



2024:DHC:3458



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9201/2023 and CM APPL. 34981/2023

AJAY KUMAR H (STUDENT) Petitioner

Through: Mr. Rajeev Kr. Srivastava,
Advocate

versus

UNION OF INDIA AND ORS Respondent

Through: Mr. S.S. Lingwal, Advocate for
R2 & 3

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (O R A L)
30.04.2024

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1. The petitioner is aggrieved by Notification dated 28 March 2023 issued by the Graduate School, Indian Agricultural Research Institute (IARI) which cancels the candidature of the petitioner for admission to the Ph.D. programme in the IARI in the discipline of Plant Genetics Resources on the ground that the petitioner was not eligible for admission thereto.

2. I have heard Mr. Rajiv Kumar Srivastava, learned counsel for the petitioner and Mr. S.S. Lingwal, learned counsel for ICAR at length.

3. The pleadings on record reveal that the qualification held by the petitioner was M.Sc. in Genetics and Plant Breeding (GPB) from the

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University of Agricultural Science (UAS), Bengaluru, obtained in 2020. Following this, the petitioner appeared in the ICAR AICE-JRF/SRF (Ph.D.)-2022 (hereinafter the “AICE 2022”) examination conducted by the ICAR on 20 September 2022 through the National Testing Agency (NTA), in the Plant Genetic Resources and Economic Botany (PGR) Discipline. He claims to have come third all India in the said examination, following which he participated in the counselling conducted by the ICAR on 21 December 2022 and was provisionally admitted to the ICAR-IARI on 3 January 2023.

4. Subsequently on 28 March 2023, the impugned Notification came to be issued by the IARI cancelling the petitioner’s admission to the Ph.D. course. The ground for cancellation was that the petitioner was not eligible for admission to the said course.

5. The issue, therefore, narrows down to whether the petitioner was, or was not, eligible for admission to the Ph.D. course in the ICAR-IARI.

6. The prescribed eligibility qualifications for admission to the Ph.D. course in the Plant Genetic Resources in the ICAR-IARI are contained in para 3.2 of the Information Bulletin of the NTA, which reads thus:

“Para 3.2 Eligibility Qualifications at Master’s level

In order to appear in AICE-JRF/SRF (Ph.D.)-2022 in the Subject of specialization, candidates must have completed Master’s degree in one of the subjects given in Table 3.

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Table 3: Eligibility qualifications at Master's level for Ph.D. admission and award of JRF/SRF (PhD) in different Subjects / disciplines.

Code No.	Subject of specialization	Eligibility Qualifications for SAUs/CAUs etc. and / or ICAR-DUs (Master's Degree in)	Additional Eligibility Qualification at Bachelor level for IARI/NDRI
03	Plant Genetic Resources	Plant Genetic Resources / Botany / Agricultural Botany	IARI-B.Sc. (10+2+3 system)

7. It is clear from a reading of the above table in para 3.2 of the Information Bulletin of the NTA governing the AICE 2022 Examination that, for admission to a Ph.D. course in Plant Genetic Resources, the candidate must have a Masters level qualification in “Plant Genetic Resources/Botany/Agricultural Botany”.

8. While applying for admission to the above examination, the petitioner declared that he was an M.Sc. in Agricultural Botany. The respondent alleges that this was a false declaration as the petitioner was in fact an M.Sc. in Genetics and Plant Breeding. The two subjects, according to the respondent, are different.

9. Mr. Srivastava has vehemently tried to convince the Court that there is no distinction between “Genetics and Plant Breeding” and “Agricultural Botany”. He points out that the name of the department in which he studied in the UAS, Bengaluru was earlier “Agricultural Botany” and was later changed to “Genetics and Plant Breeding”.

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This, according to Mr. Srivastava, itself indicates that “Agricultural Botany” and “Genetics and Plant Breeding” are synonymous.

10. Mr. Srivastava also relies on the Information Bulletin of the AICE-2020 Examination. The prescribed eligibility qualification for Ph.D. in Plant Genetic Resources, as per the said Information Bulletin read thus :

Discipline	M.Sc/M.Tech.	Ph.D.
	Bachelor's Degree in	M.Sc./M.Sc.(Agri.)/M.Tech. /M.E. in
Plant Genetic Resources	B.Sc. or B.Sc. in Agriculture / Horticulture / Forestry	Plant Genetic Resources / Genetics / Plant Breeding/Agricultural Botany/ Horticulture / Plant Biotechnology/ Seed Science and Technology / Plant Physiology / any other branch of Biological Sciences with specialization in these subjects and / OR Plant Taxonomy / Economic Botany / Biotechnology.

11. Mr. Srivastava seeks to submit, on the basis of the afore-extracted portions from the AICE-2020 Information Bulletin, that “Genetic and Plant Breeding” and “Agricultural Botany” are interchangeable.

