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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JA BALPUR

Original Application No. 883 of 2005

Jabalpur this the 13th day of September, 2006.

**Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Shri A.K.Gaur, Judicial Member**

Dr.D.K.Pandey, Aged about 51 years, Son of Shri H.D.Pandey, Working as Senior Scientist (Plant Physiology), Physiology Section, National Research Centre for Weed Science, Maharajpur, District Jabalpur (M.P.).

-Applicant

(By Advocate – Shri Praveen Dubey)

V E R S U S

1. Union of India, Through the Director General, Indian Counsel of Agricultural Research, Department of Agriculture Research & Education, Krishi Bhawan, New Delhi-110001
2. The Chairman, Agriculture Scientist Recruitment Board, Indian Council of Agriculture Research, Krishi Anusandhan Bhawan, Pusa, New Delhi.
3. The Director, National Research Centre for Weed Science, Indian Council of Agriculture Research, Jabalpur District, Jabalpur(M.P) 482004
4. Dr.D.Subramanyam, Senior Scientist, Indian Council of Agriculture Research, Research Complex for Eastern Region, Patna, Bihar.

-Respondents

(By Advocate – Shri S.A.Dharmadhikari)

O R D E R

By Dr.G.C.Srivastava, VC.-

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(2)

Through this Original Application, the applicant has challenged the appointment of respondent no.4 Dr.D.Subramanyam to the post of Principal Scientist (Plant Physiology) [(for short 'PS(PP)') in the National Research Centre of Weeds Science (for short 'NRCWS'). The applicant has prayed for the following main relief :-

"(i) To issue a writ in the nature of certiorari, quashing the impugned order no.F.No.75-2-/98-Pet.III, dated 1-9-2005 (An.A/1), of appointment of respondent no.4 to the post of Principal Scientist, Plant Physiology.

(ii) To issue a writ in the nature of quo warranto restraining, respondent no.4 from holding the post of Principal Scientist, National Research Centre for Weeds Science, Jabalpur,

(iii) To issue a writ in the nature of mandamus commanding respondents 1 to 3 to appoint, applicant on the post of Principal Scientist, Plant Physiology, National Research Centre for Weeds Science, Jabalpur and grant him regular salary, along with all the consequential benefits arising thereof,

2. The undisputed facts of the case are that an advertisement was issued by the Agricultural Scientists Recruitment Board (for short 'ASRB') on 27.12.2003 (annexure A/2) calling for applications for the post of PS(PP) in the NRCWS, Jabalpur. The essential qualifications as per the advertisement were as follows:

"i) Doctoral degree in Plant Physiology/Botany/Biology.

ii) 10 (Ten) years experience excluding the period spent in obtaining the Ph.D degree (subject to a maximum of 3 years) in research/ teaching/ extension education provided 3 years experience is as a Senior Scientist (Rs.12000-18300) or in an equivalent position.

iii) Evidence of contribution to Research/ Teaching/ Extension Education as supported by published work/ innovations.

iv) Specialization and relevant experience in Weed Science".

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(3)

In response to the aforesaid advertisement, applications were submitted by the applicant as well as respondent no.4 along with others, and six candidates appeared before the ASRB for interview for this post on 9.8.2005. On the recommendations of the ASRB, an offer of appointment was issued to respondent no.4 on 1.9.2005 (annexure A/1), which is the impugned order. In the OA, the applicant has alleged that respondent no.4, who has been selected for appointment, does not possess the minimum prescribed qualifications and the "legitimate, genuine & preferential claim of applicant who carries exclusive & exemplary qualification for appointment to the aforesaid post, has been intentionally and deliberately overlooked, simply to favour respondent no.4, who enjoys the status of a 'blue eyed chap' ". Accordingly, the applicant has prayed that the appointment of respondent no.4 to the post of PS(PP) in the NRCWS, Jabalpur may be quashed and the applicant should be appointed in his place. The applicant has also prayed for an interim relief for stay of the effect and operation of the impugned order. This prayer was granted to the extent that "the appointment of respondent no.4 will be subject to the out come of this OA" vide order dated 26.9.2005.

3. In response to the notices issued to the respondents, written submissions were made by private respondent no.4 in addition to the counter reply filed on behalf of the official respondents.

