

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

LIBRARY

O.A/351/1307/2019

Heard on 18.09.2019

Date of Order: 19.9.19.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Tapan Kumar Biswas, son of Chittaranjan Biswas, residing
at Ramakrishna Gram, PO- Diglipur, District- North and
Middle Andaman, PIN- 744202.

.....Applicant

Vs.

1. UNION PUBLIC SERVICE COMMISSION Service through
its Chairman, Office at Dholpur House, Shahjahan Road,
New Delhi-110069.
- 1A. The Secretary, Ministry of Agriculture, Krishi Bhawan,
New Delhi-110001.
2. Lt. Governor, Andaman & Nicobar Island, Raj Niwas, Port
Blair, District-South Andaman, PIN-744101.
3. The Chief Secretary, Andaman & Nicobar Administration,
Secretariat, Port Blair, District- South Andaman, PIN-
744101.
4. The Secretary, Fisheries Department, Andaman &
Nicobar Administration, Secretariat, Port Blair, District-
South Andaman, PIN-744101.
5. The Secretary, Personnel Department, Andaman &
Nicobar Administration, Secretariat, Port Blair, District-
South Andaman, PIN-744101.

For the Applicant(s): Mr. B.K.Das, Counsel

For the Respondent(s): Mr. R.Halder & Mr. A.K.Chattopadhyay, Counsel

ORDER

Bidisha Banerjee, Member (J):

The applicant, an aspirant for the post of Joint Director (Fisheries), in the
Office of Directorate of Fisheries under Andaman & Nicobar Administration has
sought for consideration against Advertisement No. 13/2018, Vacancy No.

18071305214. The Recruitment Rules for the post, in question, is extracted herein

below:

**F.100/13/2017/IR-II
UNION PUBLIC SERVICE COMMISSION
R-II SECTION**

Name of the post	01 (One) [UR-01] vacancy for the post of Joint Director(Fisheries) in Directorate of Fisheries under Andaman and Nicobar Administration by direct recruitment.
Advertisement No.	13/2018
Vacancy No.	18071305214

Essential and Desirable Qualifications	<p>ESSENTIAL QUALIFICATIONS (EQ):</p> <p>(A) EDUCATIONAL: Masters Degree in Fisheries Science from a recognized University. OR M.Sc. in Zoology/Marine Biology with specialization in Fisheries from a recognized University.</p> <p>(B) EXPERIENCE: Five years experience in field of Inland and Marine Fisheries Development.</p> <p>DESIRABLE QUALIFICATION (DQ): Ph.D with specialization in Fisheries.</p>
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Modalities adopted	<ol style="list-style-type: none"> i. Scrutiny has been done online, first on the basis of the report generated by the computer system as per the information filled up / claims made therein by the candidates in their online application and also by scrutiny of the supporting documents uploaded along with the same. ii. The scrutiny of the applications has been done strictly as per the provisions of the Recruitment Rules for the post in question. Desirable Qualification (DQ) has been invoked along with EQ-A and EQ-B for the scrutiny purpose. Candidates who do not possess Ph.D degree or have Ph.D degree but not in the relevant field have been rejected as "LDQ(Lacking Desirable Qualification)". iii. Total experience claimed by the candidates has been taken into consideration, if supported by necessary certificates. iv. The candidate must have studied "Fisheries" as one of the subject in their M.Sc. degree. v. The candidates who do not possess the relevant essential educational qualification have been rejected as "LEQ-A". Like-wise, if essential experience is not in the relevant field as specified in Recruitment Rules and advertisement of the post or relevant experience is less than the required period, such candidates have been rejected under "LEQ-B". vi. Experience possessed in the relevant fields specified in the advertisement, after obtaining/qualifying the essential Educational Qualification has been counted. vii. Experience Certificate must be uploaded/ available to ascertain the eligibility of the candidate. Hence, applications of candidates who have not uploaded/ furnished experience certificate, have been rejected as "Incomplete Application". Experience Certificates without clearly specifying the nature of duties have also not been considered and rejected as "Incomplete". Similarly, applicants who claim relevant experience but the EC attached in support of that is not of the entire duration claimed or do not support the claim made are also rejected as "Incomplete".
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	<p>viii. The applications of the candidates who have neither produced the marksheet nor degree of the essential educational qualifications have been rejected under the Category of "Incomplete Applications".</p> <p>ix. Teaching experience has not been considered relevant.</p> <p>x. Appointment Letters, Office Orders, Registration/Enrolment Certificate, Resignation Letters, Relieving Orders, pay certificates and self employment certificates have not been considered as proof of experience. Also, experience as 'Intern' has also not been treated as relevant experience.</p> <p>xi. Experience certificates should be in prescribed proforma in terms of Commission's circular No.F.8/84/2010-R(C&P) dated 23.12.2010. However, wherever the applicants have not submitted experience certificates in prescribed proforma, their experience certificates have been considered on merit basis.</p> <p>xii. Some of the candidates can be rejected under more than one category. They have been rejected under the most appropriate category.</p>
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Criteria adopted for short listing	EQ-A + EQ-B + DQ
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In response to the advertisement, 63 applications (SC-15, ST-02, OBC-23 & GEN-23) applications were received. Applications received from candidates belonging to OBC/SC/ST categories, have been treated at par with General category candidates. In the instant case, DQ (Desirable Qualification) has also been invoked alongwith EQ-A and EQ-B for the scrutiny purpose. By invoking DQ, we were left with 36 applications under zone of consideration. All the remaining 27 applications falling outside zone of consideration have been rejected under LDQ category, i.e. Lacking Desirable Qualification.