12. Thirdly, Mr. Srivastava places reliance on OM dated 27 March 2023 issued by the ICAR, the relevant extract of which may be reproduced thus :



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KRISHI BHAWAN, Dr. RAJENDRA PRASAD ROAD, NEW
DELHI-110001

F. No. 14(1)/2015-Per.IV

Dated:27.03.2023

Office Memorandum

The minimum qualifications for direct recruitment of entry level ARS scientists though ARS examination was revised from Master's degree in the relevant subject to Ph.D. degree in the relevant subject vide Council's OM dated 11.11.2020, which necessitated revision of educational qualifications and syllabus for ARS disciplines.

2. On the recommendations of the ARS Committee, a new discipline of 'Veterinary Anatomy' has been included in the existing list of 59 ARS disciplines for recruitment of entry level ARS scientists, with the approval of Hon'ble AM and President, ICAR Society, with which the total number of ARS disciplines for direct recruitment of entry level scientists has increased from existing 59 to 60. Further, taking note of the decision conveyed vide OM dated 11.11.2020, the educational qualifications and syllabus of 60 ARS disciplines has also been revised with the approval of the Competent Authority. Accordingly, the list of 60 ARS disciplines (which includes newly created ARS discipline of "Veterinary Anatomy") along with revised educational qualifications is given below:

S.No.	ARS Discipline	Eligibility (Ph.D. in Disciplines)
38.	Genetics & Plant Breeding	Genetics & Plant breeding / Plant Breeding & Genetics / Plant Genetic Resources / Seed Science & Technology / Genetics / Plant Breeding / Economic Botany / Agricultural Botany / Botany / Molecular Biology and Biotechnology / Plant Molecular Biology / Plant Biotechnology / Plant Sciences.

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3. This supersedes all previous orders regarding ARS disciplines for entry level ARS scientists and discipline-wise educational qualifications.

Sd/-
(Naresh Kr. Sharma)
Dy. Secretary (Pers.)

Analysis

13. Having heard learned counsel for both sides, it is apparent that none of the submissions advanced by Mr. Srivastava can further the case that he seeks to canvass.

14. There is no manner of doubt that the prescribed eligibility qualification for admission to the Ph.D. course pursuant to the AICE-2022, for the Plant and Genetics Resources course, was a Masters degree in “Plant Genetic Resources/Botany/Agricultural Botany”.

15. The attempt of Mr. Srivastava to contend that “Genetics and Plant Breeding” should be treated as equivalent to “Agricultural Botany” is completely unconvincing. In fact, the Information Bulletin for the AICE 2020 and the OM dated 27 March 2023 issued by the ICAR, on which he places reliance, completely demolish his case.

16. The first submission of Mr. Srivastava was that the Department of Agricultural Botany in the UAS, Bengaluru was subsequently renamed as the Department of “Genetics and Plant Breeding”. That is of no relevance whatsoever. If the Department of Botany is renamed

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as the Department of Biology, it cannot lead to any inference that Botany and Biology are the same. The reasons for renaming the Department name may be many. This Court is not required to examine them. Suffice it to state that the mere renaming of the Department of Agricultural Botany as the Department of Genetics and Plant Breeding cannot justify any inference of equivalence of the two disciplines.

17. The AICE Information Bulletin of 2020 and the ICAR OM dated 27 March 2023, in fact, clearly indicate that “Genetics and Plant Breeding” and “Agricultural Botany” are different disciplines. The prescribed eligibility qualifications for admission to the Ph.D. course in Plant Genetic Resources, as per the AICE 2020 Information Bulletin were different from those envisaged in the AICE 2022 Information Bulletin, whereunder the petitioner had undertaken the AICE examination. The AICE 2020 Information Bulletin required the candidate, in order to be eligible for admission to the Ph.D. course in Plant and Genetics Resources, to have a Masters degree in “Plant Genetic Resources/Genetics/Plant Breeding/Agricultural Botany/Horticulture/Plant Biotechnology/Seed Science and Technology/Plant Physiology/any other branch of Biological Sciences with specialization in these subjects and/or Plant Taxonomy/Economic Botany/Biotechnology”.

18. This clearly indicates that “Genetics”, “Plant Breeding” and “Agricultural Botany” are independent disciplines, a Masters degree in each of which was sufficient to entitle the candidate to seek admission to the Ph.D. course in Plant Genetic Resources, following the AICE

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2020. By the time of the AICE 2022, however, Master's degree in "Genetics and Plant Breeding" was no longer a prescribed eligibility qualification, the holding of a Masters degree in which would entitle the candidate to seek admission to the course of Ph.D. in Plant and Genetic Resources. The candidate had necessarily to have a Ph.D. in "Plant Genetic Resources/Botany/Agricultural Botany".

