

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
CIRCUIT BENCH GOA

OA No.238/1997

THIS THE 7TH DAY OF OCTOBER, 1998.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR. N.SAHU, MEMBER(A)

Dr. H.M. Wasnik
Working as Senior Scientist
(Soil Science)
Indian Council of Agricultural
Research, Research Complex,
Old Goa and at present
residing at E-1-2, Government Quarters
Altaporvdriam, Goa

Applicant

(BY ADVOCATE SMRI S.M.SINGHAL)

Vs.

1. Union of India through
Director General,
Department of Agricultural
Research and Education, ICAR
Krishi Bhavan, ICAR
New Delhi-110001.

2. Agricultural Scientists
Recruitment Board,
Krishi Anusandhan Bhavan
Pusa, New Delhi-110012

3. Director (Personnel)
ICAR, Krishi Bhavan
New Delhi-110001.

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Respondents

(NONE FOR THE RESPONDENTS)

ORDER (ORAL)

JUSTICE K.M.AGARWAL:

By this application under Section 19 of the Administrative
Tribunals Act, 1985, the applicant wants the interview dated
29.1.1997 for the post of a Director pursuant to advertisement
dated 1.1.1996 to be quashed. Further prayer made is for
directing the respondents to hold fresh interview, giving the
applicant an opportunity to compete with others for the said
post.

2. Briefly stated, one post of Director for Goa
was advertised on 1.1.1996. The applicant was one of the

Im ^{Candidates}
~~applicants~~ for the said post. He was not called for interview

on the ground that he did not fulfil the requisite qualifications for the post. Being aggrieved, he has filed the present OA for the said reliefs.

3. After hearing the learned counsel for the applicant and perusing the records, we find that as per the advertisement filed as Ex- A-I, the essential qualifications for the said post of Director were as follows:-

- " i) Doctoral degree in Horticulture/Plantation Crops.
- ii) At least 5 years experience as a Principal Scientist (Rs.4500-7300) or in an equivalent position.

or

An eminent Scientist/ having proven record of Scientific contribution working in a reputed organisation/institute having atleast 18 years experience in the relevant subject.

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

- iv) Specialisation in the field of Fruit Crops/
Plantation Crops/ Spices."

It does not appear ^{to be} in dispute that the applicant holds a Doctoral degree in Soil Science. We are informed that although as per the advertisement, Doctoral degree in Horticulture or Plantation Crops was required but subsequently by amendment Doctoral degree in ^{an allied field} ~~relevant subject~~ was added after the words Horticulture/ Plantation Crops. Accordingly, it may be presumed that the first essential qualification was fulfilled by the applicant. In so far as the next qualification about 5 years experience is concerned, the learned counsel for the applicant fairly conceded that the applicant did not possess

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this qualification. However, he submitted that his case fell in the alternative ~~experience~~ qualification prescribed, viz. " An eminent Scientist/ having proven record of scientific contribution working in a reputed organisation/ institute having atleast 18 years experience in the relevant subject." Referring to para 3 of the application made to the respondents, the learned counsel submitted that the applicant has more than 20 years' experience on the relevant date and had requisite qualifications to be treated as an eminent scientist. Para 3 of the application reads as follows:-

" During my 20½ years research, I was working on nutrient management in field and horticultural crops on different types of soils in general and saline, laterite and mine rejects soils of Goa in particular and have published 35 papers in reputed journals."

The learned counsel then referred to a list of ^{publications} ~~communications~~ which have been annexed to the Exhibit- A-II.

4. We ^{are} ~~were~~ of the view that the aforesaid materials ^{was presumably} ~~were~~ not sufficient to recognise the applicant as an eminent scientist. The meaning of 'eminent' as given in the Concise Oxford Dictionary is " exalted, distinguished (of qualities) remarkable in degree." In substance, ~~we were~~ ^{those} ~~of the view that~~ contributions said to have been made by the applicant ought to have evoked public ^{recognition} ~~opinion~~ and/or public discussion, ~~on the subjects dealt with by the~~ applicant in his various works. We wanted to know if

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the articles or papers contributed by the applicant evoked some such reaction amongst the scientists or persons in the field of science so as to make ^{them} remarkable. *The counsel for the applicant could not assist us any further in this regard.* articles. ↑ The learned counsel thereupon referred to the entries at Sl.No.3 of the revised qualifications for various scientific and management positions of Indian Council of Agricultural Research which have been filed along with Exhibit A-III. According to the learned counsel in Col.No.(3), clause (ii), the prescribed first qualification is 8 years' experience as Senior Scientist (Rs.3700-5700) or in an equivalent position. It was argued that this qualification was fulfilled by the applicant and, therefore, he ~~he~~ could not be short-listed on the ground that he did not possess the minimum requisite qualification for the post of Director.


5. We are unable to agree with the aforesaid contention of the learned counsel for the applicant. ~~the~~ Apart from the advertisement, no other document could be shown or referred to us for holding that the applicant possessed the requisite qualification for the post of Director as per the advertisement. Admittedly, the applicant did not have 5 years experience as a Principal Scientist or in an equivalent position. The contention that he was an eminent scientist/ having proven record of scientific contribution working in a reputed organisation/ institute does not appeal to us, because as discussed above, the applicant could not be said to be an eminent scientist. He may be a scientist and he may have made

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contributions by publishing various articles. Being a scientist ^{with} ~~and~~ publication of innumerable papers would not be sufficient, according to us, to designate a person as an eminent scientist. We are, therefore, of the view that the applicant did not possess all the requisite qualifications for the post and, therefore, if he was short-listed and not called for the interview, he ^{not} could have any reasonable grievance against the respondents.

6. For the foregoing reasons, we find no merit in this O.A. Accordingly, it is hereby dismissed, but without any order as to costs.


(K.M.AGARWAL)
CHAIRMAN


(N.SAHU)
MEMBER (A)