Shortlisted for 01(One) UR Post:

Sl. No.	Roll No.	Subject to production of the below mentioned document(s)
1	01	--
2	05	--
3	24	--
4	33	--
5	52	--
6	56	--

(06 Candidates)

REJECTED CANDIDATES

Lacking Desirable Qualification(LDQ)

Roll Nos: 16, 18, 28, 32, 35, 41, 54, 61, 62

(09 candidates)

LEQ-A :

Roll Nos. : 14, 23

(02 candidates)

LEQ-B

Roll Nos:

2	3	4	6	15	30	31
34	46	51	63			

(11 Candidates)

INCOMPLETE APPLICATIONS

The applicant has prayed for consideration against the said post vide his representation dated 14.08.2019 preferred to the Chairman, UPSC seeking short-listing for appropriate consideration.

2. On 27.08.2019, rejecting his candidature, the UPSC informed him as under:

27
Dated: 27.08.2019

To,

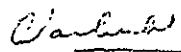
Tapan Kumar Biswas,
Office of the Zila Parishad,
Mayabunder, North & Middle Andaman,
Andaman & Nicobar Islands (UT)- 744204

Sub: Representation dated 14.08.2019 in respect of recruitment to 01 (One) [UR-01] vacancy for the post of Joint Director(Fisheries) in Directorate of Fisheries under Andaman and Nicobar Administration by direct recruitment - Reg.

Sir,

I am directed to refer to your letter dated 14.08.2019 in respect to the subject mentioned above and to say that the same has since been examined by the Commission. The scrutiny has been done strictly in accordance with the modalities approved by the Commission. As you do not possess the Desirable Qualification i.e. Ph.D with specialization in Fisheries, your candidature was rejected under the category LDQ (Lacking Desirable Qualification). In order to maintain uniformity among similarly placed candidates, Commission has maintained the rejection of your candidature. No further communication in this regard would be entertained.

Yours faithfully,


(Ravi Kumar Vashisht)
Under Secretary(R-II)
Union Public Service Commission

3. At hearing, Ld. Counsel for the applicant failed to demonstrate that the applicant possessed Ph.D. qualification that was a desirable qualification in terms of the Recruitment Rules or that candidates shortlisted did not possess such qualification.

4. Ld. Counsel for the respondents on the contrary would submit that out of 61 applicants, who applied against the notification 6 fulfilled the desirable qualification and, therefore, there was no question of short-listing the present applicant, who did not possess the desirable qualification in view of the extant modalities to be adopted in terms of Recruitment Rules (as extracted supra).

5. Therefore, admitted and irrefutable position being that the applicant did not possess the desirable qualification whereas the criteria to be adopted for

listing fails and, accordingly, the O.A. is dismissed at the admission stage itself without calling for a reply.

6. Although Ld. Counsel for the applicant would seek consideration of his representation, we feel that it would only be a futile exercise due to the reasons enumerated herein above.

7. There will be no order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK

