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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2653/2003

New Delhi, this the 6th day of May, 2005

Hon'ble Shri Justice M.A. Khan, VC(J)
Hon'ble Shri S.K.Naik, Member(A)

Niranjan Lal
A-5, Baker Street
IVRI Gate No.2
Izatnagar, Bareilly-243212

Applicant

(Shri B.B., Raval, Advocate)

versus

1. Director General
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi
2. Chairman
Agricultural Scientists Recruitment Board
Pusa, New Delhi

Respondents

(Shri V.K. Rao, Advocate)

ORDER

Shri S.K. Naik

The applicant is before this Tribunal in a second round of litigation. Earlier he had filed OA 2365/2000 seeking appointment to the post of Scientist, Veterinary Extension Education, earmarked for the category of SC to which he belongs, for which he had applied in response to an advertisement released by the respondents in May, 1999. That OA was disposed of by this Tribunal by order dated 6.9.2002 with a direction to the respondents to reconsider applicant's case for appointment to the said post and if the qualifications prescribed in the advertisement are not contained in the R/Rules, the applicant shall be interviewed and if found fit may be considered for appointment to the said post. In pursuance thereof, respondents have issued order dated 30.10.2002 rejecting the candidature of the applicant for the said post on the plea that the qualification possessed by the applicant cannot be considered at par with the qualification prescribed for the post advertised. Applicant by the present OA has challenged this order *inter alia* seeking a direction to the respondents to appoint him to the said post on the plea that the qualification possessed by him is equivalent to the one prescribed for the post and that he is the only candidate belonging to SC community who has applied for the post.

2. Since the facts and grounds advanced by the applicant in the present OA are just repetition of the ones taken by him in the earlier OA and they have already been discussed in detail, we deem it unnecessary to discuss the same again. Thus the only short point that needs adjudication is whether the

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respondents are right in rejecting the candidature of the applicant simply on the ground that the qualification possessed by the applicant is not at par with that prescribed for the post in the advertisement/R Rules.

3. We have heard the learned counsel for the parties and have perused the records of the case.

4. In this connection it would be relevant to reproduce the observations made by the Tribunal in paragraphs 15 and 16 of its order dated 6.9.2002 (supra), which is as under:

"15. Agricultural Extension itself is a highly specialized subject, further specialization in Veterinary or Dairy Extension would amount to a sub-specialisation. Though M.Sc. agriculture is equivalent to extension Education which is required qualification as per the advertisement, we are unable to find whether the qualifications prescribed in the advertisement are on the basis of the recruitment rules, for the post of Scientist in entry level. We could not ascertain this because of the lackadaisical attitude of the respondents by their consistent absents.

16. As the qualification and eligibility for the post is prerogative of the Government and the Tribunal as a policy decision cannot interfere but yet if it is not ascertainable whether the qualifications in the advertisement have been prescribed in accordance with the extant recruitment rules, in our considered view, the applicant having done his M.Sc. in specialized subject where he obtained specialization in Veterinary and Dairy Extension cannot be rejected only on that basis....."

5. Learned counsel for the applicant has insisted that the qualification mentioned in the advertisement itself was faulty because Agricultural extension itself is a highly specialized subject by itself and there cannot be a sub-specialization in it. Secondly, M.Sc. in Agriculture extension is equivalent to extension education, which is one of the required qualifications as per the advertisement. Besides long experience of nearly nine years in the field of veterinary extension the applicant had also completed all the three semesters for Ph.D which included four papers in animal husbandry and dairying. He has also cited the example of one Dr. (Mrs.) Hema Tripathi who has been selected for appointment as Senior Scientist in Veterinary extension though she does not possess Doctoral Degree in Veterinary Extension which is prescribed for that post in the same advertisement.

6. Learned counsel for the respondents on the other hand has denied the aforesaid contention and contended that the applicant is having Master's Degree in Agriculture Extension, which cannot be treated to be equivalent to that of Master's degree in Veterinary Extension education/Dairy extension education. In so far as Dr. Hema Tripathi is concerned, the counsel has submitted that she has

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studied at doctorate level-Veterinary economic/LPT and that her Ph.D work was also exclusively in the subject of veterinary science.

7. Since the respondents have failed to furnish the notified R/Rules for the post in question, vide our order dated 11th February, 2005, they were directed to provide certain clarifications on the following points:

- a) whether exclusive Master's degrees are being awarded for Veterinary/Dairy extension?
- b) Whether Master's degrees in 'extension education' are being imparted in general and further that 'agricultural extension' will not be equivalent to 'extension education'?
- c) whether a degree of Ph.D in dairy extension will not meet the requirement of Master's degree in veterinary extension education?
- d) Whether in M.Sc agricultural extension course subject of veterinary and dairy extension may be chosen by a student for specialization by submitting a research paper/thesis?

