

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.29025 of 2014

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ORDER: (per Hon'ble Sri Justice Nooty Ramamohana Rao)

The petitioner, very unfortunately, though selected for appointment as a Senior Technical Assistant (Geo-physics), had faced really a heart burning situation of ending up in cancellation of her selection. Ways of life, as is so common in laws of science, keep moving in a wavy curvature to find oneself going down once only to come up the next time again. The 1st respondent has notified selection to the post of Senior Technical Assistant (Geo-physics). The petitioner has responded and her application has been scrutinized and she has been permitted to appear for the written test and she ended up meritorious in the written test fetching her an entry to the interview. At the interview, she also obviously performed well and consequently she has found included in the provisional selection list. But unfortunately, when her candidature has not fructified into an order of appointment, she started making efforts to know the reasons for the delay and that fetched the reply from the respondents informing her that she did not possess essential qualifications requisite for selection and due to an oversight she has been allowed to participate in the selection process and hence her selection has been cancelled. Heart broken, she approached the Central Administrative Tribunal, which dismissed the O.A and against that order, the present writ petition is filed.

The notification, which is published by the Staff Selection Commission (Eastern Region) at Kolkata on 26.07.2011 for the post of Senior Technical Assistant (Geo-physics), which is included in Group 'B', Non-gazetted, Non-ministerial service, required the following qualifications to be possessed by the candidates:

“Master’s degree in Geophysics or Marine Sciences (Geophysics) or Physics or Applied Physics or Mathematics with specialization in potential theory of a recognized University or Institute.”

The whole question, therefore, centers around is whether the writ petitioner did possess these essential qualifications or not?

The petitioner has not suppressed any information in her application. She did submit that she possessed M.Sc. degree awarded by the Andhra University in her favour. But however, she was awarded First class M.Sc. degree in Nuclear Physics subject by the Andhra University. Unfortunately, M.Sc. Nuclear physics is not one of the subjects notified as essential qualification to be possessed by the candidates by the Staff Selection Commission. It prescribed Master’s degree in Geo-physics or Marine Sciences (Geo-physics) or Physics or Applied Physics or Mathematics with specialization in potential theory as essential qualifications.

While one can understand that study of Nuclear physics as a specialized branch of physics also partakes study of the science of physics to a certain extent, but it is not the same as study of physics as a whole. A qualification possessed by a candidate may be treated as an equivalent qualification for the reason that some of the institutes or for that matter the Universities established by or under the Central or State Act may not be adopting a uniform nomenclature or procedure and consequently leaving scope for divergence of opinion. In such circumstances, no candidate should be denied consideration for employment against the public post and hence the concept of possessing equivalent qualifications has come to stay. But study of subject of Nuclear physics at the Post-graduate level of M.Sc. is not the same as that of study of the science of physics or Applied Physics at the Post-graduate level. Now, the study of Nuclear physics has become a whole time specialization of study. May be some of the conventional universities may not be offering the specialized course of Nuclear physics at the Post-graduate level and hence to get their Post-graduate students of physics to become familiarized, one or two papers of Nuclear physics may be introduced as part of the curriculum. But it is

not the same as studying the subject of Nuclear physics as a specialized subject of study of science exclusively. They are 2 different streams of study. Therefore, the respondents are, undoubtedly, looking for candidates who have exposure to Geo-physics as a subject of study.

It is no doubt true that the writ petitioner has produced a very effective result by competing along with all others and ended up in getting selected, reflecting her inherent meritorious qualities, but that alone cannot compel this Court to direct the respondents to appoint her. It is for the department to consider the merit of the petitioner. Therefore, leaving it open to the petitioner to pursue any remedy, if available, for securing the relaxation of the essential qualifications in her case because she had already proven her merit by competing along with other candidates possessing M.Sc.(Geo-physics) and ending up for selection, we dismiss the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

06.10.2015

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