

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00581/2018

DATED THIS THE 18TH DAY OF DECEMBER, 2018

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

HON'BLE SHRI C V SANKAR, MEMBER (A)

Dr. Najeeb Jahan,
D/o Mohd. Iqbal Uddin,
Aged about 42 years,
Working as Lecturer,
Department of Ilmul Advia,
National Institute of Unani Medicine,
Kattigepalya, Magadi Main Road,
Bangalore-560 091,
R/at: No.59A/85, 1st 'E' Main,
First Cross, Nagarabhavi,
Second Stage, 2nd Block Extension,
Bangalore-560 071.

.....Applicant

(By Advocate Shri B.B. Bajentri)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Ayush,
'B' Block, Ayush Bhavan,
GPO Complex, INQ,
New Delhi-110 023.

2. The Director,
National Institute of Unani Medicine,
Kattigepalya, Magadi Main Road,
Bangalore-560 091.

3. The Head of the Department,
Department of Ilmul Advia,
National Institute of Unani Medicine,
Kattigepalya, Magadi Main Road,
Bangalore-560 091.

4. Rajiv Gandhi University for Health Science,
Rep by its Registrar,
Jayanagar,
Bangalore-560 004.

.....Respondents

(By Shri Vishnu Bhat, Counsel for Respondent No. 1-3 and
Shri N.K. Ramesh, Counsel for Respondent No.4)

ORDER (ORAL)

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

Heard. The matter is in a very small compass. The Hon'ble Apex Court have time and again held that Directive Principles shape governmental policy and colour and pervade Fundamental Rights of a citizen. Article 38 to 42 of the Directive Principles stipulate that it is a bounden right of any citizen to have enhancement in his or her life. This applies to a government employee also. The applicant had applied for permission to join a doctoral course in Rajiv Gandhi University and the university counsel would submit that the selection is not yet complete. The respondents says that only 2 seats are available in the university and they have already recommended 2 people and if applicant, who is the 3rd person, is there on an allegedly ex post facto acknowledgement then one among those who is being selected will lose their chance. But then, that is not the concern of the respondents. The better person among them will be chosen by the university in accordance with the law and regulations of the land and since the Union Government had granted permission on a representation sent by the respondents themselves to the Union Government to grant a

permission in June 2018, it will be considered as an acknowledgement given in respect to that timeframe and not to this timeframe. Therefore, applicant will be eligible to be considered for admission to doctoral course in the Rajiv Gandhi University.

2. The OA is allowed to this extent. No order as to costs.

(C V SANKAR)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No.170/00581/2018

Annexure A1 Copy of Bio-data of the Applicant.

Annexure A2 Copy of Notification by an order dated 20.8.2004

Annexure A3 Copy of Extract Copy of the Swamy's Hand Book 2018 for Central Government Staff

Annexure A4 Copy of representation

Annexure A5 Copy of Representation dated 29.5.2018

Annexure A6 Copy of representation dated 1.6.2018

Annexure A7 Copy of IOM dated 7.6.2018
Annexure A8 Copy of Representation dated 8.6.2018
Annexure A9 Copy of Representation dated 11.6.2018
Annexure A10 Copy of letter dated 15.6.2018 of the 2nd Respondent.

Annexures with MA 327/2018

Annexure A11 Copy of Notification dated 30.5.2018
Annexure A12 Copy of Representation dated 30.6.2018
Annexure A13 Copy of representation dated 19.7.2018

Annexures with Reply Statement

Annexure R1 Copy of Application Format
Annexure R2 Copy of Ordinance Governing Enrolment of Candidate for Research of RGUHS
Annexure R3 Copy of Terms and conditions for Enrolment
Annexure R4 Copy of letter dated 7.6.2018
Annexure R5 Copy of letter dated 26.7.2018
Annexure R6 Copy of revised ordinance Governing Enrolment of Candidate for Research of RGUHS
Annexure R7 Copy of provisional result sheet of Ph.D entrance Exam.

Annexures with Memo

Annexure 1 Copy of representation dated 6.12.2018
Annexure 2 Copy of letter No.R13015/12/2018-NI(NIUM) dated 6.12.2018
Annexure 3 Copy of letter No.Ph.D-Admn./2018-19/NIUM/B'llore/Ad dated 15.6.2018
Annexure 4 Copy of letter No.R-13015/12/2018-NI(NIUM) dated 2.7.2018
Annexure 5 Copy of letter No.Ph.D-Admn/2018-19/NIUM/B'llore/Ad dated 7.12.2018.
