

(24)

Central Administrative Tribunal
Principal Bench

O.A.No.2365/2000

Hon'ble Shri M.P.Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 6th day of September, 2002

Niranjan Lal
s/o Shri Sonpal Singh
r/o A-5, Baker Street
I.V.R.I. Gate No.2
Izatnagar, Bareilly-243122. ... Applicant
(By Advocate: Sh. B.B.Raval)

Vs.

1. Indian Council of Agricultural Research
through The Director-General
Krishi Bhawan
New Delhi - 110 001.
2. The Chairman
Agricultural Scientists Recruitment Board
Krishi Anusandhan Bhawan
Pusa, New Delhi. ... Respondents
(By Advocate: Shri S.C.Luthra for intervener
None for official respondents)

O R D E R (Oral)

By Shri Shanker Raju, M(J):

Heard the learned counsel.

2. Applicant impugns the respondents' advertisement dated 18.5.1999 inviting applications for recruitment of Scientists for ARS Examination - 1999 and further action of the respondents of not allowing him to be interviewed being ineligible as regards the educational qualifications are concerned. Applicant has sought appointment to the post of Scientist, Veterinary Extension Education, on the post reserved for Scheduled Castes candidate. By an interim order dated 13.10.2000, respondents have been restrained from taking a final decision regarding filling up of the aforesaid posts.

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3. Applicant has done B.Sc. (Hons.) in Agriculture from Agra University in 1984. While studying the B.Sc. he had passed the papers of Animal Husbandry, Dairy Chemistry and Animal Nutrition as well as Agricultural Extension.

4. Applicant had further completed his Post Graduation in 1986 in Agricultural Extension with Extension Education as one of the subjects. He was later on appointed as a Technical Officer (Extension) at Indian Veterinary Research Institute, Izatnagar in 1992. Applicant further completed his Ph.D in Extension Education in 1997 with papers of Live Stock Development Project, Programmes and their planning as well as Dairy Cattle Production and Hygiene. Respondents issued an advertisement in Employment News in 5th-11th June, 1999 for recruitment of Scientists for ARS Examination - 1999. Applicant being a Scheduled Caste candidate applied in the discipline of Veterinary Extension which had three vacancies, out of one was reserved for Scheduled Caste, one for Scheduled Tribe and one for General. The qualifications for the post are as under:

- a) Masters Degree in Veterinary Extension Education/Dairy Extension Education/Extension Education or Agricultural Extension with specialization in Veterinary or Dairy Extension. (Para 4.5).

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5. Applicant was issued an admission card and successfully appeared in written test. Later on he was called for viva-voce on 5.10.2000, where his testimonials have been rejected as his Post Graduation Degree does not fit into the requirement advertised for the post, he was not allowed to participate in the viva-voce test, giving rise to the present OA.

6. Learned counsel for applicant, Shri B.B.Rawal, stated that applicant belongs to Scheduled Caste community and there was only one vacancy under SC quota and as he was the lone candidate, fulfilling the requirements and qualifications he could have been appointed. Though he submitted his representation, the same was not responded to. According to him, his Post Graduation Degree in Agriculture Extension is itself a specialised qualification where the applicant had studied and successfully cleared all the papers in Dairy as well as Veterinary subjects. It is also stated that no such qualification exists in any of the Universities and no further specialisation is required. According to him, the recruitment rules do not stipulate such specialisation for appointment to the post of Scientist in Veterinary Extension.

7. According to him, qualification mentioned in the advertisement was invalid, as Agricultural Extension itself is a highly specialised subject, there cannot be a sub-specialisation in it, and M.Sc. (Agricultural Extension) is equivalent to Extension Education which is one of the required qualifications as per the advertisement. As the technicalities could not be appreciated by the Agricultural Scientists

Recruitment Board, applicant has been deprived of an opportunity to participate in viva-voce test. His experience of nine years in the field of Veterinary Extension and his subsequent Ph.D has not at all been considered where Animal Husbandry and Dairying were also the subjects.

8. Shri Rawal has alleged hostile discrimination violation of Articles 14 and 16 of the Constitution of India by stating that as per the Advertisement issued on 18.9.1999 for the post of Senior Scientist in Veterinary Extension, the essential qualification in Veterinary Extension was prescribed but the selected candidate Dr. (Mrs.) Hema Tripathi is only M.Sc (Extension Education) without any specialisation without any Post Graduate Doctrate in Veterinary Extension but yet respondents have meted out a differential treatment by giving her appointment.