4. The respondents in their reply have stated that the scrutiny of the applications of all the candidates are made by a screening committee constituted by the ASRB for each post to determine eligibility of candidates. The screening committee consists of subject matter specialists of repute in their professional fields and this committee allocates marks to each candidate for various

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attributes out of a maximum of 60 marks. The distribution of these marks is as follows:

Attributes	Marks
(i) academic qualifications	- 15
(ii) experience	- 5
(iii) service in remote areas	- 3
(iv) teaching /extension	- 2
(v) publication	- 25
(vi) in service awards	- 4
(vii) special attainments	- 4
(viii) externally funded project	- 2
	Total - 60

In addition to the above, 40 marks are kept for personal performance in the interview. Thus, the whole process of recruitment carries a total of 100 marks. The respondents aver that since respondent no.4 scored the highest marks, he has been recommended for the post. It has also been emphasized that the recommended candidate fulfills all the essential qualifications and experience.

5. Respondent no.4 in his separate written submissions has given an account of his academic and professional attainments and asserted that he possesses all the essential qualifications and experience for the post for which he has been selected.

6. In his rejoinder, the applicant pointed out that in their averments the respondents have not dealt with the objection raised by the applicant in regard to non-fulfillment of the essential qualification relating to "specialization and relevant experience in weed science". It has further been submitted by the applicant that the post of PS(PP) was advertised for a specialized institution i.e. NRCWS, Jabalpur, which has been established specifically for research in the field of weed science, and the respondent no.4 does not have any specialization unlike the applicant, who has developed extensive experience and specialization in the field of

weed science and is also presently continuing with quality research in many such projects. In view of these facts the selection of respondent no.4 and overlooking of the applicant, it is alleged, smacks of favoritism.

7. We have heard the arguments advanced by the counsel for both the parties and have gone through the respective pleadings.

8. Undisputedly, the Indian Council of Agricultural Research (for short 'ICAR') and institutions thereunder are specialized scientific bodies requiring qualified scientists to man various scientific and research positions. The ASRB, which is responsible for selection of appropriate scientific personnel, is also a specialized body manned by scientists of repute. In general, this Tribunal cannot act as an appellate body over the recommendations made by this specialized agency in respect of appointments, provided the procedure laid down in this regard are properly followed in the sense that the applications of eligible candidates are scrutinized and the short-listed candidates are interviewed. The ASRB has laid down a detailed marking system to judge the relative merits of eligible candidates.

9. A limited issue, which could be open to scrutiny by this Tribunal, is whether the eligibility criteria as advertised for a particular post have been scrupulously followed while deciding the eligibility of candidates. In this respect, it may be mentioned that 4 criteria have been listed as essential qualifications for the post of PS(PP) in the NRCWS, Jabalpur, in the advertisement that was issued on 27.12.2003. There is no dispute about the first three criteria, which are fulfilled both by the applicant as well as the respondent no.4. It is only about the 4th criterion listed under essential qualifications, namely, "specialization and relevant experience in weed science" that there is a controversy. The applicant alleges that respondent no.4 does not have this



specialization and in support thereof he has submitted a copy of the short bio-data of respondent no.4 as available on a website along with annual reports of the Directorate of Water Management Research and ICAR Research Complex for Eastern Region, Patna in which respondent no.4 has been working. He has also submitted the annual report of NRCWS, Jabalpur to show the specialized activities which this centre is required to undertake. Respondent no.4 by himself also has submitted a detailed statement indicating his activities in order to establish that he does possess specialization and experience in weed science.

10. We have carefully gone through the documents filed by the parties. We find that the respondent no.4 originally worked as Junior Plant Physiologist/ Junior Research Officer in the Hill Campus of G.B.Pant University of Agriculture and Technology, Ranichauri from April, 1990 to September, 1998. After he got Ph.D degree in plant physiology from the same university in September, 1998, he was appointed as Senior Scientist (Plant Physiology) on the recommendations of the ASRB and was posted in the Directorate of Water Management Research, Patna, which was later re-named as ICAR Research Complex for Eastern Region. He continued in that position until he was appointed as PS(PP) in the NRCWS, Jabalpur by the impugned order – a position which he took over in September, 2005. Respondent 4 has averred that he has extensive research experience in plant physiology and has written various research papers on the subject. He has claimed that any crop research program will have “weeds management” as one of the components besides irrigation and nutrition management and that any scientist who has experience in field experimentation with crops will have working knowledge /experience about weeds and their control. As per this respondent, since he has more than 8 years of teaching experience in plant





physiology, was associated with two multi disciplinary projects funded by DFID, UK ("Integrated Management of land and water resources for enhancing productivity in Bihar and Eastern Uttar Pradesh" and "Improved Livelihoods – Bihar and Uttar Pradesh") and has worked in the All India Coordinated Research Project on Small Millets Improvements, all of which involved *inter alia* study of weeds, he has gained valuable teaching, research experience and specialization in weed science. He has also filed copies of some of the papers to show that problems of weeds was also studied during these research projects.

