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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1538/2001
MA 1311/2001
MA 1583/2001

New Delhi, this the 2nd day of August, 2001

Hon'ble Shri Govindan S. Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

1. Tarun Kumar
444, Lancer's Road
Mall Road, Delhi - 110054.
2. Nishant Shaiva
5-A, LIG Flats
Rampura, Delhi - 110 035.
3. Jagmohan
153658, Raigerpura
Karol Bagh, Delhi.
4. Pankaj Kumar
1555, Laxmi Bai Nagar
Delhi - 110 023.
5. Chattarpal Singh
Village, Khampur
P.O. Alipur, Delhi - 110 036.
6. Vijay Kumar Dhawal
House No. 5345, Gali No. 68
Ragerpura, Karol Bagh
New Delhi - 110 005.
7. Sreelata
BB-65, Multani Dhanda
Paharganj, New Delhi - 55.

....Applicants.

(By Advocate Shri Sugreve Dubey with
Ms. Shalini Upadhyaya, proxy
counsel for Shri Gaurav Sharma)

V E R S U S

1. Union of India & Ors.
2. The Secretary
Staff Selection Commission
CGO Complex, Lodhi Road
Delhi.
3. The Secretary
Ministry of Planning and Implementation
New Delhi.

...Respondents

(By Advocate Shri S.M. Arif)

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O R D E R (ORAL)

By Hon'ble Shri Govindan S. Tampi,

Heard Shri Sugreve Dubey, learned counsel for the applicants and Shri S.M.Arif, learned counsel for the respondents.

2. In this case, the challenge is directed against the telegram dated 7-6-2001 issued to the applicants, by the respondents - Staff Selection Commission, which reads as under :-

"With reference to your application for Investigators 2000 Examination the call letter of even number dated 21-5-2001 for interview as issued to you by the Commission stands cancelled in view of your non-fulfilment of essential qualification.

3. All the 7 applicants in this case, appeared in the Statistical Investigator 2000 Examination, conducted by Staff Selection Commission, which was held on 12-11-2000 in pursuance of the advertisement dated 8-7-2000 in Employment News on the belief that they were clearly covered by the prescribed eligibility conditions being considered for the post of Statistical Investigator. Applicants also appeared and qualified in the written examination, but after that their call for the interview was cancelled holding that they were not academically qualified for the same.

4. Shri Sugreve Dubey, learned proxy counsel for the applicants specifically refers to the qualifications indicated in the advertisement for the post which reads as below :-

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"Must have passed Degree with Maths or Statistics or Economics as a subject from a recognised University as on 1-8-2000. Candidates who have yet to appear at the examination or whose result has been

withheld or not declared on or before 1-8-2000 are not eligible.

Note (i) Candidates having Honours Degree should have Mathematics/Statistics/Economics as a main subject and not as subsidiary subject". The applicants were graduates in Commerce with Economics as one of their subjects and as such they were correctly eligible for being considered, in terms of the prescriptions in the advertisement for the post of Statistical Investigator. That being the case their exclusion from the interview was improper and arbitrary.

5. The applicants had been, by the order of the Tribunal, granted the relief by way of permission to appear in the interview on a purely provisional basis.

6. Strongly rebutting the pleas raised on behalf of the applicants, Shri S.M.Arif, learned counsel for the respondents indicates that the essential qualifications for the post of Investigator in N.S.S.O., in terms of the advertisement called for Degree with Maths or Statistics or Economics as a subject and the same is made clearer by Note (i) which said that candidates having Honours Degree should have

Mathematics/ Statistics/Economics as a main subject and not as a subsidiary subject. Therefore, the essential qualification required as above should be read as Degree with Mathematics or Statistics or Economics as the main subject and not as one of the subjects during the course of study. He specifically drew our attention to the portion in his counter which stated as below :-

"As per the Recruitment Rules for the post of Investigator, essential qualifications for direct recruitment is Degree with Maths or Statistics or Economics as a subject from a recognised University".

"The incumbents to the post of Investigator in the Field Operations Division of the National Sample Survey Organisation are supposed to have a good knowledge of Maths, Statistics or Economics as the nature of duties assigned to them include use of sampling techniques; conduct of sample surveys canvassing of schedules in the field for collection of data of various socio-economic fields etc. The Recruitment Rules specify study of Maths, Statistics or Economics as a subject".

