

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-940-2019 (O&M)

Date of decision: 01.08.2025

Dr. Vivek Ahluwalia

....Petitioner

Versus

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Raman Sharma, Advocate,
for the petitioner.

Mr. Jagjit Singh Lalli, Advocate,
for respondents No.1 and 3.

Ms. Alka Chatrath, Advocate, and
Ms. Jyoti Pandey, Advocate,
for respondent No.2.

Mr. Shobit Phutela, Advocate,
for respondent No.4 and 6.

Mr. R.K. Arora, Advocate, and
Mr. Jugam Arora, Advocate,
for respondent No.5.

ASHWANI KUMAR MISHRA, J. (Oral)

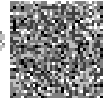
CM-16118-CWP-2023

Application is allowed, as prayed for.

The additional documents are taken on record.

CWP-940-2019

1. Aggrieved by the order dated 04.12.2018 (Annexure P-1/A),
passed by the learned Central Administrative Tribunal, Chandigarh
Bench, Chandigarh (for short, 'the Tribunal), the petitioner has

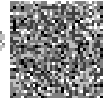


approached this Court under Articles 226/227 of the Constitution of India.

2. The Union Public Service Commission (for short, 'the Commission'), vide advertisement No.13/2014, published in the Employment News dated 9-15 August, 2014, invited applications for various posts, including three unreserved posts of Assistant Director (Chemistry) in Directorate of Plant Protection, Quarantine and Storage, Faridabad, Department of Agriculture & Cooperation, Ministry of Agriculture. The advertisement contained prescription of qualifications for the posts in question, which reads as under:-

“1 (Vacancy No.14081301509)

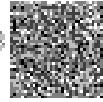
Three Assistant Directors (Chemistry) in Directorate of Plant Protection, Quarantine and Storage, Faridabad, Department of Agriculture & Cooperation, Ministry of Agriculture (UR-3). The posts are permanent. Pay Scale: Rs.15600-39,100 (PB-3) +Rs.5,400 (Grade Pay) (T.E.Rs.42,000/-)+TA and HRA as admissible, General Central Service. Group 'A' Gazetted, Non-Ministerial. Age: 35 yrs. QUALIFICATIONS: ESSENTIAL: A EDUCATIONAL: M.Sc. in Agricultural Chemistry or M.Sc. in Chemistry with specialization either in Organic Chemistry or Analytical Chemistry from a recognized University or Institution. B.EXPERIENCE: Three years practical experience of work relating to analysis of Pesticides: using modern sophisticated analytical instruments such as Fourier Transform Infrared Spectroscopy, High performance liquid Chromatography, Gas Liquid Chromatography, etc. in a Central Government or State Government Department or Public Sector Undertaking or Agricultural University or in an Autonomous or Statutory or Semi-Government Organization or in any recognized Research Institutions or Councils. DESIRABLE: Doctorate Degree in Agricultural Chemistry or Doctorate Degree in Chemistry (with Research work on Pesticides related subjects) from a recognized



University. DUTIES: Analysis of pesticides & residues by latest physic-chemical methods, training, research & development work on modern instrumental methods. Determination of pesticides contamination in environment. National surveys on: (i) residue analysis to determine extent of contamination of food commodities and assist in establishment of tolerance limits (ii) Quality control of pesticides formulation as per ISI specifications. HQ: Faridabad but liable to serve anywhere in India.”

3. The advertisement also provided the eligibility criteria for the purpose of appointment, last date to submit the application forms etc. In response, 284 persons had applied, out of which, 21 candidates, including the petitioner, were short-listed. Consequently, those candidates were interviewed, and the final result was uploaded by the Commission on its website, on 27.05.2015, which was published in the employment news dated 12-18.09.2015. Accordingly, the selected candidates, namely, Ms. Nidhi Dubey, Mr. Avnish Tomar, and Mr. Brijesh Tripathi, joined in the year 2015 itself, and they have been working for the past around 10 years, and have also been granted consequential benefits, such as promotion etc. However, the petitioner, namely Mr. Vivek Ahluwalia, was placed at serial No.1, in the waiting list.

4. The petitioner challenged the appointment of private respondents No.4 to 6 by filing O.A. No.63/125/2016, before the Tribunal, on the ground that the selected candidates lacked essential qualifications. The Tribunal, after thoroughly examining the matter, rejected his claim, vide the order under challenge. For the purpose of

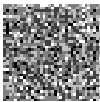


drawing a conclusion in favour of the selected candidates that they, indeed, possessed the requisite qualifications and eligibility, the Tribunal has analysed their qualifications and experience. Hence, the petitioner is before us in the present writ petition.

5. Learned counsel for the petitioner vehemently contends that qualifications possessed by the private respondents do not respond to the qualifications prescribed in the advertisement as also the rules. He further submits that there had been certain manipulations in the office noting, owing to which, respondent No.4 was declared eligible by the Commission. He submits that in order to substantiate this argument, certain additional documents, by way of an application, have been placed on record, though the same were not placed on record before the Tribunal.

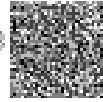
6. We have heard learned counsel for the parties and have perused the material available on record.

