

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 2401/94  
T.A. No. /

1995

DATE OF DECISION 18-12-1995

Shri I.K. Kapila

Petitioner

Shri Venkataramani With Shri S.M. Garg

Advocate for the Petitioner(s)

The Govt of

Versus

/ National Capital Territory of Delhi

Respondent

Through Secretary, Environment

SHRI ARUN BHARDWAJ, (Counsel for

Advocate for the Respondent(s)

Respondent No. 1 to 3)

SHRI K.C. SHARMA for (Respondent No.4)

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The Hon'ble Mr. N.V. Krishnan, ACTING CHAIRMAN

The Hon'ble Mr. Dr A. Vedavalli, Member (J)

1. To be referred to the Reporter or not? Yes
2. Whether it needs to be circulated to other Benches of the Tribunal?

(Dr A. Vedavalli)  
Member (J)

(N.V. Krishnan)  
Acting Chairman

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Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.2401/94

New Delhi this the 18<sup>th</sup> Day of December, 1995.

Hon'ble Shri N.V. Krishnan, Acting Chairman  
Hon'ble Dr A. Vedavalli, Member (J)

Shri I.K. Kapila,  
Flat No.2063,  
Delhi Administration Flats,  
Gulabi Bagh,  
Delhi. .... Applicant

(By Advocate : Shri Venkataramani with  
Shri S.M. Garg )

VERSUS

The Government of National Capital Territory of  
Delhi through

1. Secretary, Environment  
5/9 Under Hill Road,  
Delhi-54.
2. The Lt Governor of Delhi, through  
Chief Secretary,  
Rajpur Road,  
New Delhi.
3. The Union Public Service Commission,  
through its,  
Secretary,  
Dholpur House,  
Shahjahan Road,  
New Delhi.
4. Mr P.M. Ansari,  
C/o Central Pollution Control Board,  
East Arjun Nagar,  
Delhi. .... Respondents

(By Advocate : Shri Arun Bhardwaj, for Respondent  
No.1 to 3)  
Shri K.C. Sharma, Counsel for  
Respondent No.4

JUDGMENT

(Hon'ble Dr A. Vedavalli, Member (J) )

The Applicant Shri I.K. Kapila's  
grievance in this O.A is against the selection of  
Shri P.M. Ansari (Respondent No.4) to the post

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of Director (Environment) on transfer on deputation basis at the instance of Respondents No.1 & 3.

2. The facts of this case briefly are as under :-

(i) The applicant is an Environmental Engineer, possessing a Masters Degree in Environmental Engineering from the University of Allahabad which he obtained in the year 1988. He joined the Central Pollution Control Board (CPCB) in July 1988 and worked in that capacity till June, 1991. His services were placed with the Delhi Administration as a Senior Scientific Officer on 21.6.1991 since at that time the powers of CPCB in environmental matters were delegated to the Pollution Control Committee under the Delhi Administration. Later he was appointed by Respondent No.2 to hold additional charge of the post of Director (Environment) concurrently by an order dated 17.3.1992, (Annexure 'B'). He was recalled by CPCB in July, 1992 and was posted to Shillong. He returned from that posting in February, 1993. The post of Director (Environment) in question was advertised earlier on 16.8.1990 (Annexure 'C') for which the applicant had applied. No one was selected and the post was readvertised on 13.5.1993. Several candidates were called for a personal talk by the Union Public Service

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Commission and after consideration of their qualifications, experience etc, the Respondent No.4 was recommended for appointment to the said post, by their letter dated 16.2.1994 (Annexure R-3 to reply by Respondents No.1 & 2). The (Respondent No.4 was appointed to the said post on 30.11.94 (Annexure R-4 (b)). He joined duty on 15.12.94 (Annexure VI to Respondent No.4's reply). The present O.A. is filed by the applicant who was one of the candidates called for the personal talk against said selection by U.P.S.C.

3. The applicant has sought the following reliefs in this O.A ;

- (i) Declaration that respondent 4 is ineligible as per essential educational qualifications prescribed for post of Director Environment in accordance with Recruitment Rules.
- (ii) Declaration that forwarding of application of respondent 4, calling for interview, selection and appointment if any as illegal, void and ultra vires to recruitment rules and obtained only as favouritism at the instance of respondent No.1.

