



2025:DHC:1864-DB



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

+ **W.P.(C) 7191/2020**

DR SK TYAGI

.....Petitioner

Through: Mr. Pradeep Kumar Arya with
Mr. Gaurav Chaudhry, Mr. Rishabh
Malhotra, Mr. Rishabh, Mr. Aditya Kumar
Yadav and Ms. Garima Chaudhary, Advs.

versus

**AGRICULTURE SCIENTIST RECRUITMENT BOARD &
ORS.**

.....Respondents

Through: Mr. Gagan Mathur, Adv. for
R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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10.02.2025

C. HARI SHANKAR, J.

1. In August 2019, the Agriculture Scientist Recruitment Board¹ issued an Advertisement inviting applications for the post of Director in the ICAR-Central Institute of Post-Harvest Engineering & Technology², Ludhiana. The Advertisement required, among other things, the No Objection Certificate³ from the employer of the candidate to reach the Secretary, ARSB, within 15 days of the closing date for submission of applications, failing which the application

¹ "ARSB" hereinafter

² "CIPHET" hereinafter

³ "NOC", hereinafter



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would stand rejected without notice. The closing date for submitting applications was 26 September 2019.

2. The petitioner who, at that time, was working as Principal Scientist and Project Coordinator in the CIPHET, submitted his application for consideration for appointment as Director, in response to the above advertisement, on 24 September 2019. On ³/₄ October 2019, the CIPHET wrote to the Secretary, ARSB, acknowledging the receipt of the petitioner's application on 24 September 2019 and stating, further, that the Vigilance Section of the ICAR had been requested to issue the vigilance clearance certificate, which would be forwarded to the ARSB immediately on receipt. It was also clarified that no vigilance case was pending or contemplated against the petitioner in the CIPHET.

3. *Vide* an internal file noting dated 10 October 2019 in the Indian Council for Agricultural Research⁴, where the petitioner was working prior to being posted in the CIPHET, it was observed that, as a penalty of reduction to a lower stage in the time scale of pay by one stage for 3 years without cumulative effect had been imposed on the petitioner, he was not clear from vigilance angle. The petitioner, on learning of this file noting, wrote to the Chief Vigilance Officer⁵, ICAR, pointing out that the Vigilance Department of the ICAR had granted vigilance clearance to him on 29 June 2018 and again on 19 December 2018 when he had applied for different posts. It was also pointed out that the penalty, to which the file noting dated 10 October 2019 alluded,

⁴ ICAR



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was following a charge-sheet dated 30 December 2013, and was for the period 27 October 2014 to 26 October 2017, which was long over. The CVO was, therefore, requested to issue the vigilance clearance certificate.

4. The petitioner's request was rejected by the ICAR by a terse communication dated 31 October 2019, which merely stated that "the Competent Authority (had) decided not to grant vigilance clearance till 26.10.2020".

5. The petitioner again represented on 31 October 2019 and 17 November 2019 for grant of vigilance clearance, whereafter he was finally granted vigilance clearance by letter dated 19 September 2019, followed by a clarification dated 27 December 2019 by the Personnel Division in the ICAR to the effect that the petitioner could apply for appointment to the post of regular Director, CIPHET or any other post within the ICAR.

6. In that view of the matter, the petitioner wrote to the ARSB on 7 March 2020, requesting that he be considered for the post of Director in the CIPHET, following the Advertisement issued in August 2019.

7. As matters were still not progressing, the petitioner sought a clarification from the Vigilance Department of the ICAR which responded to the petitioner on 26 May 2020, clarifying that the

⁵ "CVO" hereinafter



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vigilance clearance granted *vide* letter dated 19 November 2019 was for the post of Director, ICAR, CIPHET as advertised by the ARSB *vide* Advertisement 01/2019, and was not linked with any particular date.

8. The petitioner came to know that the interview, for the post of Director, ICAR, CIPHET, was to take place on 30 October 2020, and that, while the applications of other candidates had been screened, his application had not been screened on the ground that the vigilance clearance of the petitioner had not been forwarded by the ICAR to the ARSB within the stipulated period of 15 days.

9. Aggrieved thereby, the petitioner approached the Central Administrative Tribunal⁶ by way of OA 1358/2020, praying that the ARSB be directed to conduct screening of the application of the petitioner and to interview him for the post of Director, CIPHET.

10. We may note that, though the petitioner also levelled allegations of *mala fides* against Respondent 3 before the Tribunal, the said allegations have not been pressed before us.

11. By a short order dated 23 September 2020, the Tribunal dismissed the petitioner's OA 1358/2020 on the sole ground that, as no vigilance clearance had been granted to the petitioner as on the cut off dated of 11 October 2019, the application submitted by the petitioner could not be "treated as complete one, or the one submitted

⁶ "the Tribunal" hereinafter



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within the stipulated time”. The decision of the ARSB not to call the petitioner for interview was therefore, it was held, unexceptionable.

12. Aggrieved thereby, the petitioner has approached this Court, by means of the present writ petition.

13. We have heard Mr. Pradeep Kumar Arya and Mr Gagan Mathur, learned Counsel for the petitioner and respondents respectively, and have perused the record.

14. Having heard learned Counsel for the parties, we are of the opinion that the impugned judgment of the Tribunal is not sustainable in law and that the OA filed by the petitioner deserves to be allowed for the following reasons:

(i) The petitioner admittedly submitted the application form for the selection along with all requisite documents including the NOC from the CIPHET and the ICAR ON 24 September 2019, much before the cut-off date of 11 October 2019.

(ii) There was no requirement of submitting a vigilance clearance with the application form. Failure to submit the vigilance clearance certificate before 11 October 2019 could not, therefore, be cited as a ground not to consider the petitioner for interview.

(iii) The petitioner, moreover, obtained vigilance clearance from the ICAR and submitted it on 19 November 2019.



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(iv) The interview for the post admittedly took place sometime in September 2020 which was nearly a year after vigilance clearance has also been submitted by the petitioner

(v) The ground on which vigilance clearance had been initially rejected, was totally unsustainable in law. The penalty of reduction by three stages in the time scale of pay for three years was awarded without cumulative effect and, therefore, had come to an end on 26 October 2017. There was, therefore, no justifying in denying, or even delaying, grant of vigilance clearance to the petitioner thereafter.

15. There was, therefore, no legitimate reason why the petitioner was not called for interview.

16. We may note that Respondent 4, who was, in the meanwhile, appointed as Director, CIPHET, Ludhiana, has stopped appearing in these proceedings after 21 February 2022. He has not chosen to file any response to the writ petition either. We presume, therefore, that he is adopting the defence put forward by Respondents 1 and 2.

17. In the aforesaid circumstances, the impugned judgment of the Tribunal is quashed and set aside.

18. The respondents are directed to subject the petitioner to an interview, which would be deemed to have taken place on 30 September 2020.



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19. In the event that the petitioner is successful in the interview and on the basis of his overall performance, the petitioner would be entitled to be appointed as Director, Indian Council for Agricultural Research in place of Respondent 4.

20. The petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 10, 2025

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Click here to check corrigendum, if any