

(2007) 09 DEL CK 0070
In the Delhi High Court
Case No : LPA 164 of 2004

Dr. Awadhesh Kumar Mishra and Others	APPELLANT
Vs	
Union of India (UOI) and Another	RESPONDENT

Date of Decision : 13-09-2007

Acts Referred:

Citation : (2007) 09 DEL CK 0070

Hon'ble Judges : Dr. M.K. Sharma, C.J.; Sanjiv Khanna, J

Bench : Division Bench

Advocate : S.P. Sharma, for the Appellant; Tara Chandra Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Mukundakam Sharma, C.J.—This appeal is directed against the judgment and order passed by the learned Single Judge dismissing the writ petition of the appellant on the ground that the appellant did not have the essential qualifications to be appointed as Director of Central Council for Research in Yoga and Naturopathy.

2. The respondent No. 2, Central Council for Research in Yoga and Naturopathy, issued an advertisement on 6th February, 2003 calling for applications from the eligible candidates for filling up the post of Director. The said advertisement was issued in different newspapers. The appellant applied and offered his candidature against the post of Director. The respondent No. 2, however, found that the appellant is not an eligible candidate as the certificate produced was from an Institute, which was not recognised.

3. Being aggrieved by the aforesaid action of the respondent No. 2 in not calling the appellant for interview, a writ petition was filed in this Court with various allegations including that the appellant had the requisite qualifications to apply and to be appointed as against the post of Director. The contentions of the appellant were considered by the learned Single Judge but the said contentions

were rejected and the writ petition was dismissed on the ground that the appellant did not have the essential qualifications prescribed for the post of Director.

4. Being aggrieved by the aforesaid order passed by the learned Single Judge, this appeal is filed on which we have heard the learned Counsel appearing for the parties and also perused the records.

5. The essential qualification, which was prescribed for being appointed to the post of Director, was degree/diploma of minimum 4 years' duration in Yoga and / or Naturopathy from a recognized University or equivalent. There is no dispute to the fact that National College of Naturopathy and Research, Lucknow was not a recognised Institute by UGC or Central Government or the State Government. The appellant while submitting his application annexed a copy of the certificate indicating therein that he had passed a Bachelor of Nature cure and Yogic Sciences in 1985-86. The said certificate given by the National College of Naturopathy and Research stating that he had passed the said examination, is dated 16th August, 1993.

6. Records placed before us indicate and establish that the aforesaid National College of Naturopathy and Research was being run by a non-governmental organisation (NGO for short) in the State of Uttar Pradesh. Proprietor of the said NGO died some time in the year 1984 and as the certificate was issued in 1993, it is not signed by the President but on his behalf. It also could not be disputed before us that the degree given by the National College of Naturopathy and Research is not a recognised degree/diploma by UGC or by the Central Government or by any State Government.

7. Contention raised before us by the counsel appearing for the appellant was that the respondent No. 2 itself has stated in one of the letters that equal status is given to the passed students of the National College of Naturopathy and Research, Lucknow without any difference and the students are considered at par and like graduates from recognised Colleges/Institutions. It is submitted by him that since respondent No. 2 itself is extending equal status to the graduates of the National College of Naturopathy and Research with recognised Colleges, Therefore, it should be considered as a recognition given by the respondent No. 2 itself.

8. We are, however, unable to accept the aforesaid contention for the simple reason that nothing is shown to us that the respondent No. 2 has power and authority to give recognition to a degree or a diploma in respect of Nature Cure and Yogic Sciences. It is either the UGC or a State Government or the Central Government, who can recognise a degree or a diploma. It was also one of the conditions for fulfilling the eligibility criteria for applying to the post of Director. The letter dated 19/23 February, 1998 purported to have been written by the former Director of the respondent No. 2 was addressed to the State Legal Aid Authority, Lucknow in connection with difficulties and problems faced by the

students but the said letter nowhere states that the course conducted by National College of Naturopathy is recognised or equivalent.

9. Thus as the appellant did not have diploma or degree from a recognised institution, it cannot be said that the learned Single Judge has committed any error in coming to the conclusion that has been arrived at. We agree with the reasoning and findings given by the learned Single Judge.

10. In that view of the matter, we find no merit in this appeal, which is dismissed.