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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

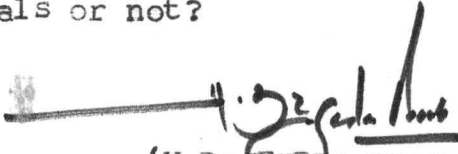
ORIGINAL APPLICATION NO: 193 OF 1994

Date of decision: April 13, 1994.

Dr. Asim Kumar Biswal ... Applicant
Versus
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

13 APR 94

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 193 of 1994

Date of Decision: 13.4.1994

Dr. Asim Kumar Biswal

Applicant

Versus

Union of India & Others

Respondents

For the applicant

Mr.B. Dasmohapatra,
Advocate

For the respondents

Mr. Ashok Mishra,
Sr.Standing Counsel
(Central Government)

C O R A M:

THE HONOURABLE MR.H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.H. RAJENDRA PRASAD, MEMBER (ADMN): I have heard Mr.B. Dasmohapatra,
learned counsel for the applicant. He submits that :

- 1) the applicant does indeed possess all the requisite qualifications needed for the post of T-6 Training Associate-cum-Technical Officer (Plant Protection) (Plant Pathology) advertised in Annexure-1 to the application;
- 2) the subject of applicant at his graduation, Post-graduation and doctoral levels was Botany/Microbiology which covers the specific sub-fields of Plant Protection and Plant Pathology mentioned in the advertisement;
- 3) no University in India confers Masters or Ph. Degree specifically in the subjects of Plant Protection and Plant pathology, but these fall under the broad head of Botany which, as stated earlier, was the subject at the applicant's graduation, Post-graduation and doctorate levels;
- 4) two other applicants, without the requisite similar qualifications, have been called for the interview, whereas his application did not evoke any response from the authorities.

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2. Mr. Ashok Mishra, learned Senior Standing Counsel vehemently opposed the admission of this application since the candidature of the applicant was not accepted by the competent authorities on the sole and valid ground that he does not possess the requisite qualifications in the specific discipline. He emphatically stated that this Tribunal cannot sit in judgment of aforesaid purely technical matter.

3. I do not wish to do so. It is abundantly clear that this Tribunal does not have the technical know-how to deal with such purely technical matters, and that it is entirely for the Respondents to determine as to whether or not the applicant is at all eligible vis-a-vis his stated academic attainments. I leave this matter, therefore, entirely to the respondents to take a suitable decision in the matter but after admitting the applicant for an interview during which they may specially like to check up the eligibility aspect.

4. According to the learned counsel appearing for the petitioner, the interviews have already commenced to-day. It is not known how many candidates have been called for the said interview and how long, or how many days, the interview(s) would last.

5. It is therefore, directed that, if the applicant presents himself before the competent authority prior to the conclusion of the ongoing round of interview(s), he may then be also interviewed along with other candidates.

aspects

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All remaining ~~matters~~ pertaining to the subject matter of this application are wholly left to the respondents to be decided according to their best technical judgment and the petitioner's eligibility and suitability.

6. The case is thus disposed of. No costs.

7. This order is passed after hearing Mr. B. Das-mohapatra, learned counsel appearing for the applicant and Mr. Ashok Mishra, learned Senior Standing Counsel appearing for the Central Government.

8. A copy of the judgment, along with the notices, be sent to Opposite Party Nos. 2 and 3 through a Special Messenger at the cost of the petitioner who would deposit Rs.30/- in cash in the Cash Section during the course of the day which may remain in suspense account to be paid to the Special Peon who would carry the orders.


MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 13.4.1994/ B.K. Sahoo

13 APR 94