*[Signature]*

regarding the qualifications of Respondent No.4  
as under :-

"Shri Phool Mohammad Ansari:  
The candidate has passed M.E  
(Civil Engineering) from Jabalpur  
University.

This candidate does not meet  
the recruitment qualifications  
indicated in your letter dated  
February 16, 1993."

Yet, it is alleged Respondent No.4 is  
being appointed.

5. The Respondent No.1&2 in their reply have  
submitted that while framing Recruitment Rules ME  
(Public Health Engineering) was not agreed to by  
the U.P.S.C. and the said rules were notified  
with M.E.(Environment Engineering) as the  
educational qualification. Since Respondent No.4  
was working in CPCB and had put in 18 years of  
service as a specialist in environment issues,  
Respondent No. 1 subsequently wrote a D.O. to  
AIU (Annexure R-3 (i)) for seeking clarification  
of the letter dated 12.3.93 in respect of  
comparable qualification to M.E. (Environment  
Engineering) for the purpose of employment. The  
AIU then agreed that Respondent No.4 had the  
equivalent qualification.

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6. It was further submitted by Respondents No.1 & 2 that reference was made to AIU only because in the previous year U.P.S.C. had desired the opinion of that Association (Annexure R-3 (ii)). It was also stated that the Respondents had no knowledge as to whether AICTE is the only statutory authority in this matter as stated by the applicant.

7. We have heard the learned counsel for the parties and have perused the relevant documents, papers and material placed on record. The matter has been considered carefully.

8. In order to examine the tenability and validity of the aforementioned ground we have to go through the relevant provisions as to the qualification etc required for the post in question under the concerned recruitment rules as enumerated in the Circular letter dated 16.8.90 (Annexure 4) which are as under ;

"I am directed to say that it is proposed to fill up one post of Director (Environment) in the pay scale of Rs.3700-5000 in the Department of Environment, Forests & Wild Life of this Administration by transfer on deputation from amongst officers of the Central/State Governments/ Union Territories/ Universities Autonomous Organisations, Public Sector Undertakings holding analogous posts on regular basis or with 3 years regular service in posts in the scale of Rs.3000-5000 or equivalent or with 5 years regular service in posts in the scale of

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Rs.3000-4500 or equivalent and possessing the following qualifications:-

- A) i) Master's degree in Environmental Engineering of a recognised University or equivalent.
- ii) 10 years' experience in teaching/research in an educational/ research organisation and/or administrative experience in the field of environment.
- B) i) Doctorate degree in one of the Natural Sciences of a recognised University or equivalent.
- ii) 10 years' experience in teaching/Research in an educational/research organisation and / or administrative experience in the field of environment
- C) i) Master's degree in Environmental Science followed by M.Phil degree/ Ph.D in Environmental Science of a recognised University or equivalent.
- ii) 10 years experience in teaching/research in an educational/ research organisation and / or administrative experience in the field of environment.

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Experience in planning design, execution of projects relating to environment.

(The period of deputation shall ordinarily not exceed 3 years)"

9. The entire controversy or dispute between the parties in this case revolves around the qualifications mentioned at Item A(i) above namely;

"Master's degree in Environmental Engineering of a recognised University or equivalent." (Emphasis Supplied)

*[Handwritten signature]*

10. The possession of M.E. degree in Civil Engineering with specialisation in Public Health Engineering by Respondent No.4 is not in dispute. The moot question is whether that degree has been correctly considered by Respondent No.1,2 and 3 as being equivalent to the Masters degree in Environmental Engineering of a recognised University as required under the relevant recruitment rules for appointment to the concerned post. The applicant's case is that the degree possessed by Respondent No.4 is not an equivalent one and hence he is not eligible for selection to the post and that he (The applicant) is the only candidate who is eligible under the said recruitment rules.

11. It is seen that Respondent No.1 had infact made a re-reference on 6.8.93 to AIU for their opinion as to whether the degree of M.E. (Civil Engineering) with specialisation in Public Health Engineering is equivalent to M.E.(Environmental Engineering) (Annexure R-1). This was in the context of the AIU earlier reply dated 12.3.93 reproduced in para 4 Supra. AIU by their letter dated 29.9.1993 (Annexure R-2) have given their opinion and assessment as under :-

"Kindly refer to your D.O. letter No.F.56(211)/87/427 dated 6th August,1993 and our interim reply of even number dated 13th August,1993.

