

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/01015/2016

DATED THIS THE 28TH DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Dr. B.R. Manjunath
Aged about 53 years,
S/o B.V. Rama Rao
R/at. 409, 1st Cross, III-A Main,
Jnanabharathi Post, R.R. Layout,
Bangalore Rural Dist. – 560 056

.....Applicant

(By Party-in-Person)

Vs.

1. The Director
National Assessment and Accreditation Council
(NAAC), PO Box No. 1075,
Nagarbhavi, Bangalore – 560 072.

2. The Union of India
Represented by Secretary,
Department of Higher Education,
New Delhi – 110 001.

....Respondents

(By M/s Law Square, Counsel for Respondent No.1,
Shri M. V. Rao, Counsel for Respondent No. 2)

ORDER

HON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A):

The applicant has filed the present OA seeking the following reliefs:

1. *Issue a Writ of Certiorari or order or any other appropriate writ to set aside Advertisement No. 1/2016 issued by the Respondent No. 1 in so far as the post of Deputy Adviser is concerned, the age limit mentioned therein being 45 years, vide Advertisement No. 1/2016, vide Annexure-A1,*

2. *Issue a Writ of Certiorari to quash the Endorsement dated 1010.2016 sent by e-mail by the Respondent No. 1, rejecting the request of the applicant for correctly considering the age limit to be "below 50 years", and not "below 45 years".*
3. *Further direct the Respondent No. 1 to consider the age limit as per the DOPT – GOI Guidelines, declaring the CRR of NAAC void to the extent of age limit for Deputy Adviser post being given as 45 years.*

2. The applicant submits that he is presently working as Associate Professor in the Mahatma Gandhi Government Arts College under the Government of Pondicherry. He had also worked for certain period on deputation in the National Assessment and Accreditation Council (NAAC). The Respondent No. 1 issued an Advertisement No. 01/2016 inviting applications for recruitment to the post of Deputy Adviser and other posts in NAAC. The applicant applied for the post of Deputy Adviser. In the advertisement for the post of Deputy Adviser, the prescribed age limit is mentioned as 45 years and, in the case of candidates serving in Central and State Government and autonomous bodies and universities, the age limit is relaxable by 5 years (Annexure-A1 & A2). The respondents prepared a list of persons who were called for interview for the post of Deputy Adviser, but the applicant's name was not found in the said list and accordingly he made representation referring to the earlier period of deputation in the said organization and to consider relaxation of age as he has already crossed 50 years of age by that time. However the same was not considered.

3. According to the applicant, the Recruitment Rules Guidelines issued by DoPT indicates that for non-teaching post with Grade Pay 7600 the age limit should be 50 years relaxable by 5 years for in-service candidates. Therefore

fixing of age limit of 45 years by the respondents which adversely affects the applicant's candidature and career is not justified. He submits that the age limit for the post of Deputy Adviser should have been 50 years relaxable by 5 years. This has not been agreed to by the respondents. He has approached the Tribunal the aforesaid reliefs.

4. The respondent has filed a reply statement in which they submit that the NAAC is an autonomous body established by the University Grants Commission to assess and accredit institution of higher education in the country. It functions through authorities like General Council and Executive Committee. The NAAC has its own set of Recruitment Rules approved by UGC known as Cadre Recruitment Rules (CRR) (Annexure-R1). The Recruitment Rules for the post of Deputy Adviser is clearly defined in the Cadre Recruitment Rules of NAAC and the advertisement for the post have been strictly in accordance with the said rules (Annexure-R3). Any deviation from the approved rules for a particular individual is not permitted and any such violation will be termed illegal and against the fundamental rules of NAAC. The applicant is fully aware of the fact that he is not eligible to apply for the said post but still applied and his candidature was disqualified. The relaxation of rules for single individual is against the law of equality and cannot be considered. The applicant's claim for increasing the age for the post of Deputy Adviser by comparing with the other institution or Cadre Recruitment Rules is also unjustified and is contrary to the position of law. Each institution is governed by their own set of rules and any relaxation from the age limit in violation of rule cannot be considered.

