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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1266/2001

New Delhi this the 28th day of November, 2001.

Hon'ble Dr. A. Vedavalli, Member(J)
Hon'ble Sh. M.P. Singh, Member(A)

Dr. Nakhat Jameel Mazhari,
R/o 309-C Pocket-II,
Mayur Vihar, Phase-I,
Delhi-91. Applicant

(through Sh. Anis Surhawardy, Advocate)

Versus

1. Union Public Service Commission
through its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi.
2. Maulana Azad Medical College
through its Dean
MAMC Campus,
Kotla Road,
New Delhi-2.
3. G.B. Pant Hospital,
through its Administrative Officer,
MAMC Campus,
New Delhi-2. Respondents

(through Sh. K.R. Sachdeva, Advocate)

ORDER (ORAL)

Hon'ble Sh. M.P. Singh, Member(A)

By filing this OA the applicant has sought directions to the respondents to declare that the period of 2 months and 22 days put in by him should be counted as an experience of teaching and respondents should be directed to allow him to take up the interview for the post of Assistant Professor scheduled to be held on 24/25 May 2001.

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2. Brief facts of the case are that UPSC (Respondent No.1) advertised 4 posts of Assistant Professor (of teaching cadre) in the Ministry of Health & Family Welfare, Department of Health. Out of these 4, 1 was reserved for ST candidate, 1 was reserved for other backward class candidates and the remaining 2 posts were unreserved. The essential qualification for the post was that the candidate should have 3 years of teaching experience. According to the applicant she has more than 3 years teaching experience. The applicant has stated that her experience for 2 months and 22 days as Assistant Professor on an honorary basis has not been counted towards total experience and, therefore, they did not call her for interview to be conducted by them. The applicant has therefore filed this OA seeking the aforesaid relief.

3. The respondents have contested the case and have stated that they have advertised 4 posts of Assistant Professor of Pathology Specialist Grade II of Central Health Services (Teaching Specialist Sub-Cadre, Group 'A'). Out of the 4 posts, 1 post was reserved for ST, 1 post was reserved for backward classes and the 2 remaining were unreserved. According to them the applicant applied for the post and gave the necessary details required in the application form. As per applicant the details of experience claimed by her are as follows:-



<u>S.No.</u>	<u>Name of Instt.</u>	<u>Post Held</u>	<u>Ad-hoc</u> <u>Regular</u>	<u>From</u>	<u>To</u>	<u>Period</u> <u>YY-MM-DD</u>
1.	Dr.RML Hosp. New Delhi	Sr.Resident	Ad-hoc	29.08.96	26.11.96	00-02-27
2.	MAM College	-do-	Regular	28.02.97	09.12.99	02.09.11
3.	-do-	-do-	Honorary	16.12.99	07.03.2000	00.02.23
4.	GB Pant Hosp. New Delhi	Pool Officer	Temporary	21.10.2k	14.10.2000	00.01.25
						<u>Total 03-04-26</u>

4. While examining the candidature, it was found that the experience gained by the applicant as Senior resident from RML Hospital is not acceptable since the hospital was not recognised by Medical Council of India for the purpose of teaching experience. The experience of working as Pool Officer in GB Pant Hospital cannot be taken as equivalent experience and was also not counted towards teaching experience. Further the experience gained by the applicant as Senior resident on honorary basis in MAM college from 16.12.99 to 7.3.2000 cannot be counted as relevant experience as per MCI norms. Thus the period of recognised teaching experience gained by the applicant as Senior resident in MAM college comes to 2 years 9 months and 11 days only as against the short listing criteria of 3 years and hence her application was rightly rejected under category lacking EQ(B). Consequent upon the interim order dated 18.5.2001 by the Tribunal the applicant was interviewed on 25.5.2001 purely on provisional basis and the result of the interview was kept in sealed cover. However, on the basis of the interview she could not be selected and




since the interim order did not continue beyond 01.06.2001, recommendation letter was sent to the Ministry concerned on 16.07.2001.


5. Heard both the learned counsel for the parties and perused the records.

6. During the course of arguments, learned counsel for the applicant submitted that the directions be given to the respondents by the Tribunal to the effect that her teaching experience on honorary basis for 2 months and 22 days as Assistant Professor should be counted as and when there is selection in future for the post of Assistant Professor. On the other hand, learned counsel for respondents stated that such directions cannot be given. We find that the applicant in the relief clause has only made the prayer that this period should be counted to consider her for the post. The same has been considered and on that basis she has been interviewed for the post on provisional basis.

7. After hearing learned counsel and perusing the records, we are of the considered view that no directions can be given by this Tribunal to count this period in future as and when there is a selection for the post of Assistant Professor.

8. In view of the above, the OA has become infructuous and is ~~disposed~~^{dismissed} of accordingly.


(M.P. Singh)
M(A)


(Dr. A. Vedavalli)
M(J)