

(1999) 05 GAU CK 0020
In the Gauhati High Court
Case No : Writ Appeal No. 77 of 1999

Konthoujam Kuber Singh	Vs	APPELLANT
Registrar, Central Agricultural University and Others		RESPONDENT

Date of Decision : 19-05-1999

Acts Referred:

Citation : (2000) 1 GLT 118

Hon'ble Judges : P.G. Agarwal, J;P.C. Phukan, J

Bench : Division Bench

Advocate : K. Jagat, for the Appellant; T. Nandakumar, for the Respondent

Final Decision : Dismissed

Judgement

P.C. Phukan, J.—We have heard Mr. K. Jagat, learned Counsel for the Appellant as well as Mr. T. Nandakumar, learned Advocate General appearing for the Respondent No. 1, Registrar of the Central Agricultural University at Imphal.

2. This writ Appeal is directed against the judgment and order dated 30.03.99 passed by the learned single Judge in Civil Rule No. 944 of 1997.

3. An advertisement(Annexure-A/1 to the Memo of Writ Appeal) was issued on 16.06.1995 by the Respondent No. 1, Registrar of the Central Agricultural University at Imphal inviting applications for appointment of 7(seven) posts of Computer Operator. The essential qualifications prescribed were "Bachelor Degree in Science/Commerce/Economics followed by a minimum one year Diploma in System Management from a nationally recognised Institution. One year experience of post-degree working in any organisation or repute."(emphasis supplied). So far as the diploma in System Management is concerned, the Appellant furnished a copy of the certificate of diploma (Annexure-A/3) issued by the Industrial Technology Institute, Tiruneveli, Tamilnadu along with his application for the post of Computer Operator. He was not called for interview. Being aggrieved, he filed a writ petition registered as Civil Rule No. 944/97. The learned Single Judge dismissed the same by the impugned judgment and order.

The relevant portion there of is extracted below:

6. The whole bone of the contention is that the Diploma which he obtained earlier from Tamil Nadu is not recognised by the Central Agricultural University as a qualification in Computer Science and accordingly the case of the Petitioner was not considered and he was found to be in-eligible. The learned Advocate for the Petitioner has filed an additional affidavit claiming that this is a recognised institution by the authority.

7. In a writ application I cannot decide that aspect of the matter. It is for the authority to find out whether that institution is a recognised one or not. The authority by considering the record found that it is not a recognised institution for giving diploma. Accordingly, I do not find any merit in this writ application and the same is dismissed. However, as the Petitioner has now become qualified, his case may be considered by the authority at the time of future interview, alongwith other similarly situated persons.

4. It is absolutely clear from the above that the Appellant writ Petitioner could not establish in the writ Court that the Institution from where he obtained the Diploma in Computer Science is a nationally recognised institution. The additional affidavit he filed in the writ court in this regard is without any supporting document. The documents he has produced in the writ court as well as in this Court lead us nowhere on this post. The learned Single Judge, therefore rightly observed that "in a writ application I cannot decide that aspect of the matter." Mr. T. Nandakumar, learned Advocate General appearing for the Respondent No. 1, submits that after the interview was held and the results were out, the Appellant writ Petitioner obtained diploma in Computer Science from the Manipur University recognised by the National Council for Technical Education and the Union Ministry of Human Resources Development. The learned Single Judge, therefore, observed" as the Petitioner has now become qualified, his case may be considered by the authority at the time of future interview along with other similarly situated persons."

5. In view of the above, we find that the learned Single Judge was perfectly justified in dismissing the writ petition with the observations as aforesaid. There is no merit in this writ appeal and the same is dismissed. No costs.