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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 551/2004

NEW DELHI THIS...^{6th}...DAY OF MAY 2004

HON'BLE SHRI JUSTICE V S AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Dr. Manbir S. Sachdev,
S/o Late Shri Amrik Singh
Aged about 54 years,
R/o C-40, I.A.R.I.
Pusa Campus, New Delhi 110012

Employed as

National Fellow and Principal Scientist
in the Indian Agricultural Research Institute,
Pusa Campus,
New Delhi - 110012

.....Applicant

(By Shri B B Raval, Advocate)

VERSUS

1. Indian Council of Agricultural Research
through the Secretary
Department of Agricultural Research and Education
cum Director General, Indian Council of Agricultural
Research, Krishi Bhawan, New Delhi -110001
2. The Chairman,
Agricultural Scientists Recruitment Board,
Krishi Anusandhan Bhavan, Pusa, New Delhi
3. The Director,
Indian Agricultural Research Institute,
Pusa,
New Delhi - 110012
4. Dr.P.S. Datta,
Principal Scientist,
Nuclear Research Laboratory,
Indian Agricultural Research Institute,
PUSA, New Delhi-110012.

.....Respondents

(By Shri V K Rao with Sh. Satish Kumar, Counsel for
Respondents 1 to 3)

(None for the Respondent No. 4)

O R D E R

BY HON'BLE SHRI S.A. SINGH, MEMBER (A)

The applicant is working with the Nuclear Research
Laboratory, Indian Agricultural Research Institute (IARI) and
presently is Principal Scientist.

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2. The Agricultural Scientists Recruitment Board issued an advertisement, published on 23rd March 2002, for the post of Project Director, Nuclear Research Laboratory, IARI, New Delhi to be filled up on tenurial basis for a period of five years. One of the prescribed requirement for the post was Doctorial Degree in any field of Agricultural Science.

3. The applicant and Respondent No. 4 (Dr. P S Datta) and three others were called and interviewed by the ASRB (Agricultural Scientists Recruitment Board). Respondent No. 4 (Dr. P S Datta) was selected and the applicant feeling aggrieved by this appointment has filed this OA praying therein that the appointment of respondent No. 4 should be quashed as it is de hoarse the rules and in violation of the essential qualifications prescribed in the advertisement and direct the respondents to consider the case of the applicant for appointment to the post of Project Director. According to the applicant respondent No. 4 does not meet the essential requirements of a Doctorial Degree in any ^{field} ~~field~~ of Agricultural Sciences. He has a Doctorial Degree in Hydrology which cannot be considered as belonging to the field of Agricultural Sciences, hence he does not meet the essential Educational Qualification. The applicant pointed out that respondent No.4 has a Ph.D. from I I T Kanpur, obtained in Isotope Hydrology in 1975 and M.Sc. in Chemistry also from I.I.T. Kanpur both these degrees are not in Agricultural Sciences. Further IIT does not award degrees in Agricultural Science as it has not been listed as one of those Institutes offering higher education in Agricultural and Allied Sciences in the ICAR Publication of academic Regulations & Degrees Offered in Agricultural and allied Science in India. Hence Ph. D. obtained by the respondent

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No. 4 from IIT Kanpur in Hydrology does not fall within the definition of Agricultural Sciences. The applicant also pointed out that as per the records of the IIT Kanpur Alumni Association produced as Annexure P-7, respondent No. 4 obtained M.Sc. degree in Chemistry in 1970 and Ph.D. Degree in Chemistry in 1975, hence his claim that he has a Doctorial Degree in Agricultural Sciences is incorrect because the certificate of his Ph.D. does not mention the field in which he obtained this degree.

4. The respondents strongly contested the claims of the applicant and stated that Respondent No. 4 was selected as Project Director in accordance with the rules after being interviewed by the ASRB which is a independent agency of the ICAR at par with the UPSC and hence as per the settled law cannot be challenged as courts generally do not interfere in the internal functioning of the department. As far as the question of requisite qualification of respondent No. 4 is concerned, he fulfils the prescribed qualification as he obtained Ph.D. in nuclear Hydrology which is basically related to Agricultural Science and he appeared and succeeded in being selected for induction into the Agriculture Research Service (ARS) in the discipline of Water and Soil Sciences.

It is submitted that Ph.D. Degree obtained by the Respondent No. 4 in Nuclear Hydrology concerns Water & Soil Science which is basically related to Agricultural Science as such the respondent No. 4 meets the minimum mandatory essential qualifications for the post of Project Director and was correctly selected.

5. The applicant in his rejoinder has pointed out that the respondents have not stated that the qualifications of the respondent No. 4 are in agriculture science but

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having stated that he is a Ph.D related to Agricultural Science, thereby he does not possess the minimum prescribed qualification. Respondent No. 4 has stated that he has done 6 papers in Civil Engineering in the Bio Data attached to the OA. It is thus clear that he does not hold a Doctorial degree in Agricultural Science.

6. The short question before us is whether the Ph.D. of Respondent No. 4 falls within the ambit of Agricultural Sciences and does it fulfil prescribed qualification for the appointment in question.

7. It is not contested that Respondent No. 4 was recruited into the Agricultural Research Service (ARS) in Soil and Water Conservation, which is one of the disciplines accepted for appearing in the ARS Examination. In Encyclopida Britanacia "MACROPAEDIA Knowledge in Depth Vol. 13 page 182" deals with the topic of Agricultural Sciences and the Major Division of Agricultural Sciences are as under:

MAJOR DIVISIONS OF THE AGRICULTURAL SCIENCES

The agricultural sciences are normally subdivided into five groups:

1. Soil science, which deals with the geological generation of soil, with soil physics, and soil chemistry, as they pertain to agriculture, and with all other factors relevant to soil fertility.
2. Plant production, which comprises applied plant physiology, plant nutrition, plant breeding (including genetics), weed control, plant diseases, and pest control.
3. Animal production, comprising animal breeding and genetics, animal nutrition, and animal husbandry. (In most countries the science ~~the~~ ~~science~~ of animal diseases is not counted among the agricultural sciences.)

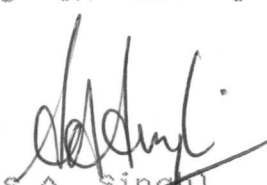
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4. Economics and management science, including behavioural science, agricultural policy, market research, and rural sociology.
5. Agricultural engineering, including appropriate areas of mechanical engineering, construction, hydraulics and soil mechanics."

From the above it is clear that appropriate areas of hydraulic and soil mechanics forms part of the Agricultural Sciences. The thesis of Respondent No.4 for his Ph.D. was on " Estimation of Ground water Recharge in the Indo-Gangetic Alluvial Plains Using Tritium Tracer". Thus clearly the thesis pertains to hydraulics and soil mechanics using the techniques of nuclear science. The qualifications of Respondent No. 4 were accepted by ACRB for appointment to the ARS of ICAR. Currently he is Prof. and Principal Scientist in the NRL of IARI and has been selected in the same laboratory as Project Director. His selection as Project Director has been challenged in this OA by the applicant. We find no reasons to differ with the assessment of the respondents regarding the qualifications of Respondent No. 4 for selection to this post.

8. In view of the foregoing, we find that the respondent No. 4 was appointed against one of the disciplines recognised by the ARS and his Ph.D thesis was related to a area of Hydrology and Soil Mechanics which forms part of the major divisions of the agricultural sciences, as such he fulfils the prescribed qualification for the post. Therefore OA having no merit is accordingly dismissed. No costs.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

Patwal/