5. Both sides have filed written arguments. The applicant in his written argument has referred to the organization structure for NAAC mentioned at Annexure-R2 and said that under the organization structure, the qualifications, mode of appointment and job responsibilities for the staff of NAAC have been mentioned. Under the post of Deputy Adviser, it is specified that it should be preferably not more than 45 years. However in the Recruitment Rules they omitted the key word preferably. If it would have been preferably not more than 45 years, then there was scope for the authority to consider the relaxation. He again referred to the DoPT norms for various Recruitment Rules and said that if those are considered then in a post like Deputy Adviser the age limit should be not more than 50 years and relaxable by 5 years for in-service candidates. He further mentioned that the DoPT guidelines indicate that the recruitment process may be completed within six months but here the interview was called for only after nine months and as such there is violation of DoPT guidelines by the authorities. Therefore he submits that the recruitment process by the notification should be set aside.

6. The respondents also have filed a detailed statement in which they have practically reiterated the points highlighted in the reply statement and mentioned earlier. They have stated that they follow strictly the Recruitment Rules and any prayer for relaxation of the same only for any individual cannot be considered.

7. We have carefully considered the facts of the case and submissions made by either side. The matter is in a very small compass. The issue pertains

to the age limit for the post of Deputy Adviser. It is clearly evident from the Recruitment Rules that the age limit for the post of Deputy Adviser is prescribed as 45 years relaxable by 5 years for employees of Central and State Government, autonomous bodies and universities. The age limit prescribed in the advertisement calling for names for the post of Deputy Adviser also stipulate the same age limit of 45 years and relaxable by 5 years for the employees of Union and State Government, autonomous bodies and universities as indicated in the Recruitment Rules. The applicant had referred to the organization structure and use word 'preferably' in respect of the age for various post. What matters here is not the documents relating to organization structure but what is prescribed in the Recruitment Rules. If Recruitment Rules stipulates a particular age limit or the qualification, they are sacrosanct and should not be deviated. Whether a person worked in an organization earlier on deputation or not is not an issue to determine his eligibility. In this case the age of applicant is more than 52 years and hence he cannot be considered eligible for the post of Deputy Adviser even after giving 5 years relaxation to the prescribed age of 45 years. Therefore the rejection of his candidature by the institute is quite valid and justified.

8. The applicant has also referred to DoPT recruitment regulation for different category of post. However it is noted that the respondent organization is autonomous body and they have framed their own Recruitment Rules and the same Recruitment Rules is not under challenge in the present OA. Even otherwise, we do not find anything wrong in the Recruitment Rules framed by the institution. Since the advertisement issued for filling up the vacancies is

strictly in accordance with the Recruitment Rules, there is no lacunae in the advertisement and prescription of eligibility factors for the said post. We hold the view that since the applicant does not fulfill the eligibility criteria as far as the age is concerned, the rejection of his application by the respondent organization is proper and justified.

9. On detailed consideration of the facts of the case, we clearly hold that the contention made by the applicant is clearly devoid of any merit and hence the OA stands dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01015/2016

Annexure A1: Copy of Advertisement No. 01/NAAC/2016 by National Assessment and Accreditation Council.

Annexure A2: Copy of letter of the applicant dated 21.03.2016 addressed to the Director, NAAC.

Annexure A3: Copy of e-mail representation of the applicant dated 21.09.2016.

Annexure A4: Copy of e-mail representation of the applicant dated 02.10.2016.

Annexure A5: Copy of e-mail representation of the applicant dated 06.10.2016 regarding interpretation of age.

Annexure A6: Copy of e-mail reply of the Administrative Officer, NAAC dated 10.10.2016 sent to the applicant.

Annexure A7: Copy of e-mail representation of the applicant dated 11.10.2016 regarding new ground for reconsideration.

Annexure A8: Copy of e-mail representation of the applicant dated 16.10.2016 regarding evidence-backed appeal on age basis.

Annexure A9: Copy of guidelines on Framing/Amendment/Relaxation Of Recruitment Rules.

Annexure A10: Copy Indian Institute of Technology Madras Recruitment and Promotion Norms, 2014, Part III

Annexures with reply statement:

Annexure-R1: Copy of Cadre Recruitment Rules followed by NAAC for the post of Deputy Adviser

Annexure-R2: Copy of organization structure for NAAC

Annexure-R3: Copy of NAAC Advertisement No. 01/NAAC/2016 vacancy circular

Annexures with written argument note of the applicant:

Annexure A11: Copy of extract of the NAAC CRR for the different posts at NAAC

Annexure A12: Copy of OM of DoPT F.No. Misc-14017/15/2015-Estt. (RR) dated 11.01.2016

Annexure A13: Copy of intimation of interviews by NAAC to Deputy Adviser & Adviser posts

Annexure A14: Copy of NAAC Public Notice No. NAAC/Admin/Recruitment/2017 dated 31.01.2017
