

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)**

Present:

**The Hon'ble Justice Tapabrata Chakraborty
&
The Hon'ble Justice V. M. Velumani**

WPCT 55 OF 2023

**Shri Diptanshu Chatterjee
Vs.
Union of India & Anr.**

For the Appellants : Mr. Abhimanyu Banerjee

For the Respondent : Mr. Ashok Chakraborty, Ld. A.S.G.,
Ms. Sabita Roy

Hearing concluded on: 01/12/2023

Judgment on: 20/12/2023

V.M. Velumani, J.

1. The unsuccessful petitioner before the Central Administrative Tribunal, Calcutta, has filed the present writ petition challenging the order dated 23rd January, 2023 made in OA No. 350/2061 of 2022.

2. The third respondent issued publication No. CEN 01/2018 calling for applications for appointment of Assistant Loco Pilot and Technicians. The respondent prescribed following requisite educational qualification:

*“3 years Diploma in Mechanical/Electrical/Electronics/
Automobile Engineering (OR) combination of various streams of*

these Engineering disciplines from a recognized institution in lieu of ITI.

Note : Degree in the Engineering disciplines as above will be acceptable in lieu of Diploma in Engineering.”

3. The petitioner is possessing B.E. degree in Computer Science and Engineering. He applied through online mentioning his educational qualification as B.E degree in Electronics and Computer Science.

4. The petitioner cleared two stages of computer based tests conducted on 21st August, 2018 and 23rd January, 2019. On 10th May, 2019, he was called for computer based Aptitude Test. On being successful, he was called for document verification and medical test held on 20th June, 2019. His name was empanelled in the selection list. Subsequently, his name was not being included in the list of selected candidates. Hence, he filed OA No. 350/1342 of 2022 before the Central Administrative Tribunal. The Central Administrative Tribunal by the order dated 29th August, 2022 directed the third respondent and passed the following order:

“consider the grievance of the applicant and to ascertain whether the applicant possessed the qualifications as mentioned, and, if so, to pass an appropriate order forwarding the case of the applicant for further process for his appointment”.

5. As per the above order of the Tribunal, the third respondent considered the claim of the petitioner and by speaking order dated

20th/28th September, 2022 held that the petitioner is not having requisite qualification.

6. Challenging the said order, the petitioner filed the present OA No. 350/02061 of 2022. Before the Tribunal, the petitioner contended that Computer Science and Engineering is equivalent to Electronics and Computer Science and other Universities recognized as such and hence, he is qualified. The respondent had allowed the petitioner to participate in three tests and his disqualification is invalid.

7. Per contra, the learned counsel appearing for the respondent contended that qualification will be verified only at the stage of document verification. On document verification, it was found that the petitioner is not possessing requisite educational qualification. By speaking order, the petitioner is disqualified which is valid.

8. The Tribunal gave opportunity to the petitioner to produce documents to substantiate his claim that Computer Science and Engineering degree is equivalent to degree in Electronics and Computer Science. The petitioner produced two documents, namely, CEN 03/2018, published by the RRB and CET Schedule for academic session 2014-15 of GGS Indraprastha University, Delhi. The Tribunal verified the said documents and held that those documents are not relevant and by the order dated 23rd January, 2023, dismissed the OA.

9. The petitioner has come out with the present writ petition challenging the said order dismissing the OA filed by him.

10. The petitioner has raised various grounds and the learned counsel for the petitioner referred to the said grounds. The main contentions of learned counsel for the petitioner are:

- i. The petitioner is 1st Class graduate in Computer Science and Engineering stream. The said degree is equivalent to degree in Electronics and Computer Science stream.
- ii. The subjects in both the streams are similar and many universities recognized Computer Science and Engineering degree is equivalent to degree in Electronics and Computer Science.
- iii. The petitioner was successful in three computer based subjects conducted by the respondent and after documents verification and medical test, the petitioner was included in the provisional list of selected candidates. The non-inclusion of the petitioner's name in final list of selected candidates is invalid and illegal.
- iv. The respondents and Tribunal failed to properly consider the Computer Science and Engineering degree is equivalent to Electronics and Computer Science degree.
- v. The petitioner has produced two documents, namely, CEN 03/2018, published by the RRB and CET Schedule for

academic session 2014-15 of GGS Indraprastha University, Delhi. The educational qualifications mentioned therein clearly show that Computer Science and Engineering degree is equivalent to Electronics and Computer Science.

