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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 2778/2019

This the 19th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Kapil Krishanrao Khandare (Aged about 33 years)
S/o Sh. Kishan Rao
R/o Flat No. 04, Building No. 05
Lake View Park, Co-operative Housing Society,
Suratwadi, Pashan Pune – 411021
Presently Residing at:
123, Mandawali, Main Road,
Opp. Asha Ram Gali, Delhi – 92.

... Applicant

(By Advocate : Ms. Neetu Mishra for Mr. K.M. Singh)

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi – 110016
2. The Joint Commissioner (Admn.)
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi – 110016
3. Sh. Brijesh Bhatt
Sr. No. 23, Roll No. 51801644
(To be served by the Commissioner)
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi – 110016

... Respondents

(By Advocate : Shri U.N. Singh)

O R D E R (ORAL)**Mr. Justice L. Narasimha Reddy :**

The Kendriya Vidyalaya Sangathan (KVS), the 1st respondent herein, issued advertisement in the year 2018, inviting applications for various posts, including PGT (Chemistry). Reservation was also provided in favour of SC category. The applicant states that he studied M.Sc. in Organic Chemistry from Savitribai Phule University of Pune and apart from that, he has completed B.Ed.; and that he belongs to SC category. He responded to the advertisement and submitted his application. He was issued an admit card and he took part in the written test conducted on 23.12.2018. On the basis of his performance in the written test, he was also issued a call letter dated 25.01.2019 for the interview, to be held on 12.02.2019 at KVS, Bhopal.

2. When he appeared before the Interview Board, they refused to consider his case on the ground that he studied M.Sc. Organic Chemistry and that the same does not fit into the qualifications. This OA is filed challenging the action of the respondents and with a prayer to direct them to consider his case for appointment to the post, with all consequential benefits.

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3. The applicant contends that in the University where he studied, there is no comprehensive course of M.Sc. Chemistry and he studied in Organic Chemistry. He contends that it was long back that Chemistry used to be studied at PG level as a comprehensive subject and that there is hardly any University, where the course in M.Sc. Chemistry is not imparted with specializations. He further contends that when the respondents treated Bio-Chemistry, which is totally unrelated to the curriculum of the school, as a prescribed qualification, there is no basis to disqualify a candidate with M.Sc. in Organic Chemistry.

4. The applicant further contends that he was engaged as PGT on contract basis by the respondents in the academic years 2016-17, 2017-18 and 2018-19 and his performance was rated as “good” on all the occasions, and that there is no justification in treating him as unqualified.

5. Respondents filed a detailed counter affidavit. According to them, the qualifications stipulated for the post of PGT (Chemistry) are Masters Degree in Chemistry/Bio-Chemistry and since the applicant has studied the Organic Chemistry, he cannot be treated as holding the prescribed qualification.

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6. We heard Ms. Neetu Mishra for Sh. K.M. Singh, learned counsel for the applicant and Sh. U.N. Singh, learned standing counsel for respondents.

7. The only issue in this OA is as to whether the PG degree or M.Sc. in Organic Chemistry, obtained by the applicant, can be treated as a valid qualification, for the post of PGT (Chemistry) in KVS. The advertisement stipulated the qualification for the post of PGT (Chemistry), as Masters Degree in Chemistry/Bio-Chemistry. The applicant obtained the Masters Degree in Chemistry with specialization in Organic Chemistry. If one takes into account, the nature of study of the subject of Chemistry across the country and in various universities, it will be clear that it is studied in specializations like Organic Chemistry, Inorganic Chemistry, Physical Chemistry, Industrial Chemistry etc. and not Chemistry, as a comprehensive subject at PG level. When the respondents have treated the PG in Bio Chemistry, which is highly specialized only in pharmaceutical aspects, as holding good for the post of PGT (Chemistry) in the school, it is just un-understandable as to how the study in Organic Chemistry, which is a prominent branch of Chemistry, cannot be treated as equivalent. It is not as if a student of M.Sc. Organic Chemistry would not be acquainted with the other

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components of the subject. It is only at the level of specialization that the concentration would be on Organic Chemistry. The study would cover all the branches, in substantial part of the course.

8. The teaching is to the students upto class XI and the study of M.Sc. in Organic Chemistry cannot be said to be not adequate for that. Comparison can also be drawn from the qualifications stipulated for the PGT (Physics). The qualifications stipulated are Masters degree in Physics/Electronics/Applied Physics/Nuclear Physics. If a candidate who studied Nuclear Physics at PG level can hold the post of PGT Physics for the school, same analogy applies to the subject of Chemistry also. The qualifications stipulated for the post of PGT (Biology) are still wide in scope. They include Botany/Zoology/Life Sciences/Bio Sciences/Genetics/ Micro Biology/ Bio-Technology/ Molecular Biology/ Plant Physiology etc.

9. What is more important is that the respondents have engaged the applicant as PGT Chemistry, on contractual basis for three consecutive academic years, i.e., 2016-17, 2017-18 and 2018-19. On all the occasions, he was found fit and his performance was rated as 'Good'. Under these circumstances,

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it cannot be said that the applicant is not qualified to be considered for the post of PGT (Chemistry).

10. We, therefore, allow the O.A. and direct the respondents to consider the case of the applicant for the post of PGT (Chemistry), by subjecting him to interview and other formalities, that are required in the selection process. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. We make it clear that if the applicant is selected and appointed, the appointment shall be prospective in its operation for all purposes.

There shall be no orders as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/vb/sd/akshaya/