



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/01776/2016

Date of order: 22.12.2016

Present : Hon'ble Mr. Justice Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. DR. CHANDRA KANTA MANDAL
2. DR. VISWA VENKAT GANTAIT

VS.

UNION OF INDIA & ORS. (ZSI)

For the Applicants : Mr. A. Chakraborty, Counsel
Mr. T.K. Biswas, Counsel

For the Respondents : None

ORDER (Oral)

Per Mr. Justice Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant.

2. The applicants applied in pursuance of an advertisement issued by the Ministry of Environment, Forest & Climate Change having advertisement No. 01/15/2015-P.III published in Employment News dated 22-26/2/2016 for the post of Scientist 'E' (Invertebrate) in Zoological Survey of India as unreserved candidate against two vacancies.

3. The applicant No. 1 namely, Dr. Chandra Kanta Mandal filed his application on 8.4.2016 as is evident from the postal receipt annexed as Annexure "A-2" to the O.A. The applicant No. 2, namely, Dr. Viswa

Venkat Gantait applied on 15.4.2016 as is evident which was sent by Speed Post received on 19.4.2016 as is evident from page 36-37 of the O.A. the period of filing the application is within 60 days from the date of advertisement by publication in Employment News, which in this case is dated 22-26/2/2016.

4. The requisite qualification for the post has been given in the advertisement itself which is extracted below:-

"Essential Educational Qualification

Master's Degree in Zoology or Life Science from a Recognized University /Institute with 11 years experience in research in academic institution or scientific and technological organization after possessing the minimum educational qualification required for the post. OR

Doctorate in Zoology or Life Science from a Recognized University/Institute with 8 years experience in research in an academic institution or scientific and technological organization after possessing the minimum educational qualification required for the post."

5. The applicant No. 1 possesses Doctorate degree in Zoology from Kalyani University in 2007. As such, the applicant has requisite qualification of degree of Doctorate in Zoology. However, the experience certificate is not available as required in the advertisement. His date of birth as indicated in the application is 10.9.1966 and according to him he is less than 50 years of age as he was working as a Government servant. Age limit in terms of the advertisement is extracted as under:-



"Age Limit

The upper age limit for the posts of Scientist 'B' and Scientist 'C' is 35 years, Scientist 'D' is 40 years, Scientist 'E' is 45 years and Scientist 'F' is 50 years. The age limit is relaxable by five (05) years for Government Servants. For SC/ST/OBC/Physically Handicapped and Ex-Servicemen, age limit is relaxable as per rules. The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those from abroad and for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh division of the Jammu & Kashmir State, Lahaul & Spiti District and Pangi Sub-division of Chamba District of Himachal Pradesh, the Andaman & Nicobar Islands and Lakshadweep). The last date of receipt of applications is 60 days (75 days for those in the Andaman & Nicobar Islands, Lakshadweep, State/Union Territories in the North Eastern Region, Ladakh Division of the Jammu & Kashmir State, Sikkim, Pangi Sub-Division of Chamba, Lahaul & Spiti Districts of Himachal Pradesh) from the date of publication of this Advertisement in the Employment News/Rozgar Samachar."

6. So far as the applicant No. 2 is concerned, his date of birth is 6.11.1966 and he is claiming himself to be less than 50 years of age on the date of application in view of the provisions contained in respect of age limit in the advertisement. He is also claiming himself to be a Government servant.

7. The applicant No. 2 possesses the Doctorate degree in Zoology from Vidyasagar University in 2010. He has also filed certificate of experience as Annexure "A-3" dated 12.4.2016 which according to him is in accordance with the terms of advertisement as he is working since

(Signature)

1989 as a Laboratory Assistant and then promoted as Junior Zoological Assistant and Zoological Assistant then Assistant Zoologist in 2013 and continued as such till date.

8. The applicant has alleged in the O.A. that process of selection has already begun and interviews are scheduled to start from 26.12.2016 onwards but no call letter has been issued to them though they have requisite qualification and the application is well within time.

9. We are of the view that so far as the applicant No. 1 is concerned there is no proof of requisite qualification so far as experience is concerned.

10. So far as the ^{applicant} ~~respondent~~ No. 2 is concerned we are of the view that certain directions are required to be issued to respondents.

11. Hence, notice be issued to the respondents returnable within a period of three weeks. In the meantime, the applicant No. 2, Dr. Viswa Venkat Gantait is permitted provisionally to appear in the process of selection as stated by the applicant subject to conditions that if applicant No. 2 is found having requisite qualifications as mentioned in the advertisement and subject to other requisite conditions. But applicant No. 1, Dr. Chandra Kanta Mandal has failed to demonstrate the requisite qualification as mentioned in the advertisement. Therefore, no direction could be issued to him to participate in the selection process.

12. The result of selection of the application will be subject to the



decision of final outcome of the O.A.

13. List this matter on 16.1.2017.

(Jaya Das Gupta)
Administrative Member

(Vishnu Chandra Gupta)
Judicial Member

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