7. The primary ground to lay challenge to the appointment of the private respondents is the alleged lack of qualification with them. Further, the qualification required to be possessed by the candidates, for the post in question, was M.Sc. in Agriculture Chemistry or M.Sc. in Chemistry with specialization either in Organic Chemistry or Analytical Chemistry from a recognized University or Institute. The other qualification was in relation to experience, in terms of the advertisement. The qualifications possessed by all the three selected candidates, have been noticed by the Tribunal, in paragraph 5 of the impugned order, which reads as under:-



Ms. Nidhi Dubey (Roll No.135) (Respondent No.4)	She has Degree of Master of Science in Chemistry, having Organic Chemistry and Analytical Chemistry, as subjects in her M.Sc. Mark Sheets (Copy of Master Degree Certificate along with mark sheet are enclosed as Annexure R-5).
Sh. Avnish Tomar (Roll No.40) (Responent No.5) Sh. Bijesh Tripathi (Roll No.51) (Roll No.6)	He has degree of Master of Science in Chemistry (Industrial Applications), having Modern Analytical Tehniques I, Modern Analytical Tehniques II, Modern Analytical Tehniques III, Modern Analytical Tehniques IV, and Agro-chemicals as subjects in his M.Sc. Mark Sheets (Copy of his Master Degree Certificate along with mark sheet are enclosed as Annexure R-6).
Sh. Bijesh Tripathi (Roll No.51) (Respondent No.6)	He has Degree of Master of Science in Agrochemical and Pest Management, having Paper I, II, III and IX as subjects in his M.Sc. Mark sheets which can be transcribed to Separation and Analytical Techniques, Basic Organic Chemistry or (IIB) Cell Biology, Genetics, Biochemistry, Synthetic Organic Chemistry and Chemistry of Synthetic Pesticides (Copy of His Master Degree Certificate along with Mark sheet are enclosed as Annexure R-7).

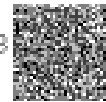
8. Much force has been exerted on behalf of the petitioner to contend that though the private respondents possessed Post-graduation in Science, but their degrees are neither in Agricultural Chemistry, nor is it shown that their Post-graduation in Chemistry is with specialization either in Organic Chemistry or Analytical Chemistry.



9. Before proceeding further, we may note that the recruitment process was to be undertaken by the Commission. In this regard, our attention has been invited to the Rules which regulated the recruitment, i.e. “Directorate of Plant Protection, Quarantine and Storage, Faridabad Chemistry Discipline, Recruitment Rules, 2012 (for short, ‘the Rules). These Rules specify the posts, classification, qualifications etc. After referring to the post of Assistant Director (Chemistry), which is under challenge, the Rules contemplate a note, which reads as under:-

“Note 1: Qualifications are relaxable at the discretion of the Union Public Service Commission for the reasons to be recorded in writing, in case of candidates otherwise well qualified.”

10. Therefore, it is apparent that abovesaid Note 1 clearly vests the element of discretion in the Commission in certain specified exigencies. In this way, the Commission, by recording reasons in writing, was entitled to relax the qualifications in case, the candidates, otherwise, were well qualified, and as such, the Rules did provide the element of discretion to the Commission for determining the qualifications for the post in question. At this juncture, we may also note that learned counsel for the parties before us are consistent in stating that ordinarily, different recognized Educational Institutions are not issuing any degree as regards M.Sc. in Agricultural Chemistry, rather, Educational Institutions have been issuing such degrees with some variations in nomenclature, though the course contents may be the same. It is in this regard that we have proceeded to examine the records.



11. As narrated above, qualifications of all the three selected candidates have been noticed by the Tribunal. Respondent No.4, namely Ms. Nidhi Dubey, possessed the degree of Master of Science in Chemistry. Her mark sheet reflects that Organic Chemistry and Inorganic Chemistry were also her subjects. Additionally, she also studied Analytical Chemistry. So far as Mr. Avnish Tomar is concerned, he too possesses the degree of Master in Science in Chemistry. His mark-sheet shows that he had studied Modern Analytical Techniques I, II, III and IV, along with Agro Chemicals. Coming to respondent No.6, namely Sh. Brijesh Tripathi, he is a Post-graduate in M.Sc. in Agrochemical and Pest Management. The Course contents of Delhi University on the subject have been placed before us, which would clearly show that he had studied Organic Chemistry and its sub-sections in various papers. His qualification also includes Agricultural non-insect Pest Weeds etc.

12. Our attention has also been invited to page 384 of the paper book, containing modalities, which have been resorted to, by the Commission in short-listing the candidates. This document has been place on record by the petitioner himself.

13. A perusal of the said document shows that Master degree in Agricultural Chemicals or Agrochemical has been treated as equivalent to M.Sc. Agricultural Chemistry. Further, experience certificates have also been taken note of by the Commission to hold the private respondents eligible for appointment to the post in question.



14. Though, Mr. Sharma, learned counsel for the petitioner, has made valiant efforts to persuade us to interfere with the findings returned by the Tribunal, on the ground that fair process has not been adopted by the Commission, and the petitioner has wrongly been placed at serial No.4 (or at No.1 in the waiting list), but we are not inclined to accept such submission. The primary reason is that the eligibility of candidates in a specialized subject has been considered by an expert body, and its assessment carries great weight. Neither any allegation of malafide is leveled against any of the members of the Commission, nor any such allegation is made against the Selection Committee. In such circumstances, we have no reason to disagree with the opinion of the experts in the field, according to which, the private respondents possess requisite qualification. They have, otherwise, been selected from a large number of applicants and have been working on the post in question for nearly 10 years and have also been promoted on the basis of their satisfactory service. Therefore, at this belated stage, we have no reason to interfere with the well reasoned findings returned by the Tribunal.

15. Accordingly, the petition is dismissed.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

01.08.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No