19. There has, therefore, been a conscious decision to change the prescribed eligibility qualification for a candidate to be entitled for admission to Ph.D. in Plant Genetic Resources following the AICE 2020 examination. "Genetics" and "Plant Breeding" have been taken off the list of disciplines, the holding of a Masters degree in which would entitle the candidate to admission to the Ph.D. course in Plant Genetic Resources. Once the framers of the Information Bulletin have thus decided not to extend the benefit of eligibility for admission to the Ph.D. course in Plant Genetic Resources, in the AICE 2022, to holders of a Masters degree in Genetics and Plant Breeding, the Court cannot rewrite the Information Bulletin and treat the petitioner as eligible, though the Masters degree held by him is in "Genetics and Plant Breeding" and not in "Agricultural Botany".

20. The OM dated 27 March 2023 issued by the ICAR also fortifies this position. The OM deals with the minimum qualification for direct recruitment of Entry Level ARS Scientists through the ARS examination. 60 ARS disciplines have been enumerated in the table contained in the OM. One of them is "Genetics and Plant Breeding". For direct recruitment of entry level ARS Scientists in the discipline

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of Genetics and Plant Breeding, Ph.D. holders in various disciplines are regarded as satisfying the eligibility conditions. Among these are, independently specified, the disciplines of “Genetics and Plant Breeding” and “Agricultural Botany”. Thus, the OM dated 27 March 2023 also treats a Ph.D. in “Genetics and Plant Breeding” and a Ph.D. in “Agricultural Botany” as different.

21. On merits, therefore, there is clearly no substance in the petitioner’s contention.

22. At this stage, Mr. Srivastava intercedes to draw my attention to grounds N and O in the writ petition, which read thus:

“N. Because earlier in the past Mr. Deepak and Mrs. Bhargavi had got admitted to Ph.D. (PGR) despite being the students of M.Sc. (Genetics and plant Breeding) this is the clear violation of Article 14 of the Constitution of India by the respondents.

O. Because Mr. Yogesh with M.Sc. Agricultural Biotechnology has got admission in Ph.D. PGR under SRF-2022 with the petitioner for whom no objection has been raised the PGS-IARI (Sr. Registrar) and the Division of PGR But, only petitioner’ admission has been cancelled which is the clear violation of Article 14 of the Constitution of India by the respondents.”

23. I fail to see how either Ground N or Ground O comes to the aid of the petitioner.

24. Ground N urges that, “earlier in the past”, there were two students who had been admitted to the Ph.D. course in Plant Genetic Resources though they held M.Sc. qualifications in Genetics and Plant Breeding.



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25. It has already been noticed earlier that the restriction of the prescribed Master's level eligibility qualification, for admission to the Ph.D. course in Plant Genetic Resources, to a Master's degree in "Plant Genetic Resources/Botany/Agricultural Botany" is specific to the Information Bulletin applicable to the AICE 2022. In the past, at least in the AICE 2020, a Master's degree in Genetics and Plant Breeding was also stipulated as an eligibility qualification, for the purpose of admission to the Ph.D. course in Plant Genetic Resources of the ICAR-IARI. Thus, the assertion that, "earlier in the past", students who held M.Sc. degrees in Genetics and Plant Breeding had been admitted to the ICAR-IARI Ph.D. course in Plant Genetic Resources is of no relevance while examining the position *vis-à-vis* the AICE 2022. It is quite possible that, during the year in which the said students got admission – which remains unspecified – an M.Sc. in Genetic and Plant Breeding was sufficient as an eligibility qualification therefor.

26. In so far as the case of Mr. Yogesh is concerned, he is not a holder of an M.Sc. in Genetic and Plant Breeding at all but an M.Sc. in Agricultural Biotechnology. His case, therefore, is of no relevance whatsoever, in so far as the dispute at hand is concerned.

27. Thus, on merits, there is no case made out for this Court to hold that, in cancelling the admission of the petitioner, which was granted on a purely provisional basis, the respondents have erred in any manner.



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28. There is, however, an additional disturbing feature in the present case, which further disentitles the petitioner to relief.

29. The petitioner, at the time of applying for participating in the AICE 2022 examination for admission to the Ph.D. course in Plant Genetic Resources, has misdeclared his qualification as M.Sc. in Agricultural Botany, whereas he was actually holding an M.Sc. in Genetics and Plant Breeding. Misdeclaration in an application form while applying for admission in an examination *ipso facto* disentitles the candidate to apply in the examination and, irrespective of the outcome of the examination, invalidates, even by itself, his candidature.

30. A candidate who misdeclares his qualification while applying for an examination is also disentitled, *ipso facto*, from invoking the equitable jurisdiction that inheres in the Court under Article 226 of the Constitution of India.

31. For all the above reasons, therefore, this Court is unable to come to the aid of the petitioner.

32. The writ petition is accordingly dismissed, with no orders as to costs.

C.HARI SHANKAR, J

APRIL 30, 2024/yg

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