

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-398/94

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New Delhi this the 19th Day of August, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member (A)

Dr. (Miss) Binita Nautiyal,
D/o Shri L.P. Nautiyal,
R/o B-42/4, Rajendra Nagar,
Bareilly (U.P.)

Applicant

(By advocate Sh. S.S. Tiwari)

versus

1. Indian Council of Agricultural Research,
through Director General of I.C.A.R.,
Krishi Bhawan, New Delhi.
2. Secretary,
Agricultural Scientists
Recruitment Board,
Krishi Bhawan,
New Delhi.

Respondents.

(By advocate Sh. R.S. Aggarwal)

ORDER (ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman

The controversy pertains to the appointment to the post of Scientist of the Agricultural Research Services. An examination was held. The applicant was not called for interview. At that stage, she came to this Tribunal by means of this O.A.

On 28.2.1994, this Tribunal passed an interim order to the effect that the respondents shall provisionally interview the applicant but shall not declare her result until further orders. It is stated at the Bar that in pursuance to our order, the applicant was interviewed. However, so far her result has not been declared.

A counter-affidavit has been filed on behalf of the respondents. Therein, it is averred that the applicant does not fulfil the requisite qualifications which is Master's Degree in Veterinary Sciences/Animal Sciences/Dairy Sciences with the specialisation in Animal Genetics and Breeding.

Admittedly, the applicant is a M.Sc. in Zoology and Ph.D. in Animal Genetics. In view of this situation, it is reasonably possible for the respondents to take the view that the applicant does not fulfil the requisite qualifications. However, we find that the advertisement issued for the examination concerned contains a note in paragraph-3. The said note, in substance, provides that in exceptional cases the Agricultural Scientists Recruitment Board may treat a candidate, who has not any of the foregoing qualifications, as a qualified candidate provided that he has passed examinations conducted by other institutions the standard of which in the opinion of the Board justifies his admission to the examination. The learned counsel for the applicant has strongly urged that the applicant has been conferred a doctorate in Animal Genetics by the Institute itself. He, therefore, urges that, in view of the higher qualification possessed by the applicant, she fulfilled the requirement of the requisite qualifications. It is not in our domain to express any opinion to the question as to whether, in view of the facts and circumstances of this case, the applicant fulfills the requisite qualifications. The Board is fully competent to do so and it has also the Board to take a different view in exceptional cases.

It appears that so far the Board has not applied its mind as to whether in view of the qualifications of the applicant she should be treated to be holding the requisite qualification for appearing in the examination.

We direct the Board to apply its mind to the facts and circumstances of the applicant's case. If it comes to the conclusion that it is not possible for it to hold that the applicant fulfills the requisite qualification, it shall give reasoning in support of its order. If, however,

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it takes the view that the applicant fulfills the requisite qualifications, it shall declare the result of the interview.

With these directions, the O.A. is disposed of finally.

No costs.

B. N. Dhoundiyal
(B. N. DHOUNDIYAL)
MEMBER (A)

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(S. K. DHAON)
ACTING CHAIRMAN