

**Central Administrative Tribunal
Principal Bench, New Delhi.**



OA No.2338/2015

**Reserved On: 27.11.2019
Pronounced On: 16.12.2019**

Hon'ble Mr. S. N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Kumar Vishal,
Group 'B', Aged 33 years,
S/o Shri Om Prakash,
R/o Devsar, District Bhiwani
Haryana-127025

...Applicant

(By Advocate: Shri M.K. Bhardwaj with Ms. Priyanka
Bhardwaj)

Versus

Navodaya Vidyalaya Samiti,
Through its Chairman,
B-15, Institutional Area,
Sector-62, Noida,
District Gautambudh Nagar,
Uttar Pradesh-201309.

-Respondents

(By Advocate: Shri S. Rajappa)

ORDER

Hon'ble Mr. A.K. Bishnoi, Member (A):

The applicant has filed the present OA seeking the following reliefs:-

- a) Quash and set aside the impugned Marks List (written & interview), qua the applicant, declaring the applicant as 'Not Eligible';
- b) directed the respondent Samiti to issue the offer of appointment letter to the applicant against the post of Post Graduate Teacher (Biology);
- c) pass any other Order (s) which this Hon'ble Tribunal deems fit."



2. Briefly the facts of the case are that the applicant applied for the post of PGT (Biology) under the Unreserved Category against the Advertisement issued in November, 2014 at Annexure A-2. The applicant secured 139 marks, which were much higher than that of the lowest selected candidate in the same category, a copy of the mark sheet is at Annexure A-1. However, the name of the applicant did not figure amongst the candidates shortlisted for recruitment against the aforesaid post. The applicant came to know that since it was alleged that he did not have the Master's degree in the requisite discipline, he has not been found eligible.

3. The respondents in the counter reply have stated that a notification was issued in the Employment News dated 25-31 January 2014 for filling up the post of PGT & TGT in Navodaya Vidyalaya Samiti on direct recruitment. The applicant applied, however, the Selection Committee found the applicant 'Not Eligible' because he did not possess the required Master's degree in the subject concerned as prescribed under the Recruitment Rules (RRs) for the said post. He has the Master's degree in 'Food Technology' which is not as per the requirement prescribed under the RRs. Moreover, under Point-11 of Para-5 of General Instructions to the Candidates, it has been clearly mentioned that "Qualification acquired by the



candidates should be strictly in accordance with the prescribed qualifications. Any candidate seeking claim of equivalence of the qualification with that of the notified one should furnish documentary evidence in support of their claim at the time of interview/selection, otherwise such cases will be rejected”.

4. Shri M.K. Bhardwaj, learned counsel appearing on behalf of the applicant argued that the only point of contention is with regard to having the qualification of Master’s degree in Life Sciences and as regards other qualifications relating to graduate level, there is no dispute. He submitted that the applicant had a Master’s degree in Food Technology and in this regard cited the judgment of Hon’ble Punjab & Haryana High Court in **Babli vs. State of Haryana & Others** (CWP No.13125 of 2012 with connected cases decided on 04.12.2012) in which it has been held that Life Science is a broader term to indicate a group of disciplines being run by the faculty of Life Science which includes Food Technology.

5. Shri S. Rajappa, learned counsel appearing on behalf of the respondents, on the other hand, contended that Point-11 of Para-5 of the Advertisement relating to General Instructions to the Candidates specifically puts the burden of proving the equivalence regarding the qualifications possessed by any candidate with that of any



of the notified qualifications by furnishing documentary evidence in its support and as the applicant has not done so at the time of interview/selection, he cannot now agitate the issue. On a specific query as to whether there is any specific discipline termed Life Sciences which is distinct from others and in which Master's degree can be obtained, he was not able to give a satisfactory reply.

6. We have carefully gone through the pleadings on record as also the arguments advanced by the learned counsels.

7. Since there is no dispute regarding the applicant possessing any of the other prescribed qualifications, we shall confine ourselves to the limited point whether the fact of the applicant having a Master's degree in Food Technology fulfils the criteria prescribed in the Advertisement of Master's degree in Life Sciences. The fact that the applicant has a Master's degree in Food Technology is not disputed. The relevant portion of the essential qualifications required for PGT (Biology) is reproduced as below:-

“ (a) xxx xxx xxx

OR

Master's Degree from a recognized university with at least 50% marks in aggregate in the following subjects:

(i to ix) xxx xxx xxx

(x) PGT (Biology) - Botany/Zoology/Life Sciences/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 recognized University.
- (c) Proficiency in Teaching in Hindi and English languages.”

