

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.08.2018

PRONOUNCED ON : 23.08.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.21506 of 2017

G.Sriramulu

... Petitioner

-vs-

1.Council of Scientific and Industrial
Research (CSIR), rep. by its
Director General, Anusandhan Bhawan,
Rafi Marg, New Delhi 110 001.

2.Director,
Central Leather Research Institute (CLRI),
Adyar, Chennai 600 020.

3.Union of India,
Rep. by its Secretary,
Ministry of Science and Technology,
Technology Bhavan, New Mehrauli Road,
New Delhi.

4.Central Administrative Tribunal,
Chennai Bench, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records and quash the impugned order passed by the 4th respondent dated 04.11.2015 in O.A.No.1316 of 2012 read with office Memo No.25 (24-GS)/2012-E dated 16.07.2013 issued by the 2nd respondent and consequentially direct the respondents to grant movement of the petitioner from Group III to Grade IV with effect from the date of acquiring the MS qualification by the petitioner and grant all other consequential benefits.

For Petitioner : M/r.D.Nagasaila

For Respondents : Mr.T.Ravikumar
for RR 1 and 2

: Mr.S.Namo Narayanan for R-3

: Mr.AR.L.Sundaresan, Sr. Counsel
for M/s.AL.Gandhimathi for AICTE

O R D E R

THE HON'BLE CHIEF JUSTICE

The petitioner has directed this petition against the order passed by the Central Administrative Tribunal dated 4th November, 2016. By the said order, the O.A. preferred by the petitioner, i.e., O.A.No.1316 of 2012, came to be dismissed. In the said O.A., the petitioner had

prayed for directions to respondent nos.1 and 2 to grant movement from Group III to Group IV(7) to the petitioner, as per para 2.3.5 Revised MANAS of CSIR with effect from the date he acquired the entry level qualification for Group IV with all consequential benefits.

2.The facts relating to this case are that the petitioner was employed as Executive Engineer Group III (5) in the laboratory of respondent no.2, i.e., Director, Central Leather Research Institute (CLRI). At the time of entry into service as Workshop Assistant Grade II (1), the petitioner possessed only ITA Diploma in Electrical and Electronic Engineering qualification. However, thereafter he acquired B.E. (EEE) in the year 1993 in second class and thereafter, M.S. (Engineering) in BITS, Pilani, in first class.

3.According to the petitioner, the Rules only provided for first class in M.Sc. and the M.S. Degree of BITS, Pilani, is considered to be equal to M.Sc. As the petitioner had secured first class in M.S. Degree, he was entitled to be promoted from Group III to Group IV(7).

4.The petitioner has put forth the contention that since he has acquired M.S. Degree from BITS, Pilani, in first class, the same being equivalent to M.E./M.Tech Degrees, he meets the required entry level qualification for elevation to Group IV posts and therefore, has claimed for consideration under the revised MANAS.

5. That the M.S. Degree of BITS, Pilani, is considered equivalent to M.Sc. Degree by the Committee set up to consider the equivalence of degrees and that empowered Committee consisting of experts has given its finding that the M.S. Degree of BITS, Pilani, is considered to be equal to M.Sc. CSIR has also clarified vide letter No:17/66/5/94 dated 14.06.1995 that M.S. Degree of BITS, Pilani, may be equivalent to M.Sc.

6. Mr. T. Ravikumar, learned counsel for respondents 1 and 2, pointed out the rule position. As per CSIR Service Rules, 1994, for recruitment of Scientific, Technical and Support Staff, the entry level qualifications of Group IV (Scientific), (since the petitioner is in Group III (Technical), he should possess the qualifications of Group IV to avail the benefit of Group Movement as per para 2.3.5 of Revised MANAS of CSIR), are I Class M.Sc. / I Class B.E. or recognized equivalent qualification with not less than 65% marks or M.Tech. / ME/MBBS/MV Sc./M.Pharm/Ph.D (Science). The petitioner had acquired M.S. qualification in the year 1997 after introduction of Revised MANAS from 01.04.1992. However, admittedly, the petitioner did not have the requisite 65% marks and he had only 60% marks. In such case, it cannot be said that he met the requirements of minimum 65% marks in M.Sc. qualification.

8. Learned counsel for the petitioner tried to submit that the petitioner has M.S. Degree in Engineering and Rules do not provide for 65% marks in M.S. No doubt, the petitioner has obtained M.S. Degree in Engineering, but that is obtained from BITS, Pilani, which, as stated earlier, amounts to holding a M.Sc. Degree and in case of M.Sc. Degree, it is clearly provided that for movement from Group III to Group IV, qualification which is required is not less than 65% marks. Learned counsel for the petitioner fairly admitted that the petitioner had only secured 60% marks and not 65% marks. In such case, the Tribunal was right in holding that the petitioner is not entitled for movement from Group III to Group IV.

In view of the above, we are not inclined to interfere with the order of the Tribunal. Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Director General,
Council of Scientific and Industrial
Research (CSIR), Anusandhan Bhawan,
Rafi Marg, New Delhi 110 001.
- 2.The Director,
Central Leather Research Institute (CLRI),
Adyar, Chennai 600 020.
- 3.The Secretary to Govt. of India,
Ministry of Science and Technology,
Technology Bhavan, New Mehrauli Road,
New Delhi.
- 4.The Asst. Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai.

+1cc to Mr.AL.Ganthimathi, Advocate, S.R.No.57774

+1cc to Mr.S.Namo Narayanan, Advocate, S.R.No.57958

+1cc to Mr.D.Nagasaila, Advocate, S.R.No.57370

W.P.No.21506 of 2017

GSP(31/08/2018)

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