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O.A. No. 316 of 2007

CORAM: Hon'ble Mr. K.V.Sachidanandan, Vice-Chairman
Hon'ble Mr. C.R.Mohapatra, Member (A)

Oral Order dated: 18.03.2008

This application has been filed by the Applicant, who is working as Sr. Scientist in CIFA Kausalyaganga, Bhubaneswar. The applicant is challenging the inaction, on the part of the Respondents, in not calling him to appear in the interview scheduled to be held on 21.09.2007 for the post of Head, Division of Fish Nutrition and Physiology pursuant to the advertisement made on dated 23.12.2006. Aggrieved by the said inaction, the O.A. has been filed with the following reliefs:-

- “ (i) To declare/hold that the Applicant is eligible and entitled to appear the interview along with others for the post of Head, Division of Fish Nutrition and Physiology scheduled to be held on 21.09.2007.
- (ii) To hold that non issuance of the call letter to the applicant is illegal and arbitrary.”

2. The Respondents have filed detailed reply statement contending that with regard of the advertisement, which was published on 23.12.2006, the essential qualification provided for the post of Head, Division of Fish Health Management, CIFA as follows:-

- “(i) Doctoral degree in Zoology/Fishery Science/Nutrition/Physiology/ Biochemistry.
- (ii) Principal Scientist in the scale of Rs. 16400-22400/- or in an equivalent position.

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OR

8 years experience as a Senior Scientist (Rs. 12000-18300/-) or in an equivalent position.

OR

An eminent scientist having proven record of scientific contribution working in a reputed organization/institute having at least 13 years experience in the relevant subject.

(iii) Evidence of contribution to research/teaching/extension education as supported by published work/innovations.

(iv) Experience in the field of fin fish & shell fish nutrition and physiology."

3. For the said post, eight candidates applied.

Out of eight candidates only two candidates were called as per the recommendation of the Screening Committee. As in the case of the other six candidates, essential qualification was not fulfilled and hence they were not called for the interview as he was neither holding the grade of Principal Scientist or equivalent position, or had 8 years experience as a Senior Scientist, i.e. in the scale of Rs. 12000-18,300/- or in an equivalent position. Further, the Board did not find the applicant fulfilling the criteria for treating him as eminent Scientist. In view of the aforesaid, he was not called for the interview for the said post.

4. The Counsel for the Respondents also taken our contention to the criteria to qualify which is quoted below:-

" C) For those candidates who do not fulfill the minimum prescribed qualifications of work experience for the post, some alternative qualifications are also given for eminent scientists having proven record of scientific contributions. Under this alternative qualification, only those candidates are to be considered who have been decorated-

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with International/national awards, like Rafi Ahmad Kidwai Award, ICAR Team Award, Hari Om Trust Award and similar such other awards. However, these awards should be relevant to the post applied for. Awarding of fellowship by an organization/society, development of technology, variety, prototype, etc. are not to be considered for this purpose. Any other 'eminent scientist' qualification shall be judged by Chairman or Members of ASRB to decide for eligibility."

5. Heard Mr. S.S.Mohapatra, Ld. Counsel for the Applicant and Mr. S.B.Jena, Ld. Additional Standing Counsel for the Respondents.

6. The Ld. Counsel for the Applicant, at this juncture, submitted that as per the orders of the Tribunal dated 19.09.2007, this Court has directed the Respondents, by way of interim order, permitting the application to appear in the interview and directed the Respondents to keep the result in sealed cover. The order of the Tribunal dated 19.09.2007 is quoted below:

".....it is directed that the Respondents shall allow the applicant to appear at the interview scheduled to be held on 21.09.2007 at 9.30 A.M. for the post of Head Division of Fish Health Management but the result of his interview shall not be published till the disposal of this O.A. It is hereby made clear that this interim direction is without prejudice to the rights and contentions of both the parties and subject to the result of this O.A."

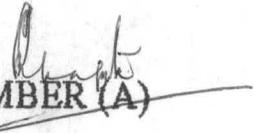
7. Now the submission of the Ld. Counsel for the Applicant is that the sealed cover result should be opened and the Respondents may be directed to act accordingly. Since we are not adjudicating the issues

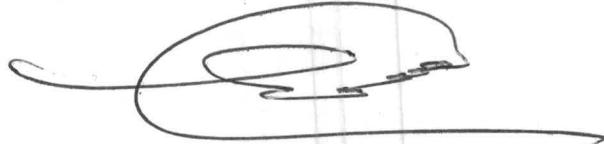
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involving in this case on merit and for the interest of justice, we find that since we ~~are~~ directed to keep the result of the selection under sealed cover, in all fairness, the Respondents should be directed to open the sealed cover and take further appropriate steps to appoint the successful candidates to the post. If, according to the Respondents, the applicant is not eligible/^{selected} as per rules, a speaking order must be issued to the applicant communicating the same to him forthwith and, if the applicant is further aggrieved, he is at liberty ~~is~~ to take up the issue at the appropriate forum.

8. The O.A. is disposed of with no order as to costs.


MEMBER (A)


VICE-CHAIRMAN