

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.96/2017
M.A.No.1146/2020
M.A. No.3603/2018

Through video conferencing

Tuesday, this the 23rd day of September, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Dr. Krishan Bihari
Aged about 55 years
S/o Late Beni Madhaw Prasad
R/o B-3, Balajee Apartment,
Nehru Nagar III/A-4, Rakesh Marg,
PO Ghaziabad (UP) (Working as Assistant Director [Regional
Center of Organic Farming Jabalpur presently
deputed in INM Division DAC])Applicant

(By Advocate: Shri Somesh Chandra Jha)

Versus

Union of India through

1. Secretary (A&FW)
Ministry of Agriculture & Farmers Welfare,
Krishi Bhawan, New Delhi.
2. Secretary,
Union Public Service Commission,
Dholpur House,
Shahjahan Road, New Delhi.
3. Shri Gagnesh Sharma,
Regional Director,
Regional Centre of Organic Farming,
GA-114, Niladri Vihar,
Near KV-4, PO Shaileshree Vihar,

(By Advocates: Shri Ritash Khatri, Shri Hanu Bhaskar, Shri
Gayanendra Singh and Shri R.V. Sinha).

ORDER (ORAL)**Justice L. Narasimha Reddy :**

The Union Public Service Commission – 2nd respondent herein issued an advertisement in the year 2015 for 5 posts of Regional Directors in National Centre of Organic Farming, Ghaziabad under the Ministry of Agriculture. The qualifications and experience for the posts were stipulated. The applicant, 3rd respondent and several others applied. The UPSC processed the applications and the Selection Committee recommended the names of Sri Tapan Kumar Ghosh, Sri Gagnesh Sharma(R-3) Sri Ajay Singh Rajput and Dushyent Gehlot. In the reserve list, the applicant was shown at Sl.No.1. In this OA the applicant contends that the 3rd respondent did not possess the prescribed qualifications and despite that he was selected. He prayed for setting aside the selection of 3rd respondent and for a direction to appoint him.

2. Respondents 2 and 3 filed separate counter affidavits. According to him the 3rd respondent studied M.Sc (Agriculture), in which one of the subjects was Horticulture and thereby he fulfils the qualifications. It is also stated that the 3rd respondent

obtained Ph.D in Horticulture and has 15 years of experience in that field and accordingly he was selected. It is also stated that the selection made by an expert body cannot be subject matter of scrutiny by the Tribunal, unless any malafides are pointed out.

3. We heard Mr.Somesh Chandra Jha, learned counsel for the applicant and Mr.Ritash Khatri, Mr.Hanu Bhaskar, Mr.Gyanendra Singh and Mr.R.N.Sinha, learned counsel for the respondents.

4. The advertisement was issued for five vacancies of the post of Regional Director in National Centre of Organic Farming. One post was reserved in favour of PH category. Three posts were unreserved and one reserved for OBC. The applicant was one of the candidates. As observed earlier four candidates were selected, i.e. three unreserved and one OBC. The applicant was shown as Sl.No.1 in the reserved list. The effort of the applicant is to establish that the 3rd respondent is not entitled to be appointed in such an event, even he would stand the chance.

5. The qualifications prescribed for the post are M.Sc in Microbiology from a recognized University or Institute or M.Sc. in Botany with specialization in Plant Pathology or Microbiology or Mycology from a recognized University or Institute; OR M.Sc. in

Agriculture with specialization in Soil Science or Agricultural Chemistry or Agronomy or Microbiology or Plant Pathology or Horticulture or Agricultural Extension from a recognized University or Institute. The experience of 10 years in the concerned field, is also stipulated. The 3rd respondent did his M.Sc. in Agriculture from Himachal Pradesh Agriculture University. The specialization mentioned in his certificate is that of Tea Husbandry and Technology. However, the other documents have revealed that he studied the subject of Soil Science in the Department of Horticulture, as minor subject. Obviously because he studied the subject of Horticulture also in Microbiology, he was permitted to conduct Research in that subjects and was conferred Ph.D. The UPSC scrutinized his application and treated him as qualified. The Selection Committee has verified the certificates of the eligible candidates and decided the relative merit.

6. When the prescribed qualification is in a wide range as mentioned earlier, which included M.Sc. in Botany or other subjects or M.Sc. in Micro Biology that too in a half-a-dozen specializations, we find it difficult to hold that unless the specialization is pointedly in Horticulture, one cannot be treated

as qualified. The selection process was entrusted to a specialized body, which comprises of Scientists and highly accomplished officers in the discipline, and it is too difficult to hold that they were not aware of the subtle distinction between various specializations. Further the applicant did not even seek a declaration to the effect that the degree held by the 3rd respondent does not fit into the stipulated qualifications or that he was not qualified. A broad and wide prayer for setting aside the selection of the 3rd respondent does not suffice.

7. In its counter affidavit, the UPSC has clearly mentioned that the nature of the qualifications held by the 3rd respondent, and the manner in which he is treated as qualified.

8. We do not find any merit in this OA the same is accordingly dismissed. There shall be no order as to costs.

(PRADEEP KUMAR)
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Sd/RKS