

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.4915 OF 2017

Dated:14.03.2017

Between:

Dr. Ahmed Kamal, S/o. Mr. Mahaboob
Ali, aged about 60 years, Occ: Scientist,
R/o.8-2-619, Road No.11, Banjara Hills,
Hyderabad

.. Petitioner

And

Union of India, Department of Pharmaceuticals,
Ministry of Chemicals and Fertilizers,
Govt. of India, New Delhi and others

.. Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed for the following relief:

“... (i) issue a writ, order or direction, more particularly in the nature of a writ of certiorari, call for the records and quash the report dated 28.07.2016 and undated report both of the respondent 4 herein, as regards the credentials of the petitioner, as unwarranted, tampered with, stigmatizing and violative of the petitioner's rights;

(ii) set aside the recommendation of the respondent Nos.1 and 2 to His Excellency the Hon'ble President of India to withdraw approval to the petitioner's appointment as Director NIPER-Hyderabad, on the basis of the said report dated 28.07.2016 and undated report both of the respondent 4 herein, as unwarranted and violative of the petitioner's rights;

(iii) direct that respondents 1 to 3 consider afresh the petitioner's case for appointment as Director, NIPER-Hyderabad, without reference to the said report dated 28.07.2016 and undated report both of the respondent 4 herein attributing unsatisfactory conduct to the petitioner, and issue appropriate recommendation as warranted by proper appreciation of the record, to His Excellency the Hon'ble President of India as regards the petitioner's appointment as Director, NIPER-Hyderabad;

(iv) order an impartial investigation by respondents 1 to 3 into the manner in which the documents in question being the said report dated 28.07.2016 and undated report both of the respondent 4 herein were created, and punishment of the persons found responsible for misconduct either by disciplinary action or prosecution or as the Hon'ble Court deems appropriate;

and grant such other and further relief as this Hon'ble Court deems fit and proper in the interests of justice and in the circumstances of the case.”

2. Petitioner claims appointment as Director of National Institute of Pharmaceuticals Education and Research.

3. According to learned counsel for the petitioner, though the recommendation of the petitioner for appointment was approved by the President of India, he is not appointed in view of comment made by the Director General, CSIR, which reads as under:

“Ahmed Kamal, IICT,

1. Retraction of the paper due to concern over reproducibility of the result projected
2. Not plagiarism technically, but may be very serious. Needs further investigation. Prima facie, there is merit to suggest scientific misconduct.”

4. On instructions, learned counsel representing learned Assistant Solicitor General reported to the Court that the second candidate in the approved list opted out for appointment as Director and therefore there is no other candidate now to be appointed and there is no immediate threat to the petitioner with reference to his claim.

5. In view of this development, learned counsel for the petitioner states that the petitioner has applied under the Right to Information Act and obtained certain information and based on the said information, he intends to submit a representation to the Secretary, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India, the 2nd respondent, bringing to his notice that what was observed by the Director General, CSIR, was not correct and therefore he does not intend to pursue the Writ Petition and intends to make a detailed representation.

6. Having regard to these submissions, the Writ Petition is disposed of giving liberty to the petitioner to make a representation as stated by learned counsel for the petitioner and as and when such representation is made, it is needless to observe, the competent authority shall consider the same and pass appropriate orders, as warranted by law, by assigning due reasons in support of the said decision, as expeditiously as possible, preferably within a period of two months from the date of receipt of such representation. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:14.03.2017

KH

P. NAVEEN RAO, J

