 2007

OFFICE MEMORANDUM

Subject:- DPC guidelines - Appeal (Civil) No. 689/2007(arising out of SLP(C) No 2410/2007 in the matter of UOI & Anr. vs. S.K.Goel & Ors – Judgment dated 12.2.2007 of Supreme Court of India.

The undersigned is directed to say that in its judgment dated 12.2.2007 in the Appeal (Civil) 689/2007(arising out of SLP(C) No 2410/2007 in the matter of UOI & Anr. vs. S.K.Goel & Ors, the Supreme Court of India has held that "the DPC enjoy full discretion to devise its method and procedure for objective assessment of suitability and merit of the candidate being considered by it. Hence, the interference by the High court is not called for". The Bench has also noted that the DPC are not required to be guided merely by the over all grading, if any that may be recorded in the CRs but to make its own assessment on the basis of the entries in the CRs. While delivering the above judgment, the Division Bench of Hon'ble Justice Dr. A.R.Lakshmanan and Hon'ble Justice Mr. Altamas Kabir has observed that it is now more or less well settled that the evaluation made by an Expert Committee should not be easily interfered with by the Courts which do not have the necessary expertise to undertake the exercise that is necessary for such purpose. In fact Hon'ble Justice Dr. Laskhmanan has noted that no judicial review of the DPC proceedings, which are already conducted in accordance with the standing Government instructions and rules is warranted.

2. The above judgment of the Hon'ble Supreme Court is brought to the notice of Ministries/Departments concerned so that they may ensure that any challenge to the existing DPC instructions of DoPT in any Court particularly with regard to role/authority of the duly constituted DPC on the issue of evaluation of candidates is properly defended keeping in view the directions of the Hon'ble Supreme Court in the matter of UOI & Anr. vs. S.K.Goel & Ors.


(A.K. Srivastava)

Under Secretary to the Govt. of India

All Ministries/Departments of Government of India.

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10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. National Commission for Scheduled Castes, New Delhi
12. National Commission for Scheduled Tribes, New Delhi.
13. Secretary, National Council(JCM), 13, Ferozeshah Road, New Delhi.
14. Establishment Officer & A.S.
15. National Commission for OBCs, New Delhi.
16. All Officers and Sections in the Department of Personnel and Training.
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