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

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Date of Decision: 03.07.2019

% **W.P.(C.) No. 6581/2019**

DINESH CHANDRA MISHRA Petitioner

Through: Petitioner in person.

Versus

INDIA COUNCIL OF AGRICULTURE RESEARCH & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

VIPIN SANGHI, J. (ORAL)

CM No.27785/2019

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C.) No. 6581/2019 & CM No. 27786/2019

1. The petitioner who appears in person assails the order dated 14.2.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in OA No. 2435/2018. The Tribunal has rejected the said Original Application preferred by the petitioner. The petitioner had preferred the said application to seek a direction to the respondents to admit him for the Ph.D in the discipline of 'Plant Genetic Resources' under Departmental (Technical) quota for the academic session 2018-2019 at the respondents-

Indian Council of Agriculture Research.

2. The selection criteria for undertaking Ph.D stipulated by the respondents is as follows:-

“Academic Attainments (Record):

Weightage for academic attainments (High School to terminal degree) would be 10%

Entrance Examination:

The weightage for entrance examination is 80%. The candidates will have to appear for Entrance Examination consisting of one paper for three parts: Part I(General Agriculture) and Part-II and III (Subject paper). The minimum qualifying marks for appearing in the interview is 50% for General/OBC, 45% for SC/ST/PC/CWSF candidates. Total marks (percentile) would be considered for the preparation of merit. The highest mark scored by the candidates within each discipline will be considered as maximum mark (=100%) for calculating the % marks within that discipline.

Interview:

The weightage for interview is 10%. Candidates qualifying in the Entrance Examination will be called for interview in the ratio of maximum 1:4 (No. of seats: No of students called for interview). The interview would be held on July 2, 2018 in respective Discipline and the candidates may download their interview letter from June 25 to July 02,2018.

Merit after the interview and Institute choice as exercised by the candidate in the Application Form shall be the criterion for selection in the respective Institute subject to fulfillment of all the other requirements for admission.” (emphasis supplied)

3. The admitted position is that the petitioner, who was allotted Roll No.1900002, secured 83.50 marks, and the topper secured 171.75 marks. Applying the aforesaid criteria, the topper with Roll No. 1900003 got 100

percentile, and the marks awarded to the petitioner i.e 83.50, translated to 48.62 percentile. Consequently, the petitioner did not meet the minimum qualifying marks criteria for appearing in the interview, which was 50% for General-OBC Category candidates. The petitioner admittedly is a General category candidate.

4. The only submission advanced by the petitioner in his Original Application before the Tribunal was that he was the only departmental candidate and, in his category, the marks obtained by him i.e 83.50 ought to be considered as 100 percentile.

5. We do not find any merit in the submission of the petitioner. The interpretation sought to be advanced by the petitioner of the recruitment criteria would lead to obvious absurd results inasmuch as, an applicant in any specified quota (departmental, or otherwise) would thence make a claim, merely on the ground that he being the only candidate in his quota he should be treated as having secured 100 percentile even if he secures, let us say, 5% marks in examination. The objective of the stipulation of minimum qualifying marks as 50% for General/OBC category candidates appears to be to ensure that academically competent and qualified candidates alone are enrolled for Ph.D programme conducted by the respondents. We, therefore, do not find any merit in the submission of the petitioner.

6. The petitioner further submits that in terms of the Memorandum dated 28.2.2018 issued by the Indian Agriculture Research Institute on the subject of-admission of departmental candidate to M.Sc./M.Tech/Ph.D degree programme during the academic session 2018-2019, weightage of 5 marks

for determining the eligibility of the candidates shall be given to the scientific/technical staff at IARI and its Regional Stations: IASRI, NBPGR and NRCPB. He submits that he is serving at NBPGR, and therefore, was entitled to weightage of 5 marks for determining his eligibility which he has not been granted. We find that the petitioner made no such averment in the Original Application, and the respondents were not called upon to answer this aspect, and this aspect has also not been raised before the Tribunal. There is no reason to assume that Clause 7 of the OM dated 28.2.2018 has not been applied to the petitioner, and that the total marks awarded to him i.e 83.50 does not include the said 5 marks weightage.

7. The petitioner submits that the requirement laid down by the respondents is not prescribed by other Universities which enroll the candidates for the Ph.D programme. We are not concerned with the said aspect. Since the petitioner was desirous of enrolling for the Ph.D programme with the respondents, he was obliged to meet the criteria stipulated by the respondents.

8. We do not find any merit in the writ petition. Dismissed.

VIPIN SANGHI, J.

RAJNISH BHATNAGAR, J.

JULY 03, 2019

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