8. The issue whether Food Technology qualifies to be termed as one of the Life Sciences has been discussed at length and adjudicated by the Hon'ble High Court of Punjab and Haryana in **Babli** (supra). The relevant portions of the aforesaid judgment are reproduced below:-

“5. It is pointed out at the outset that there is no specific discipline of Life Science i.e. Life Science is not taught as a subject. The petitioners have placed on record the communications received from the State Universities in the State of Haryana itself which disclose that Life Science is a Faculty and there are various courses being run by Faculty of Life Science. The details of these particulars are as:-

(i) Communication dated 3.10.2012 given by Maharishi Dayanand University, Rohtak, to one Mr. Shiv Kumar, in response to information sought by him under the Right to Information Act, 2005 (for short, 'RTI Act'). It stipulates that various M.Sc. courses are run by the Faculty of Life Science of Maharishi Dayanand University. 16 such courses are specified therein which are as follows:-

"a) The following M.Sc. Courses are being run by the Faculty of life Sciences:-

1. M.Sc. (Biochemistry)
2. M.Sc. (Clinical Bio-chemistry)
3. M.Sc. (Bio-Technology)
4. M.Sc. (Agricultural Bio-Technology)
5. M.Sc. (Bio-Informatics)
6. M.Sc. (Medical Bio-Technology)
7. M.Sc. (Botany)
8. M.Sc. (Environmental Sciences)
9. M.Sc. (Environmental Bio-Technology)
10. M.Sc. (Food Technology)
11. M.Sc. (Genetics)
12. M.Sc. (Forensic Sciences)
13. M.Sc. (Microbiology)



14. M.Sc. (Microbial Bio-Technology)
15. M.Sc. (Zoology)
16. M.Sc. (Genomics)"

(ii to iv) xxx xxx xxx

6. It follows from the above that there is no specific course known as "Life Science". Infact, in all the four universities run by the State of Haryana itself, Life Science is a Faculty and these universities are running various M.Sc. courses under the aforesaid Faculty of Life Science. It is also clear from the above that it is Maharishi Dayanand University, Rohtak, which is running maximum M.Sc. courses under Life Science as it has specified 16 such courses. Therefore, it is clearly inferred that any candidate who has done any such M.Sc. course, specified in the said list of 16 courses, as extracted above, would qualify M.Sc. Life Science.

7 & 8. xxx xxx xxx

9. We repeatedly asked Mr. B.S. Rana, Additional Advocate General, Haryana, as to whether there is any specific course of Life Science as it was his contention that these four universities may not be teaching the course of Life Science but it may be that this course is specifically taught by some other universities, however, he was unable to give any reply to the same. In the absence of any other reply coming forward and having regard to the courses explained by the four universities of the State of Haryana, we are left with no option but to hold that the candidates who have done any of the aforesaid 16 M.Sc. courses, would satisfy the eligibility condition by covering his/her case as M.Sc. Life Science. By holding so, we are not going into the issue as to whether it is equivalent to the other courses i.e. M.Sc. Zoology/ Botany/ Bio Science/ Bio Chemistry etc. That would have been the case if the discipline of Life Science had not been mentioned and this Court had undertaken the exercise as to whether Life Science is equivalent to the other courses. It is stated at the cost of repetition that M.Sc. Life Science would include as one of the qualifications under the Rules itself. As a result of this, the petitioners, wherein they have done one or the other M.Sc. course of the aforesaid 16 M.Sc. courses, would be treated as eligible for consideration to the post of PGT Biology."

9. The matter, therefore, has been settled conclusively as above in **Babli** (supra).



10. As regards the contention of the respondents that it was incumbent upon the applicant to furnish documentary evidence in support of his claim at the time of interview/selection, we are of the view that this argument could have been advanced if Life Sciences constituted a separate subject or a discipline. On a specific query whether in any of the Institutions Life Sciences is taught as a separate discipline and whether there is any Institution which awards a Master's degree in Life Sciences, the learned counsel for respondents was not able to give a satisfactory answer. The same has also not been claimed in the counter reply filed by the respondents. Here, it is not a case of equivalence between two disciplines but whether Food Technology which is a specific discipline can be considered as a part of the larger generic group going under the nomenclature of Life Sciences. It is practically not possible for any candidate to procure and produce documentary evidence whether a particular discipline of study is part of a larger group of disciplines which in this case is Life Sciences. Furthermore, the relevant para itself mentions that the applicant shall provide documentary evidence at the time of interview/selection but there is nothing on record to show that any such opportunity to provide the documentary evidence at the time of interview/selection was provided



especially in view of the fact that he was very much in the merit list for PGT (Biology).

11. In view of the above discussion, we are of the view that the respondents have failed to justify how and why the applicant was found ineligible on account of this particular aspect relating to having Master's degree in Life Sciences and that the applicant has been wrongly denied the opportunity of recruitment.

12. Consequently, the OA is disposed of with a direction that the respondents shall satisfy themselves as to whether the applicant possesses Master's degree in Food Technology as claimed by him and if he so does and if there is no bar to his being recruited due to any of the other conditions, they shall offer him appointment to the said post as per his merit in the exam. No order as to costs.

(A.K. Bishnoi)
Member (A)

(S.N. Terdal)
Member (J)

cc.