

OA-060/00575/14
(Vijay Kumar v. UOI & Ors.)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH**

O.A. No.060/00575/2014

Orders pronounced on: 22.5.2015

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

Vijay Kumar son of Sh. Kapoor Chand, age 47 years presently working as Professor Director Principal, Giyan Jyoti Group of Institutions, Mohali.

-Applicant

(By Advocate Shri D.R. Sharma)

Versus

1. Chandigarh Administration through Finance Secretary-cum-Secretary, Technical Education, Union Territory, Chandigarh.
2. The Principal, Chandigarh College of Engineering and Technology (Degree Wing), Sector-26, Chandigarh.

(By Advocate Shri H.S. Sullar)

3. Dr. Jatinder Madan, Associate Professor, Department of Mechanical Engineering, Sant Longowal Institute of Engineering & Technology, Longowal.

(By Advocate Shri H.S. Saggi)

4. Union Public Service Commission, New Delhi through its Secretary.

(By Advocate-B.B. Sharma)

- Respondents

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ORDER

HON'BLE MR. SANJEEV KAUSHIK , MEMBER (J)

Applicant by means of present Original Application impugns selection and appointment of private respondent no.3, Shri Jatin Madan on the post of Professor.

2. The undisputed facts of the case, which led to filing of the present Original Application, are that on the basis of a requisition forwarded by the Chandigarh Administration for filling up one post of Professor, Mechanical Engineering in Chandigarh College of Engineering and Technology (Degree Wing) the UPSC issued an advertisement which was published in the Employment News dated 14-20 September, 2013, inviting online applications for various posts including the post in question, pursuant to which UPSC received as many as 19 online applications, including that of the applicant and of the private respondent. Out of 19 candidates as per the eligibility and the criteria adopted by the selection committee the UPSC short-listed four candidates, who were later on called for interview. Out of the four candidates the UPSC recommended the name of private respondent and the Chandigarh Administration issued appointment letter to him and he joined as such.

3. The solitary contention in the Original Application is that respondent no.3 does not possess the essential qualification under the

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relevant rules. It is the case of the applicant that he possesses degree in Bachelor of Engineering, Master of Engineering in Mechanical Engineering and also Ph. D and has sufficient experience to be selected for the post in question, whereas the private respondent who was selected and offered appointment does not possess the requisite qualification. Thus his appointment is in flagrant violation of the service rules and hence liable to be set aside. The applicant has placed reliance on a judgment of the Hon'ble jurisdictional High Court in the case of **Som Dutt v. State of Haryana and another**, 1983 (3) SLR 141 and in the case of **Union of India and others v. Prem Singh**, decided on 24.02.2009 [CWP no.5284-CAT of 2004].

4. The official respondents have filed their written statement wherein they supported the impugned selection and appointment of private respondent. They submitted that the private respondent possesses the requisite qualification and based upon the essential qualifications and performance before the selection committee, the UPSC, who was the constitutional authority, recommended his name, which was followed by the appointment letter by the concerned quarter.

5. The private respondent has filed separate written statement wherein he submitted that he possesses a degree, which has already been declared equal to the degree in Mechanical Engineering by the AICTE vide their communication dated 22.02.2008 and that was the

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reason why the UPSC considering him eligible, as per rules, recommended his name for selection.

6. We have heard learned counsel appearing for the respective parties and perused the pleadings available on record with their able assistance.

7. The Chandigarh College of Engineering and Technology, Chandigarh Administration, Professor, Associate Sciences and Senior Librarian (Group 'A' Post) Recruitment Rules, 2012 govern the service conditions for the post in question. The essential qualification for the post in question as per the said rules governing the post of Professor, which is relevant, reads as under:

- "(i) Bachelor of Engineering or Bachelor of Technology and
- (ii) Master of Engineering or Master of Technology in the relevant branch of Engineering (Civil Engineering, Computer Science and Engineering, Electronics and Communication Engineering or Electronics and Electrical Communications Engineering, Mechanical Engineering) with first class or/equivalent either in Bachelor of Engineering or Bachelor of Technology or Master of Engineering or Master of Technology, and
- (iii) Ph. D or equivalent in Engineering from a recognized university or institution."

The above reproduction makes it clear that the Bachelor of Engineering/Bachelor of Technology and Master of Technology with 1st class is the essential qualification for the post of Professor. The rule-makers have also made provisions to consider the candidates for the

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post possessing equivalent qualification. In this case any qualification which has been declared equivalent to the essential qualification i.e., Engineering (M.E.) is treated eligible for consideration that has been highlighted in earlier paras. The respondent no.3 possesses a degree of Bachelor of Engineering (Production Technology) from Panjab University, Chandigarh and Master of Engineering (Manufacturing Technology) from Thapar Institute of Engineering and Technology, Patiala and further done Ph. D (Mechanical Engineering) from Indian Institute of Technology, Delhi. As per the documents annexed with the written statement filed by the private respondent, i.e., Annexure R/I dated 22.02.2008 the AICTE had clarified that "*Diploma/Degree programme in Production Engineering approved by AICTE may be treated as equivalent to Diploma/Degree in Mechanical Engineering for the purpose of Professional Employment only.*"

8. From the above letter it can be gathered that a person who is having a Degree in Production Engineering has been treated as equivalent to Degree in Mechanical Engineering. Once a Degree possessed by respondent no.3 had already been declared equivalent to a Degree in Mechanical Engineering, which is one of the qualifications for the post in question, then it cannot be said that he does not possess the minimum qualification for the post in question. The sole argument at the hands of the applicant is that in the advertisement nowhere it was stipulated that a person possessing a Degree other than the discipline of

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Mechanical Engineering will also be treated as eligible makes the selection arbitrary. We are surprised how this argument lies in the mouth of the applicant because the advertisement and the rules governing the service conditions clearly talk of equivalent qualification to that of Mechanical Engineering. So the contention of the applicant cannot be accepted. Accordingly the Original Application fails and is accordingly dismissed being devoid of merit.

9. No costs.


(SANJEEV KAUSHIK)
MEMBER (J)


(UDAY KUMAR VARMA)
MEMBER (A)

Place: Chandigarh
Dated: 22.5.2015

'San.'