9. Shri Raval further stated that Master Degree in Veterinary Extension Education is in Veterinary Sciences with specialisation in Veterinary Extension. Master Degree in Extension Education means Master Degree in Agriculture with specialisation in Extension Education, but no University is awarding the Master Degree in Agricultural Extension with specialisation in Veterinary or Dairy Extension with further specialisation Veterinary or Dairy Extension, as the Degree in Agriculture is equivalent to the Extension Education as the applicant has possessed the Master Degree in Agriculture Extension, he is fully qualified to be appointed to the post.

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10. Intervenor, Hans Ram Meena, who was selected and to be appointed against the post of Scheduled Tribe sought impleadment on the ground that stay order has affected his rights which are independent of the controversy involved in the present OA. As such directions to be issued to declare the results at least for the post of ST category, where the intervenor was the lone candidate.

11. Official respondents though not present and had not appeared either on earlier occasion, are proceeded ex-parte in view of Rule 16 of the Central Administrative Tribunals (Procedure) Rules, 1987. However, their reply is on record. According to which the qualification for the post of Veterinary Extension has not been possessed by the applicant being Scientist he should not have applied for the same, and as he was not eligible he was rightly not called for viva-voce. It is further stated that applicant having participated in the selection is precluded from challenging the same. Respondents further stated that qualification for the post of Veterinary Officer, include specialisation in Dairy or Veterinary Extension which was not possessed by the applicant.

12. In so far as the case of Mrs. Tripathi is concerned she possesses essential qualification for the post of Senior Scientist. Apart from Ph.D in Live Stock Projects Technology and Research Work, applicant has applied for entry level of ARS Scientist where the Masters Degree is relevant. Whereas Mrs. Tripathi, who applied for the Senior Scientist, where the essential qualification is doctorate and as she was

qualified was given appointment. Respondents denied any discrimination. applicant has not appeared, he cannot be meted out the same treatment.

13. We have carefully considered the rival contentions of the parties and perused the material on record. We show our displeasure on callous attitude of official respondents as neither counsel nor departmental representative had not appeared, depriving us of their useful assistance.

14. However, on merits, we find that the qualification for Veterinary Extension Education equivalent to Masters Degree in Extension Education or Agriculture Extension with specialisation in Veterinary or Dairy Extension. We find from the certificate annexed by the applicant that is B.Sc as well as M.Sc. he had Dairy Chemistry,, Animal Nutrition, Agriculture Extension, Extension Education as papers in the aforesaid courses.

15. Agricultural Extension itself is a highly specialized subject, further specialisation in Veterinary or Dairy Extension, would amount to a sub-specialisation. Though M.Sc. Agriculture is equivalent to Extension Education which is required qualification as per the advertisement, we are unable to find whether the qualifications prescribed in the advertisement are on the basis of the recruitment rules, for the post of Scientist in entry level. We could not ascertain this because of the lackadaisical attitude of the respondents by their consistent absents.

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16. As the qualification and eligibility for the post is prerogative of the Government and the Tribunal as a policy decision, cannot interfere but yet if it is not ascertainable whether the qualifications in the advertisement have been prescribed in accordance with the extant recruitment rules, in our considered view, the applicant having done his M.Sc. in specialised subject where he obtained specialisation in Veterinary and Dairy Extension cannot be rejected only on that basis. Representation of the applicant has also not been considered and disposed of by the respondents.

17. In this view of the matter, we also find that in so far as the appointment of ST candidate is concerned, the same cannot be withheld as the intervenor Hans Ram Meena has qualified against the post reserved for ST category and will have no bearing on the facts and circumstances of the case.

18. In the result, we dispose of this OA, by directing the official respondents to reconsider the applicant's case for appointment to the post of Scientist, Veterinary Extension Education on the post reserved for Scheduled Caste candidate and if the qualifications prescribed in the advertisement are not contained in the Recruitment Rules, the applicant shall be interviewed and if found fit may be considered for appointment to the aforesaid post. These directions shall be complied with within three months from the date of receipt of a copy of this order. No costs.

S. Raju
(SHANKER RAJU)
MEMBER(J)


(M.P.SINGH)
MEMBER(A)

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