8. Respondents have filed their additional affidavit in which they have answered in the affirmative to (a) above. In respect of (b) while they have stated that there is no Master's degree programme for "Extension Education" but at the same time they have stated no reply could be given with regard to whether "Agriculture Extension" could be treated as equivalent to "Extension Education". They have stated in respect of (c) that Ph.D in Dairy Extension would have limited but highly specialized scope whereas Master's degree in veterinary extension education would have wider coverage to many areas suitable for field applications/teaching and R&D and in respect of (d) they have stated that although there is no further specialization of M.Sc. in agricultural extension course, the students may choose any topic for their research paper/thesis on any subject area of agriculture including veterinary science/dairy science. According to them, ARS/NET examination 1999 has been concluded in accordance with the R/Rules as laid down in Agricultural Research Service Rules, 1975 and notification dated 18.5.1999.

9. Having heard the learned counsel for the respondents on the clarifications asked for by this Tribunal and after perusal of the additional affidavit filed by them, we are constrained to observe that despite repeated opportunities and specific directions, respondents have not produced the notified R/Rules based on which the advertisement for the post in question was released. Learned counsel for the respondent-department has expressed his helplessness, which is a matter of concern. We deprecate this attitude of the respondents.

10. In the case in hand the vacancy for the post of Scientist (Veterinary Extension Education) is reserved for SC category. The applicant belongs to that

Dr. K. S. Rao

category and had therefore applied for the same. His candidature was short-listed and he was allowed to appear in the written examination. Based on his performance therein he was called for viva-voce test. It was at that stage that he was informed that he does not fulfill the requisite essential educational qualification advertised for the post. In this background it is relevant to reproduce the essential qualification advertised for the post, which reads as under:

Master's Degree in Veterinary Extension Education/Dairy Extension Education/Extension Education or Agricultural Extension with specialization in Veterinary or Dairy Extension


11. A careful reading of this clearly indicates that a candidate to be eligible has to have one of the following qualifications:- (i) Master's Degree in Veterinary Extension Education; or (ii) Master's Degree in Dairy Extension Education; or (iii) Master's Degree in Extension Education; or (iv) Master's degree in Agricultural Extension with specialization in Veterinary; or (v) Master's Degree in Agricultural Extension with specialization in Dairy Extension.

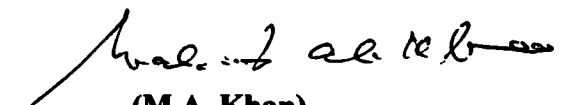
12. When the applicant had been permitted to appear in the written examination, obviously respondents had found that his Master's Degree in "Agricultural Extension" or his Ph.D in "Extension Education" which included Live Stock Development Programme and Live Stock Management" etc. was within the scope of essential qualification prescribed, otherwise there is no reason as to why he was permitted to undertake the written test. The contention of the learned counsel for the applicant is that Master's Degree in Agricultural Extension is a highly specialized post graduation degree and therefore should be treated as equivalent to "Extension Education", which is one of the many alternatives prescribed as essential qualifications. The applicant being a Master's degree holder in "Agricultural Extension" therefore cannot but be treated as to be possessing the essential qualification and it was totally arbitrary and illegal on part of the respondents to have denied him the benefit of being interviewed for the post. We are in agreement with the argument advanced by the learned counsel. This is so because despite our repeated query, learned counsel for the respondents has not been able to state as to whether any Master's degree only in "Extension Education" is being imparted by any educational institution in the country. While we are informed that Master's degree in "Agricultural Extension", Master's degree in "Veterinary Extension" and Master's degree in "Dairy Extension" are being imparted, existence of exclusive PG degree on "Extension Education" is not clear to him. Under the circumstances, Master's degree in "Extension Education" which has been prescribed as one of the alternative essential qualifications, in our view, would be at par with Master's degree whether it be in "Agricultural Extension" or "Veterinary Extension" or "Dairy Extension".

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13. Further, we notice that the respondents have taken a rather narrow view of the Ph.D. obtained by the applicant when they contend that it would have a limited but highly specialized scope. They ignore the fact that the applicant has got Master's degree in "Agricultural Extension" and has been working as Technical Officer (Extension) in the Division of Extension Education, Indian Veterinary Research Institute and has further done Ph.D, which included the subject of "Dairy Extension". With this background, to contend that Ph.D in Dairy Extension would have a limited but highly specialized scope whereas Master's degree in veterinary extension education would have wider coverage, in our view, does not stand to any logic and has to be rejected. We are therefore of the view that the applicant does fulfill the essential educational qualification as advertised by the respondents and it was not proper on their part to have refused him the opportunity of being interviewed, especially after he had qualified in the written test. The stand taken by the respondents in this case is totally untenable.

14. In the result, we allow the present OA and quash and set aside the impugned order dated 30.10.2002. We further direct the respondents to consider the candidature of the applicant and appoint him to the post of Scientist (Veterinary Extension Education) if he is found fit by the Board constituted for the purpose. OA is disposed off accordingly, with no order as to costs.


(S.K. Naik)
Member(A)


(M.A. Khan)
Vice-Chairman(J)

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