

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.2533/99

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 29th day of November, 1999

Ms. Geeta Mahadevan  
d/o Shri R.N.Mahadevan  
r/o Flat No.18, Samachar Apartments  
Mayur Phase I Extn.,  
Delhi 110 091.  
employed in National Institute of Science  
Communication (NISCOM), CSIR  
Dr. K.S.Krishnan Marg  
New Delhi - 110 012. .... Applicant

(By Shri K.B.S.Rajan, Advocate)

Vs.

Union of India through

1. Secretary  
Ministry of Science & Technology  
Technology Bhawan  
New Mehrauli Road  
New Delhi - 110 016.
2. Director General  
Council of Scientific & Industrial Research (CSIR)  
Anusandhan Bhawan  
Rafi Marg  
New Delhi - 110 001.
3. Director  
National Institute of Science Communication  
(NISCOM)  
Dr. K.S.Krishnan Marg  
New Delhi - 110 012. .... Respondents

O R D E R (Oral)

Hon'ble Shri Justice Ashok Agarwal, Chairman

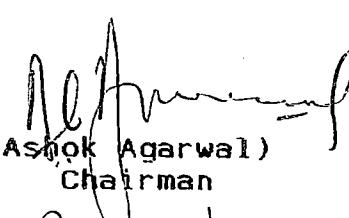
For the post of Scientist 'B' essential qualifications which are prescribed are (i) Ist Class (with not less than 65% marks) M.Sc. in Chemistry or M.Phil/Ph.D in Science Communication with basic Master's degree in Chemistry. Applicant did not possess either of the aforesaid qualification on the date of issue of the notification inviting applications or on the date of her application. She having acquired M.Phil/Ph.D at a later date will not

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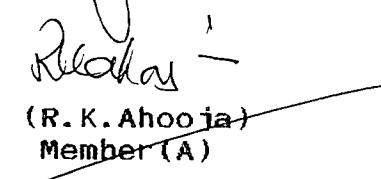
(2)

entitle her to be qualified for the post. If one has regard to the ratio laid down by the Hon'ble Supreme Court in the State of Rajasthan Vs. Hintendra Kumar Bhatt, JT 1997(7) SC 287 the conclusion is irresistible that applicant cannot be continued on the aforesaid post. The impugned order cancelling her therefore appointment cannot be successfully assailed. Similarly, contention advanced on behalf of the applicant that the appointment cannot be cancelled with retrospective effect, i.e., from the date of her appointment, in our view, is also without substance, as her very appointment is non-est since she lacks the requisite qualification for holding the said post as on the date of receiving applications for the said post. Accordingly, the OA is dismissed at the admission stage itself.

A copy of this order may be given to the learned counsel for the applicant today itself.

  
(Ashok Agarwal)

Chairman

  
R.K. Ahooja

(R.K. Ahooja)  
Member (A)

/rao/