

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. 1567 of 1988

5th day of November, 1993

Shri J.P. Sharma, Member (J)

Shri B.K. Singh, Member (A)

1. Dr. N.P. Saxena,
Head of Department of Botany,
D.N. College, Meerut (UP)

2. Shri D.K. Agarwal,
Lecturer, Deptt. of Botany,
D.N. College, Meerut (UP) Applicants

By: None

Versus

1. Union of India, through
Secretary,
Ministry of Environment - Forests,
Paryavaran Bhavan, Lodhi Road,
New Delhi.

2. Shri R.R. Khan,
Scientist SE,
Ministry of Environment & Forests,
Paryavaran Bhavan, Lodhi Road,
New Delhi.

3. Dr. K.P.S. Chauhan,
Scientist S2
Central Potato Research Instt.,
Simla (HP)

4. Dr. A.K. Tyagi,
Scientist SD
Ministry of Environment & Forests,
Paryavaran Bhavan, Lodhi Road,
New Delhi.

5. Dr. S. Kaul,
Scientist SD
Ministry of Environment & Forests,
Paryavaran Bhavan, Lodhi Road,
New Delhi.

6. Mr. M. Subbarao,
Scientist SD
Ministry of Environment & Forests,
Paryavaran Bhavan, Lodhi Road,
New Delhi. Respondents

By: None.

ORDER (contd.)

The Ministry of Environment & Forests, issued

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an advertisement on 13th December 1987 to fill up certain posts of Scientists. The applicants could not apply for the said posts feeling that they do not possess the requisite qualifications of First Class Post Graduate Degree. The applicants were teaching in D.N. College, Meerut. The grievance of the applicants is against the advertisement of 13.12.87 issued by the respondents. They have prayed that the action of the respondent No. 1 in calling respondents No. 2 to 6 who do not possess minimum requisite qualification be declared as void and they should be refrained from taking any steps in finalising the results of the selection committee on the basis of the advertisement issued on 13.12.87.

2. A notice was issued to the respondents who filed their reply and contested the application on the ground that the respondents 2 to 6 possessed higher qualifications, either doctorate or M.Phil in the particular discipline and that they have not violated or committed any breach of the aforesaid advertisement as respondents 2 to 6 were best suitable persons who were called for interview and that since the applicants did not possess apply for the posts so they are not in a position to challenge the said selection.

3. The matter was taken up on 1st November 1993 when none appeared from the side of the applicants. We have given them another chance and the the matter remained on

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board. Today also none appeared for the applicants to press this application.

4. Since the applicants were not candidates for the selection and since they did not agitate the matter at the relevant time when the interviews for the post was going on so they cannot challenge the selection of candidates which took place by virtue of advertisement dated 13.12.87 about 6 years ago. Normally a person who applied for a post and is eligible according to the terms and conditions laid down in the advertisement can challenge the selection, if subsequently he finds that there is has been any relaxation in standard of education etc. qualifications or regarding eligibility, at the relevant time and not after the selection.

5. There is nothing to convince us on the point that the applicants have any surviving grievance and from the record it is evident that the respondents have selected best candidates out of those who have applied. Even those who have not been selected in this selection have not assailed on any ground of irregularity or otherwise in the said selection.

6. We find no merit or substance in this application. The same is therefore dismissed as devoid of any merit.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)