11. We have given our anxious consideration to the submissions made specially by respondent no.4, with regard to his eligibility for the post of PS(PP) in the NRCWS, Jabalpur. It is a well known fact that in this age of specialization, scientific research requires specialization in various fields. Agricultural science is no exception to that. The ICAR, which is the highest research organization of this country in the field of agricultural research comprising various research institutes, research centres and projects and has a sort of supervisory and advisory role to perform in respect of agricultural education in the country, has been striving to develop specialization in different fields. While initially there were institutes dealing with broad disciplines within agricultural science, now there are specialized institutes and research centres dealing with individual crops, individual species of cattle and animals and micro disciplines. Now there are separate institutions dealing with research on individual crops like wheat, rice, millets, etc. and other focus areas, as the need to have more intensive research in respect of individual crops and certain focus areas is increasingly being felt with a view to increase productivity and production. It is with this object that various national research centres have been set up in specialized areas including one on the weed science at Jabalpur. There is no doubt



that any research institution that deals with any facet of crop science would also be in some way or the other studying the problems of weeds. But in such institutions, weed will not be the focus area. It would be studied only incidental to the main focus area. Evidently, NRCWS, Jabalpur has been set up with a view to concentrate on weeds as the focal point. We are of the considered view that it is in conformity with this mandate and to meet this objective that the post of PS(PP) in the NRCWS, Jabalpur was advertised with "specialization and relevant experience in weed science" as one of the essential qualifications.

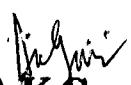
12. There cannot be any comparative degree of essentiality in respect of prescribed essential qualifications. A candidate to be eligible has to have all the essential qualifications unless there is any provision of relaxation in respect of any of the essential qualifications. It is an admitted fact that the said advertisement does not provide for any relaxation in essential qualifications. It, therefore, leaves us with no doubt that a candidate has to have "specialization and relevant experience in weed science" to become eligible for the advertised post. The claim of respondent⁴ in respect of this essential qualification rests on the experience that he has acquired as a crop scientist while working in GB Pant University of Agriculture and Technology and the Directorate of Water Management (later converted into ICAR Research Complex for Eastern Region). The papers submitted by this respondent show that he has dealt with weeds as incidental to his main research projects but not as a focused area. He thus does have some experience in weed science but not specialization, as is required for the post. If the intention of the ASRB was to treat anybody having worked in the field of plant physiology or crop science as having "specialization and relevant experience in weed science", it would not have advertised this as a separate item under essential

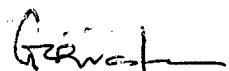
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qualifications. The very fact that "specialization and relevant experience in weed science" has been listed as one of the essential qualifications, clearly show that anybody not having such a specialization will not be eligible for this post. In view of this, we are firmly of the view that the respondents have erred in treating respondent no.4 as an eligible candidate for the post of PS(PP) in the NRCWS, Jabalpur in the light of the advertised essential qualifications. We have, therefore, no hesitation in holding the selection process from the stage of screening of the applications as not having been in accordance with the advertised essential qualifications and, therefore, illegal.

13. We accordingly quash the impugned order by which respondent no.4 has been appointed as PS(PP) in the NRCWS, Jabalpur and direct respondents nos.1 & 2 to re-screen the applications in accordance with the advertised essential qualifications and complete the selection process thereafter by following the prescribed procedure. This exercise should be completed within three months from the date of receipt of this order. Since it is not the purpose of judicial review to recommend appointments to various posts, we would refrain from making any recommendations regarding the suitability or otherwise of the applicant to the aforesaid post.

14. With the directions as contained in the preceding paragraph, the OA is partly allowed. No order as to costs.


 (A.K.Gaur)
 Judicial Member


 (Dr. G.C. Srivastava)
 Vice Chairman

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