

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYD

O.A.135/96 & M.A.262/97

Date of Order: 9-1-98.

Between:

M.L.Nagar.

... Applicant.

and

1. Union Public Service Commission,
rep. by its Secretary, New Delhi.
2. Union of India, rep. by its Secretary,
Ministry of Food, Krishi Bhavan, New Delhi.
3. Dr.K.K.Arora, Assistant Director,
Indian Grain Storage Institute,
Gaziabad Dist. U.P.

... Respondents.

For the Applicant: Mr. P.B.Vijayakumar, Advocate.

For the Respondents: Mr.N.R.Devraj, Sr.OGSC.
Mr.V.Venkateswar Rao, Advocate for R-3.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

THE HON'BLE MR.B.S.JAI PARAMESWAR : MEMBER(JUDL)

The Tribunal made the following Order:-

O.A.135/96:

This case was listed for rehearing since we came to entertain a few doubts while the judgment was under preparation. We, therefore, require the respondents to clarify the points mentioned hereunder and to produce all relevant documents, some of which are noted below, on the date of next hearing, i.e., 10th February.

1. Respondent No.1 shall produce originals of Annexure III to the para-wise reply affidavit i.e. Certificate of Merger of M.Sc., in Biology and Zoology courses issued by the Registrar, Birla Institute of Technology, and Sciences and also Annexure IV to the para-wise reply Affidavit issued by BITS.
2. On 19-2-1997, a Officer of the UPSC who appeared in Court produced a provisional certificate issued by University to the effect that Respondent No.3 had M.Sc. M.Sc.(Zoology) in 1993-94 and had special Entomology from D.A.V.College, Muzaffarnagar. This document needs to be authenticated. It needs to be noted that Respondent No.3, who had already obtained his Ph.D in Zoology (as seen from Table at Annexure-I), was required to do his M.Sc., in the same subject.

in 1993-94. Is this permissible?

3. On 11-11-1997 the following Minute was recorded by this B.

"The last date fixed for the receipt of applications for the post of Deputy Director(S&R) was 30-6-1994 (vide para 9 of the newspaper notification issued by UP) para 7 (iii) of the notification is as under:

7. Certificate(s) to be attached.

Candidates should note that they should attach with their applications attested/Self certified copies of the following documents.

i) xx	xx	xx	xx
ii) xx	xx	xx	xx

iii) If the qualification possessed by the candidate is equivalent, then the authority (with number and date) under which it has been so treated must be indicate.

Note (III) under the same paragraph reads as under:

"If no copies of the above certificates are sent with the application, it is liable to be rejected and no appeal against its rejection will be entertained."

It is thus probable that the application of the 3rd respondent if received in incomplete form by the specified date, was liable to be rejected, whereas the contents of the counter-affidavit filed by the 1st respondent (paragraphs 2 to 4) reveal that the equivalence of degrees between Bio-Sciences/Biology and Zoology, sought to be established by Respondent No.2, was accepted on consideration of certain certificates obtained and submitted, and the representations made by the 3rd respondent, nearly two months after the last date was over.

(b) It is further noticed that the certificate issued by Group Leader, BITS on 20-12-1995 was also taken into consideration on the date of the interview itself. It is not clear whether such documents, certificates and representations could at all be accepted so long after the last date for submission of applications was over. This point needs clarification."

In reply, the Union Public Service Commission in para 3(a) page 2 of their clarificatory statement submitted by them on 17-12-1997, have stated that the rejection of candidature on the ground that "if no copies of the certificates required were submitted along with the application, the same is liable to be rejected and no appeal against its rejection will be entertained" is not mandatory in all cases because sometimes there may be a plausible and genuine reason for the candidate's inability to produce copies of all

-3-

certificates/documents due to circumstances beyond his control. It was further stated that instructions quoted by the applicant were in fact meant to impart 'seriousness' to the process of recruitment. This statement is not understood. When a particular condition is stipulated and spelt out for recruitment, and also notified by way of advertisement through newspapers, it would not perhaps be correct to dilute it by saying that it was only meant to convey certain 'seriousness' to the process of recruitment. It is to be presumed that whatever notification is issued by a highly respected body like UPSC., it is automatically and always serious and no concessions or procedures are needed to either enhance or dilute the 'seriousness' implied in the Notification. This aspect needs clarification and elucidation.

This is specially so when we were moreover shown a copy of subsequent notification similar to the earlier one issued by the UPSC for recruitment to certain other posts in 1997. This contains an additional condition merely reenforcing the conditions already noted above. Going by this latest notification, it would be seen that there can probably be no scope at all for extending the time for receipt of certificates after the last date for submission of applications is long past.

In the circumstances, we need to be convinced as to how certain certificates and documents which were produced by Respondent long after the last date of receipt fixed for submission of complete applications, were at all accepted and entertained.

A reply to the above, alongwith the authenticated documents as directed shall have to be produced on the date of next hearing i.e. 10th February, 1998 (one month from today)

List it on 10th February, 1998.

M. No. 262/97:

Heard Sri P.B.Vijayakumar, for the applicant and Sri N.R.Devraj for official respondents and Sri V.VenkateswarRao for Respondent No.3

Issue notice to the Registrar, Birla Institute of Technology and Sciences, Pilani, Rajasthan-333 to clarify the points raised in this M.A. viz.,

1. What is the precise specialisation of IX. Krishna Kumar Aro ID 71546021 who did his MSc.(Zoology) in Birla Institute of Technology and ~~Sciences~~ Sciences?
2. What is meant by 'specialisation' and to what extent study is required in that particular field as now to

decide the factum of specialisation as seen from the Degree?

3. Is the Degree of Dr. Alora i.e., M.Sc (Zoology) equivalent to M.Sc. (Biology), if so under what clause of rule of the Institute?
4. Is the Group Leader of any Discipline authorised to issue any certificate(s) of equivalence and who is the Authority to decide these issued?.

Amulya
Deputy Registrar.

To

1. The Secretary, UPSC, New Delhi.
2. The Secretary, Union of India,
Ministry of Food, Krishi Bhavan, New Delhi.
3. The copy to Mr. P. B. Vijayakumar, Advocate, C^o. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. OGSC, CAT. Hyd.
5. One copy to V. Venkateswar Rao, Advocate, CAT. Hyd.
6. One copy to the Registrar, Birla Institute of Technology,
and Sciences, Pilani, Rajasthan-333.
7. One spare copy.

pvm.

Co-section
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)
The Hon'ble Mr. B. S. Jai parameswaran: M(1)

DATED: 9-1-1998

ORDER/JUDGMENT:

M.A./K.A./C.A. No.

O.A. No. 135/96 and MA 262/97
T.A. No. (Q.W.R.)

Admitted and Interim directions
Issued.

Allowed list on 10/2/98

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

Costs

Placed this 10th of January
to issue notice to register
B. S. Jai parameswaran
B. S. Jai parameswaran

केन्द्रीय प्रशासनिक विधिवरण
Central Administrative Tribunal
मेष्ट/DESPATCH
23 JAN 1998
హైదరాబాద్ పాయసెట్
HYDERABAD BENCH