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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10557/2016**
ABHINAV SULTANIA Petitioner
Through: Mr. Satish Mishra, Advocate.

versus

**COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH &
ORS** Respondents
Through: Mr. Bhuvnesh Satija, Advocate.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
% **15.03.2018**

1. The petitioner is aggrieved by the order dated 12.9.2016, passed by the Central Administrative Tribunal, dismissing his O.A. 1081/2016, praying *inter alia* for issuing directions to the respondent/Central Road Research Institute (in short “**CRRI**”) to conduct his interview in terms of the Notification dated 02.2.2016 and declare the result.
2. A brief glance at the facts of the case is considered necessary. The respondent No.2/CRRI had issued an advertisement inviting applications for filling up vacancies in respect of 12 posts of Scientists including, Post Codes S-06 and S-07 i.e., Bridges and Structural Engineering. The job requirement/description and desirable knowledge for the subject post as prescribed by the respondent No.2/CRRI was as follows:-

“Ability to carry out R& D studies and consultancy projects related to Bridges and Structures including analysis and design of bridges, health assessment of bridges, strengthening/rehabilitation of bridges, performance

evaluation of bridges, bearing and expansion joints, earthquake engg. And composite materials”

3. One of the conditions stipulated in para 14 of the aforesaid advertisement was that:-

“14. In case of University/Institutes awarding CGPA/SGPA/OGPA grades etc., candidates are required to convert the same into percentage based on the formula as per their University Institute to be supported by documents. In the absence of the formula, it may be considered either as linear scale (Example : 8.65 CGPA= 86.5% and vice versa) or any other formula may be considered to arrive at the percentage of marks. Institutes decision in this regard will be final and binding on the applicants.”

4. The petitioner applied for appointment to the subject post by submitting an online application dated 02.12.2014. Alongwith the said application, he submitted attested copies of the requisite documents including an attested copy of the matriculation/equivalent certificate with the marks sheet, attested copy of the marks sheet degree/diploma and certificate issued by the concerned authority and an attested copy of the experience certificate. The petitioner was shortlisted by the respondents for an interview in terms of the Notification dated 02.2.2016, where his name featured at Sr. No. 7 against Post Code S-06 (UR). A perusal of the said Notification reveals that the respondents had marked an asterisk against the petitioner's name with a footnote stating that *“M. Tech marks sheet not clear. To be interviewed subject to the verification of his original document related to M. Tech marks/CGPA”*.

5. At end of the Notification dated 02.02.2016, under the head ‘General Remarks’ is para (iv), which stated in clear terms that non-production of the original certificates/records etc. will be a ground to make a candidate ineligible for appearing in the interview. Para (iv) is reproduced below for ready reference:-

*“(iv) It should be noted that the prime criterion considered for shortlisting of candidates for different posts is the percentage of marks, as found appropriate against each post, obtained by candidates in M.E./M.Tech. Therefore, those candidates who have been shortlisted on the basis of CGPA/SGPA/OGPA grades etc. in ME/M. Tech are requested to immediately send to the undersigned copy of authentic statement/record/certificate from the concerned University/Institution/College etc. which should reflect the co-relation/relationship between the CGPA/SGPA/OGPA grades etc. and percentage of marks. **Non-production of such statements/records/certificates etc. in original at the time of interview may render them ineligible for appearing in the interview.**” (emphasis added)*

6. It is the petitioner’s version that when he appeared before the respondents for his interview on 08.3.2016, he was not interviewed and instead, was called to return on the next day with a copy of his degree in Master of Science in Engineering (in short ‘**M.S.E.**’) certificate issued by the University of Texas at Austin, U.S.A. The petitioner claims that when he appeared before the respondents on the next day, i.e., on 09.03.2016 along with the relevant documents i.e., official transcript issued by the University of Texas at Austin, U.S.A. and his marks sheets, the same was found to be in order but his name was not recommended for being interviewed and he was denied an interview. It is with this grievance that the petitioner had approached the Tribunal for relief.

7. Holding that the certificate awarded to the petitioner by the University of Texas at Austin, U.S.A. for their off-Campus M.S.E. Course, was merely a diploma course and could not be treated as equivalent to M.E./M. Tech degree courses, the Tribunal opined that the respondents had not erred in rejecting the candidature of the petitioner for the aforesaid reasons. As a result, the petitioner was declined relief.

