

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 2393/2017

This the 30th day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Rakesh Deelip Sonawane
Aged – 35 years, Group ‘A’,
Designation – Research Officer,
S/o. D. K. Patil,
H-1, 2nd Floor, Gali No. 7,
Old Govindpura Extension,
Near Radheshyam Park, Delhi.Applicant

(By Advocate : Ms. Sriparna Chatterjee)

Versus

Central Council for Research in Ayurvedic Sciences,
Through Secretary,
Ministry of Ayush, Government of India,
Jawahar Lal Nehru Bhartiya Chikitsa
Ewam Homoeopathy Anusandhan Bhawna,
61-65, Institutional Area, Opp. ‘D’ Block,
Janakpuri, New Delhi – 110 058.Respondent

(By Advocate : Mr. Kumar Onkareshwar)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The Central Council for Research in Ayurvedic Sciences, a unit of Department of AYUSH, issued an advertisement No. 04/2015 inviting applications for various posts. One such post is, Research Officer (Pharmacology) in the Pay Band-3. In all, four posts (UR-02, ST-01, OBC-01) of this category were advertised. The applicant herein responded to the advertisement. The selection process

consisted of written test and conducting of interview of candidates who are within the zone of consideration. It is stated that the applicant has cleared the written test, but was not called for interview on the ground that the qualification held by him was not equivalent to the one that was stipulated in the advertisement. Hence, this O.A.

2. The applicant submits that he studied M.S. (Pharm.) Pharmacology & Toxicology from the National Institute of Pharmaceutical Education and Research (NIPER), Mohali, Punjab, established under the Act of Parliament. According to him, this fits into the qualification prescribed in the advertisement. He submits that without even verifying from the said Institute or any other competent agency, the respondents have declared that the qualification held by him is not adequate and that he has been wrongfully denied the opportunity of being selected.

3. Respondents filed counter affidavit. It is stated that in the advertisement itself it was mentioned that the candidates who do not possess the qualifications would not be considered for selection and that the opinion expressed by the respondents as to the equivalence of qualifications would be final. It is also stated that the qualifications held

by the applicant is not the same as the one which is stipulated in the advertisement.

4. We heard Ms. Sriparna Chatterjee, learned counsel for applicant and Mr. Kumar Omkareshwar, learned counsel for respondents.

5. The qualifications stipulated for the post in question are as under :-

8. Research Officer (Pharmacology)- Pay Band-3, Rs.15600- 39100+GP Rs.5400/- (NPA wherever applicable	04 (UR-2, ST-01, OBC-01)	Not exceeding 40 years	Essential a) M.D.(Pharmacology/M.V.Sc (Pharmacology)/M. Pharma (Ay.), M.Sc (Medicinal Plants with specialisation in Pharmacology) from a recognised University/Institution. b) 03 years experience after PG for non-medical discipline.
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6. From this, it is evident that while the P.G. Degrees of M.D and M.V.Sc. are required to be in Pharmacology, a different description is given to other Post Graduate Degrees. It is fairly well known that the undergraduate or Post Graduate degrees on the same subject are described differently by various Institutions. Ultimately, one has to examine as to whether the study, of a stipulated duration and particular course content leading to the award of degree is by and large the same. In the instant case, no effort was made in this behalf by the respondents.

7. Learned counsel for applicant placed before us information sheet issued by the Department of Pharmaceuticals, Government of India. Para 6 thereof, reads as under :-

“6. In terms of Ministry of Home Affairs OM No. 6/1/64-Estt.D dated 19th April, 1964 degrees/diplomas awarded by Universities in India which are incorporated by an Act of the Central or State Legislature in India and other educational Institutes established by an Act of Parliament, no formal orders recognizing such degrees / diplomas need be issued by Government. Such degrees/diplomas should be recognised automatically, for the purpose of employment under the Central Government.”

8. On its part, the NIPER issued a clarification way back on October 3, 2008. The relevant portion reads as under :-

“Under the above paras the Institutes is awarding degrees besides others M. Pharm., M. Tech (Pharm.). Both the above degrees are of identical duration, which is distributed towards course work and dissertation work. Besides this degrees of M.S. (Pharm.) is one of the eligibility for admission to Ph.D. Programme of the Institute. The Institute considers M.S. (Pharm.), M.Tech. (Pharm.,) and M. Pharm. Degrees of the Institute as equivalent to each other.

The curriculum of our post graduate degree has been carefully designed to meet the requirement of pharmacy institutions and pharmaceutical industries of the country. The academic contents taught in all the PG courses are much more suitable both in terms of quality and quantity.”

9. From a perusal of the above it becomes clear that :-

- (a) the degrees of M.S. (Pharm.) awarded by the NIPER is a full fledged study in Pharmacy at post graduate level.
- (b) The degree issued by the NIPER, which is established under an Act of Parliament, does not need any

separate recognition as such. Secondly, M.S.

(Pharmacology) is treated as equivalent to M. Pharma.

10. When such is the preponderance of material in support of the applicant, the respondents could not have ignored it. It is only when there exist, any material suggesting a different view that they could have ignored the awe expressed by the department of Pharmaceuticals or NIPER.

11. We are convinced that the applicant was wrongfully denied participation in the interview. It is brought to our notice that none of the advertised post is filled, on finding that there was no suitable candidates.

12. We therefore, allow the O.A and direct the respondents to consider the candidature of the applicant and to interview him by treating him as qualified; and to take further steps, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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