The students at B.Com level study mainly subjects like Accountancy, Company Law, Business Law, Income Tax, Audit, Cost Analysis etc. and whatever little Economics or Statistics or Maths is taught to them as a paper relates to business or Commerce and is thus, not suitable for the post of Investigator in NSSO (FOD). In other words Commerce students are not

eligible for the post of Investigator as they have not read the subjects of Maths, Statistics or Economics as a full subject but instead offered as a paper". Therefore, the applicants not being qualified was correctly not called for the interview and the said decision cannot be assailed, pleads Shri Arif.

7. In reply Shri Dubey, learned proxy counsel for the applicant invites our attention to the Mark-Sheets of the applicants for B.Com, wherefrom it is seen that Economics was a subject of study for the course with as many as three (3) out of twelve (12) papers. It was not a paper as referred to in the counter but a subject. This fulfilled the requirement of the Degree with Mathematics or Statistics or Economics as a subject and, therefore, denial of interview call to them was arbitrary, discriminatory and improper and hence deserved to be interfered with, in the interests of justice. Shri Arif, learned counsel intervened to say that the applicants were not the only persons to be denied the call for interview and granting them ^{the benefit of} alone will be discriminatory to others.

8. We have carefully considered the matter and perused the papers placed before us. The point for determination in this OA relates to the essential qualification indicated for the selection to the post of Investigator in National Sample Survey Organisation. The relevant Recruitment Rules of 1999 in Column 8 of the Schedule, referring to Educational and other qualifications required for direct recruitment reads as below :-

"A Essential : Degree with Mathematics or Statistics or Economics as a subject from a recognised University".

The same has been reproduced in the advertisement with the following footnote :-

" Candidates having Honours Degree should have Mathematics/Statistics/Economics as a main subject and not as a subsidiary subject".

According to the respondents, the explanation in the note relating to the Honours should be read as applying to normal degree also which would hold the applicants ineligible for being considered for the post. We do not agree. Firstly, the expression used in the Recruitment Rules is Degree with, 'Maths or Statistics or Economics as a subject' and not as the subject. And this difference is significant, and this would not be altered by the analogy in note (i) with reference to Honours Degree. In the case of an Honours Degree, there will be one main subject with a subsidiary subject or two and the candidate who passes the same can go to the Masters degree only in the Man subject, while in the normal degree course there will be more than one equal subject and students can go for Masters degree in any of those subjects. Therefore, while in the Honours Degree, course, subsidiary may be just a paper ; in the normal degree all are equal subjects. This inference is borne out from the enumeration of the subjects in the mark sheet produced. It is seen that the graduate course of

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study for Commerce-B.Com¹³ three papers in Economics, 13 out of twelve papers for the whole course i.e. (III) Economic Systems and Micro Economic Theory (VII) Macro Economics Analysis and Policy and (XI) Economic Development and Planning India. Obviously, the applicants who have passed B.Com had studied Economics as a subject and not just as a paper, as alleged by the respondents. That being the case, the above applicants' case would fall squarely within the parameters of the qualification prescribed for the post. If the respondents feel otherwise the mistake lies in the Recruitment Rules and not with the interpretation adopted by the applicants.

9. In view of our findings as above, we are convinced that the Recruitment Rules, which have been relied upon, as they stand presently, clearly cover the case of the applicant as they have studied Economics as a subject in their degree course and that to hold them as not qualified would be incorrect. However, as the respondents want the issue to have verified with the University, we feel that interests of justice would permit the same.

10. Therefore, in our view, interests of justice would be adequately met if the respondents are permitted to have the matter referred to the University to ascertain whether the applicants' qualification would fall within the parameters indicated in the Recruitment Rules and to determine whether Economics is included in B.Com as a subject or just as a paper. Following the said verification, if the result is in favour of the applicants, they along

with all those similarly placed and denied the interview call should be extended the benefit of call, in accordance with law. Till such time, the verification results are obtained and acted upon, there shall be no selection to the post of Investigator and the entire process relating to the interview will only be provisional including ^{for} the applicants who have been granted interim relief.

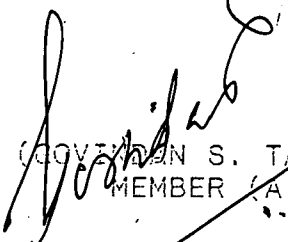
Needless to say copy of this order also should be ^{made} available

2. to the University in the verification process.

11. OA is disposed of with the above directions. No costs. In the circumstances, MA 1311/2000 and 1583/2000 are also disposed of

S. Raju

(SHANKER RAJU)
MEMBER (J)


(GOVINDAN S. TAMPI)
MEMBER (A)

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