8. Learned counsel for the respondents states before us that while passing the impugned judgment, the Tribunal has erroneously gone into the aspect of equivalence of the M.S.E. degree awarded to the petitioner by the University of Texas at Austin, U.S.A. vis-a-vis a degree of M.E. and M. Tech courses, as required by the respondents, when no such plea was taken by the petitioner and nor was any objection raised by the respondents on the issue of equivalence. He states that the only objection raised by the respondents to oppose the prayer of the petitioner was that he had failed to produce the original certificate at the time of his interview, as prescribed.

9. Learned counsel for the petitioner does not dispute the above submission. Instead, he submits that when the petitioner had appeared for an interview on 08.3.2016, he had produced only those documents, attested copies whereof had been furnished by him at the time of submitting the online application i.e., attested copies of matriculation equivalent marks sheet, attested copy of marks sheets of degrees/diploma.

10. Despite repeated questions posed to learned counsel for the petitioner as to why had the petitioner not produced the originals of those documents, which were required to be produced at the time of interview in terms of the Notification dated 02.02.2016, he has been constantly hedging the query and giving evasive replies. He however does not deny the fact that the petitioner

did not produce the original of the document placed at page 88, which is final marks sheet dated 16.08.2010 issued by the University of Texas at Austin, U.S.A. for the M.S.E. course and the original degree of M.S.E. awarded to him by the said University, a photocopy whereof has been filed at page 89.

11. That being the position, it is not understood how the petitioner can try and blame the respondents for not permitting him to participate in the interview on 08.03.2016, particularly when it was informed in advance that he should produce the original certificate from the concerned University/Institution/college and non- production of the said certificate in original at the time of the interview would render him ineligible for appearing therein. It is also noteworthy that the petitioner had addressed a letter dated 09.3.2016 to the Chairman of the Interview Board stating *inter alia* that he had been called for an interview on 08.3.2016, with the records in original but he had submitted the original records only on the next day i.e., on 09.3.2016 and that he had been able to obtain the relevant record in original and the final transcript marks sheet only subsequently.

12. It is considered appropriate to reproduce below the letter dated 09.3.2016 addressed by the petitioner to the Chairman (Interview Board):-

*“To
The Director/Chairman (Interview Board) 09.03.2016
CRRI,
New Delhi*

Dear Sir,

Kindly find below my email (enclosed) to you dated 08.03.2016 in which I have made my request as below.

“I, Abhinav Sultania had applied for the Post Code S-06 in general category dated 01.11.2014. For the interview I had been called on 08.03.2016 with the records in original.

Today I submitted all the relevant records and got verified.

The official transport copy showing the final grade point average for the masters degree (issued prior to the end of last semester, which indicate that for 2 courses CE 697 S and CE 698B no final grade was awarded). These two courses are for credit/no-credit basis only. In support of it, I produced the official records (prospectus) also. Self attested copy of degree certificate of masters at the University of Texas at Austin was also produced.

I requested that I may be allowed to be interviewed, but I was not allowed. Due to time lag between India and US, I could not produce the documents by evening. Now I have final transcript/marksheet with me (which has the same GPA as was produced) and I have got the original degree certificate. I am sending a copy of transcript/marksheet as attachment.

You are requested to consider my candidature and call for interview on 09th March 2016 on my cell number 8948550056.

I have come with the documents as assured on 08.3.2016. Kindly consider me for interview today and oblige.

Thanking you,

With Regards,

Abhinav Sultania”

12. Learned counsel for the respondents clarifies that the petitioner did turn up for his interview on 08.3.2016, but without the original documents. He was told to produce the said documents in the course of the day and given time till the evening to do so but he failed to produce the original documents. As a result, the respondents had no option but to foreclose the right of the petitioner to participate in the interview process.

13. The fact that the petitioner had failed to produce the relevant original documents on the date of the interview is borne out from a perusal of the letter dated 09.3.2016 itself. When the petitioner and the other candidates were told in advance that they were required to produce the original certificates/records/statements at the time of their interview, there was no justification for him to have appeared for his interview on 08.3.2016, without the requisite original documents. Despite this, he was afforded an opportunity by the respondents to return with the documents during the course of the day, but he did not do so for reasons best known to him. His coming back to the respondents on the next day with the original documents is of no consequence, as by then, the interview process was over.

14. In the given facts and circumstances, we are of the opinion that the petitioner is not entitled to any relief, not for the reasons given in the impugned order, but due to the fact that he did not produce his original certificates on the date of the interview i.e., on 08.03.2016, for verification of his educational qualifications, as prescribed for the subject post.

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

HIMA KOHLI, J

PRATIBHA RANI, J

MARCH 15, 2018

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