

**Central Administrative Tribunal
Principal Bench**

OA No.3272/2017

New Delhi, this the 18th day of September, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

Dr. Sushmita Das,
D/o Shri Sunil Kumar De,
Presently residing at H.No.E-1,
Rajendra Memorial Research Institute of Medical Sciences (ICMR),
Residential Campus, Agamkuan,
Patna-800007

AND

Permanent Resident of H.No.-HB/13/8, Crescent Cooperative,
Sector-III, Salt Lake City,
Kolkata-700106.

...Applicant

(By Advocate : Shri Arvind Mishra)

Versus

1. Union of India Service,
Through the Ministry of Science and Technology,
Technology Bhavan, Mahrauli Road,
New Delhi-110016.
2. CSIR-Recruitment & Assessment Board,
Through Deputy Secretary, RAB,
1st Floor CSIR Complex,
Library Avenue, Pusa,
New Delhi-110012.
3. Director General,
Council of Scientific and Industrial Research,
Anusandhan Bhavan, 2, Rafi Marg,
New Delhi-110001.
4. Director,
CSIR-Indian Institute of Chemical Biology,
4, Raja S.C. Mullick Road, Jadavpur,
Kolkata-700032.

5. Administrative Officer,
CSIR, Indian Institute of Chemical Biology,
4, Raja S.C. Mallick Road, Jadavpur,
Kolkata-700032.
6. Dr. Susanta Kar,
Working as Scientist,
CSIR-Central Drug Research Institute,
Sector-X, Jankipuram Extension, Sitapur Road,
Lucknow-226031.
7. Dr. Sumanta Dey,
Working as Postdoctoral Associate,
Department of Biological Engineering,
Massachusetts Institute of Technology,
Cambridge, USA.

...Respondents

(By Advocate : Shri Gyanendra Singh)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

Heard Shri Arvind Mishra, learned counsel for applicant and Shri Gyanendra Singh, learned counsel for respondents, who has appeared on advance notice.

2. Respondent No.4 issued an advertisement dated 16.06.2015, inviting applications for five posts of Sr. Scientists in PB-3. The applicant, considering herself to be eligible for the said post, applied for her selection. It is stated that the applicant is working as Assistant Professor in the Department of Biology at the All India Institute of Medical Sciences at Patna, where she was appointed in the year 2013. She is in possession of Ph.D from University of Calcutta and is stated to be deployed for the job of teaching MBBS

students apart from that she has undertaken bio-medical research on Leishmaniasis and patient care diagnostics. The applicant has also mentioned that her research relates to cellular immunology and molecular mechanism of host-pathogen interaction involved in the pathogenesis of visceral Leishmaniasis (Kala-azar). She has currently 42 International research articles with over 480 citations and 4 extramural research grants on the subject in question. She is working on the subject for the last 10 years. On completion of the process of selection, the respondents notified the result provided in Annexure-A/5. The applicant has not been selected under the UR category, to which she belongs, though 2 candidates have been selected.

3. Aggrieved of her non-selection, the applicant approached the Calcutta Bench of this Tribunal by filing OA No.258/2017. The said OA was disposed of vide order dated 25.04.2017, with the following directions :-

“5. Though I have not expressed any opinion on the merit of the matter and all the points to be raised in the representation are kept open for the said respondents No.2&3 to consider the same as per the rules and regulations in force, still then I hope and trust that respondents No.2&3 will make all just endeavours to give preference to academic credentials as well as personal experience and expertise of the applicant vis-a-vis the private respondents No.5&6 before coming to the conclusion. I also make it clear till the representation to be preferred by the applicant is considered and disposed of, one

post of Sr. Scientist will not be filled up by the departmental respondents.

7. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.”

4. In view of the above mentioned directions, the applicant preferred representation, which has been disposed of by the respondents by detailed and speaking order dated 04.08.2017 (Annexure-A/1). It is stated that the candidature of the applicant was considered by a Screening Committee in accordance with criteria laid down. However, she has not been recommended by the Expert Committee. The plea of the applicant that she may be offered appointment as Senior Scientist though she has not been selected during the selection process, is not permissible. The respondents have stated that the evaluation of the credentials and merit of the applicant could only be made by the Expert Committee and she, having not been recommended for appointment, cannot be considered for appointment by the respondents.

4. It is settled law that the selection, particularly in the scientific field, can only be made by the Expert Body. The name of the applicant has not been recommended for selection by expert body. Neither the respondents nor can this Tribunal, in exercise of the power of judicial review, interfere in the selection process. From the impugned order, we also find that though the process of

selection was completed, the respondents ordered the vacancies to be re-advertised.

6. In this view of the matter, the grievance of the applicant is misplaced. In any case, the vacancies, having been re-advertised, the applicant has a right to apply again for her consideration on the basis of her eligibility. Learned counsel for applicant submits that now the applicant would be over-age, in the event, the fresh Advertisement is made. Suffice it to say that in such an eventuality, the applicant is at liberty to seek relaxation in age and the respondents/competent authority should consider such a request, in accordance with rules.

7. With these observations, we do not find any merit in the OA and the same is hereby dismissed. No costs.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

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