- vi. The petitioner has submitted comparative statement of subjects taught in Computer Science and Engineering stream and Electronics and Computer Science in the universities which shows that both the degrees are equivalent.

11. On the above submissions, learned counsel for the petitioner prayed for allowing the writ petition.

12. Per contra, the learned counsel appearing for the respondent submitted that the petitioner furnished incorrect and false statement and suppressed informations. While the petitioner is not possessing B.E. degree in Electronics and Computer Science but falsely stated in the online application that he is possessing such a degree. After considering all the materials, the matter was referred to Chief Personal Officer, South-East Railway and Chief Officer, Eastern Railway. The said Officer, considering the materials, found that the petitioner is not possessing the requisite educational qualifications as required by the respondent, rejected the candidature of the petitioner which is valid and legal and prayed for dismissal of the writ petition.

13. Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondent and perused the entire materials on record.

14. From the materials placed on record, it is seen that respondents, by Centralised Employment Notification (CEN) No. 01/2018, called for applications for appointment to various categories of Assistant Loco Pilot/Technician Gr. III. The respondent specifically mentioned the requisite educational qualification. The petitioner submitted his online application for the post of Assistant Loco Pilot/Technician Gr. III.

15. The respondents did not prescribe diploma or degree in computer science as one of the requisite educational qualification. The petitioner is possessing B.E. degree in Computer Science and Engineering which is not a requisite educational qualification. Therefore, the petitioner is not possessing the educational qualification prescribed by the respondents and hence, he is not eligible to apply through online mentioning Computer Science and Engineering degree. That is why the petitioner has mentioned in the online application that he is holding the B.E. degree in Electronics and Computer Science Engineering. This is a wrong and incorrect statement as he is not having the said degree.

16. It is the contention of the learned counsel for the petitioner that Computer Science and Engineering degree is equivalent to

Electronics and Computer Science degree, the subjects taught are similar and the universities recognized the Computer Science and Engineering degree as equivalent to Electronics and Computer Science. Except stating so, the petitioner has not produced any material from the universities to substantiate his claim. The petitioner has produced comparative table of subjects taught in the two colleges and submitted that both the degrees are equivalent to each other. But the comparative chart is not authenticated by any university or any recognized educational institution.

17. It is pertinent to note that Tribunal gave opportunity to the petitioner to produce documents to show that both the degrees are equivalent. The petitioner produced only CEN 03/2018, published by the RRB and CET Schedule for academic session 2014-15 of GGS Indraprastha University, Delhi. The Tribunal considered both the documents and rejected them as irrelevant to the issue in question. There is no error in the reasoning of the Tribunal.

18. The learned counsel for the petitioner contended that respondents having permitted the petitioner to appear for three tests, document verification and medical test and petitioner being successful included in the selected list. In view of the same, non-inclusion of the petitioner in the final list of selected candidates is invalid and illegal. The said contention cannot be accepted. The provisional list was referred to Chief Personal Officer, South-East

Railway and Chief Officer, Eastern Railway for final verification and preparation of selected list of candidates. The said Officer noticing that the petitioner is having only Computer Science and Engineering degree, rejected the candidature of the petitioner, which is valid and legal.

19. For the above reason, the writ petition fails and is dismissed as devoid of merits.

20. Urgent photostat certified copy of this judgment, if applied for, be given to the parties, upon compliance of requisite formalities.

(V.M. Velumani, J.)

(Tapabrata Chakraborty, J.)