You have rightly pointed out in your letter that since there was no separate degree in Environmental Engineering in earlier years Public Health

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Engineering specialists were considered equivalent to M.E. Environment.

We have noted the following attainments of Shri P.M. Ansari:

1. M.E. Degree (Civil) with specialization in Public Health from University of Jabalpur in 1974. The University academic transcript as seen by us confirms that Shri Ansari had studied the subjects of Sanitary Chemistry, Instrumentation, Lab Sessions, Sanitary Microbiology, Sewerage Treatment, Ground Water Supply, Radiological Health, Industrial Waste and Treatment, Disposal which are broadly covered in M.E. Env. Science.
2. He has matured experience of about 16-17 yrs. in Pollution Control Departments.
3. He has participated in a number of short-term courses and training programmes on pollution control and other allied areas in India and abroad.
4. One of our experts has written "I am confident and endorsing that M.E. (Public Health Engg) of Jabalpur University is the same as M.E./M.Tech Environmental Engg of any university and of IITs in India....that today Environmental Engineering programme was one time called Public Health Engg. It is a change in parlance."

Keeping in view the above statements, we would assess Shri Ansari's qualifications/attainments as a comparable qualification to ME Env. for purpose of employment."

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12. Thereafter, Respondent No.1 made a reference to UPSC by their letter dt. 19.11.1993 (Annexure R-3) inter alia, for their consideration and view the opinion and assessment of AIU mentioned above.

13. It is obvious from the above facts that Respondent No.1 has taken care to consult AIU regarding the equivalence of the degrees in question and have also invited the attention of U.P.S.C. to the opinion and assessment given by the AIU for consideration. Moreover, they have submitted in their reply as already noted that they have not knowledge as to whether the AICTE is the only statutory authority to be consulted regarding comparative qualifications. The applicant has not been able to prove his stand in this regard by any evidence or supporting material. In these facts and circumstances the action of Respondent No.1 cannot be faulted on the ground of subjectivity or arbitrariness.

14. So far as the action of U.P.S.C. (Respondent No.3) in selecting Respondent No.4 to the post in question is concerned we have seen from their letter dated 16.2.94 (Annexure R-4) that several eligible candidates including the applicant and Respondent No.4 were called for a personal talk. After perusal of the particulars of service and experience along with character-rolls bio-data and of holding the said

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personal talks with those Officers, the U.P.S.C. recommended Respondent No.4 for appointment to the post in question on deputation for a period prescribed in the recruitment rules.

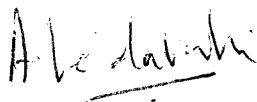
15. The applicant has not been able to establish with any supporting evidence or material as to how the U.P.S.C., which is an expert body has erred in selecting Respondent No.4 to the post concerned. Moreover, the applicant can only claim a right to be considered for selection, if eligible along with others, if any. That right, obviously has been afforded to him by the U.P.S.C. It is well-settled that no candidate has any vested right as such for selection and appointment to a post. The decision of the Supreme Court in Dr J.P. Kulshrestha and Others Vs Chancellor, Allahabad University and Others; (1980) 3 SCC 418, on which reliance has been placed, also does not help the applicant's case., since the facts and circumstances in the present case are quite different.

16. It is for the UPSC to satisfy itself in doubtful cases that the candidate has the necessary qualification. In the case of Respondent No.4 the UPSC appears to have been fully satisfied on this score, by the steps taken by Respondent No.1 to get the views of an expert body. It is not for us to sit in judgement over the manner in which this decision was taken by

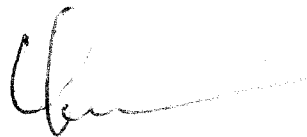
the UPSC. As the qualifications provide equivalent qualifications also it is for Respondents and the UPSC to settle the issue. In our view that issue was settled on the basis of relevant material.

17. In the facts and circumstances of this case as discussed above, we are of the opinion that the applicant has not been able to establish on any valid and legally tenable ground that the selection of Respondent No.4 has been vitiated and hence is not entitled to any relief as claimed by him. We do not find any reason to interfere with the impugned selection.

18. The O.A. is, therefore, dismissed. No costs.



(Dr A. VEDAVALLI)  
MEMBER (J)



(N.V. KRISHNAN)  
ACTING CHAIRMAN

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