

(2021) 03 CAT CK 0117

In the Central Administrative Tribunal

Case No : Original Application No. 587 Of 2021

Dr. Kaushal Kalra

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0117

Hon'ble Judges : L. Narasimha Reddy, J; A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : R.K. Handoo, Hilal Haider, R.V. Sinha, Amit Sinha

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The Union Public Service Commission (UPSC) issued an Advertisement on 14.10.2020 inviting applications for various posts including two posts of Specialist Grade III Assistant Professor (Medical Oncology), in the Ministry of Health & Family Welfare (MoH&FW). The essential qualifications for the post were also stipulated. The applicant is a Post Graduate in Paediatrics and at present, is studying super speciality in Medical Oncology. Through a communication dated 04.03.2021, the UPSC rejected the candidature of the applicant and three others on various grounds. In case of the applicant, it was on the ground that he did not fulfil the essential qualifications. This OA is filed challenging the communication dated 04.03.2021 (Annexure A/1).

2. The applicant states that it was only on being satisfied that he fulfils the relevant qualifications, that his application was processed, and though he was shortlisted, he was eliminated from the process of being interviewed. The OA was heard earlier and it was adjourned for today. Learned counsel for the applicant has placed before us, a communication dated 19.03.2021 issued by the UPSC stating that the applicant did not fulfil the Essential Qualification as regards the experience.

3. We heard Sh. R.K. Handoo, learned counsel for the applicant, Sh. Hilal Haider, learned counsel for respondent no. 1 and Sh. R.V. Sinha with Sh. Amit Sinha, learned counsel for respondent no. 2, at length.

4. The selection is to, two posts of Specialist Grade III Assistant Professor (Medical Oncology), in the MoH&FW. The qualifications are stipulated in three compartments. The first is Essential Qualification EQA(i), second is Educational Qualification EQA(ii) and the third is EQ(B). Under the first category, the Degree in MBBS is stipulated. The applicant fulfils the same. Under second, the Post Graduation or Diplomate National Board (Medical Oncology) or Doctor of Medicine (Medicine) super specialist with various kinds of experience are stipulated. In the case of candidates of MD (Paediatrics), the requirement is two years special training in Medical Oncology. The applicant fulfils that also. Thereafter, comes EQ(B). It reads as under:

"(B) Experience: At least three years' teaching experience as Senior Resident or Tutor or Demonstrator or Registrar or Assistant Professor or Lecturer in the concerned Speciality or Super Speciality in a recognized teaching institution after obtaining the first Post Graduate degree."

5. Though it is stated in the communication dated 04.03.2021 that the applicant did not fulfil EQ(ii), on verification of record and on a perusal of the communication dated 19.03.2021, we find that the applicant did not fulfil condition EQ(B). It is pleaded that the applicant is pursuing DM (Oncology) and the experience gained therein can be treated as holding good for EQ(B). Unless it is an experience in pure teaching, we cannot treat the period during which the candidate is undergoing study, as holding good for it. We do not find any infirmity in the impugned order and accordingly, the OA is dismissed.

There shall be no order as to costs.