

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2612/2017

New Delhi this the 8th day of January, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)

Ms. Jyoti
D/o Mr. Naresh Chand
R/o Keshav Puram Colony,
Near Railway Crossing Behari,
Bareilly, Uttar Pradesh-243201

Aged around 35 years,
Group 'B' Recruit PGT (Biology)
Roll No. 14100466

... Applicant

(By Advocate: Mr. Sourabh Ahuja)

VERSUS

1. Union of India, through its Secretary,
Ministry of Human Resource
Development, Department of School
Education & Literacy, Shastri Bhawan,
New Delhi-110005.
2. Navodaya Vidyalaya Samiti,
Through its Commissioner,
B-15, Institutional Area, Sector-62,
Noida-201307, District Gautam Budh
Nagar (Uttar Pradesh).
3. Assistant Commissioner (Establishment-1)
Navodaya Vidyalaya Samiti
B-15, Institutional Area, Sector-62,
Noida-201307, District Gautam Budh
Nagar (Uttar Pradesh).

... Respondents

(By Advocate: Mr. B. K. Berera for R-1
and Mr.G.D.Chawla for Mr. S.Rajappa for
other respondents)

O R D E R (ORAL)

(Hon'ble Mr. S.N.Terdal, Member (J)):

We have heard Mr.Sourabh Ahuja, counsel for applicant and Mr. B. K.Berera and Mr.G.D.Chawla for Mr S.Rajappa, counsel for respondents, perused the pleadings and all the documents produced by the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- "(a) Quash and set aside the merit wise list dated 13.07.2017 to an extent, whereby the respondents have declared the Applicant 'Not Eligible' for the post of PGT (Biology). And
- (b) Declare that the Applicant on the basis of her M.Sc Degree (Animal Science) is eligible for the post of PGT (Biology) in Navodaya Vidyalaya Samiti. And
- (c) Direct the respondents to interview the Applicant to the post of PGT (Biology). And
- (d) Direct the respondents to consider the candidature of the Applicant for appointment to the post of PGT (Biology) in accordance with her merit position with all consequential benefits viz., seniority, promotions etc. And
- (e) Award cost in favour of the Applicant and against the respondents. And/Or
- (f) Pass any further order, which this Hon'ble Tribunal may deem fit, just equitable in the facts and circumstances of the case."

3. The relevant facts of the case are that the respondents Navodaya Vidyalaya Samiti called for the applications for recruitment to various posts including the post of PGT (Biology). The applicant applied for the said post under general handicapped quota. The essential educational qualification and subject combination required for the said post as per the Recruitment Rules (RRs) as well as advertisement are as follows:

- "(a) Two year Integrated Post Graduate M.Sc.Course from Regional College of Education of NCERT in the concerned subject with at least 50% marks in aggregate.

OR

Master’s Degree from a recognized university with at least 50 marks in aggregate in the following subjects.

S.No.	POST	Master’s Degree
(i)	PGT (Biology)	Botany/Zoology/Life Science/Bio Sciences/ Genetics/ Micro- Biology /Bio Technology/ Molecular Bio/Plant Physiology provided that applicant had studied Botany and Zoology at Graduation level.

- (b) B.Ed or equivalent qualification from a recognised University.
- (c) Proficiency in Teaching in Hindi and English”.

4. As the applicant successfully completed written examination held on 11.12.2016, she was short listed and she appeared for interview on 10.06.2017. She figured at serial no. 269 in general physical handicapped category and she was called for document verification. At the time of documents verification it was found that the applicant was having M.Sc. degree in the stream Animal Science. She had studied the subject combination during the course of said degree, which were extracted below:

S.No.	M.Sc. Degree	Subject combination
1.	Previous	Genetics & Elementory Statistics, Bio Chemistry, Microbiology & immunology, Embryology, Fisheries & Aquaculture, Endrocrionology.
2.	Final	Cell & Molecular Biology, Biotechnology & instrumenmentation, Environmental Biology & Wild Life, Animal Physiology, General & Applied Entomology, Animal Parasitology & Pathology

5. The Selection Committee after thoroughly examining the subject combination studied by the applicant and the subject combination prescribed in the RRs referred to above came to the conclusion that they are not equivalent and, therefore, rejecting her claim for equivalence, she was declared ineligible.

6. The counsel for the applicant vehemently and strenuously submitted that the subject combinations studied by the applicant are equivalent to the subject combinations required as per the RRs. From the perusal of the subject combinations required and the subject combinations she had studied, it is crystal clear that they are not equivalent in the view of the Selection Committee. It is a settled law that in academic matters, unless there is a clear violation of statutory provisions, the Regulations or the Notification issued, the Courts shall keep their hands off since those issues fall within the domain of the expert academic bodies. The Hon'ble Apex Court in **University of Mysore vs. C.D. Govinda Rao**, AIR 1965 SC 491, **Tariq Islam vs. Aligarh Muslim University** (2001) 8 SCC 546; and **Rajbir Singh Dalal vs. Chaudhary Devi Lal University** (2008) 9 SCC 284, has taken the view that the Court shall not generally sit in appeal over the opinion expressed by expert academic bodies and normally it is wise and safe for the Courts to leave the decision of academic experts who are more familiar with the problem they face, than the Courts generally are. The counsel for the applicant in support of her claim referred to the Judgment of Delhi High Court in the case of **Paramjit Kaur Vs. Govt. of NCT of Delhi & Ors** (WP (C) 4293/2016), but, however, the facts of the case in that case are different from the facts in the present case.

7. Accordingly, the OA is dismissed. No costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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