

(2019) 05 SHI CK 0024

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1678 Of 2018

Sumit Thakur

APPELLANT

Vs

Central University Of Himachal Pradesh

RESPONDENT

Date of Decision : 30-05-2019

Acts Referred:

Citation : (2019) 05 SHI CK 0024

Hon'ble Judges : Sureshwar Thakur, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : Abhishek Sood, Shashi Shirshoo

Final Decision : Allowed

Judgement

Sureshwar Thakur, J

The rejection of the petitioner's candidature, for, selection, and, appointment to the post of Senior Technical Assistant, made, through, Annexure P-7, hence, stands challenged through the instant writ petition.

2. The qualifications assigned to the advertised post, of Senior Technical Assistant, exist(s) at serial No.15, of, page 21 of the paper book, qualification(s) whereof, stands extracted hereinafter:-

"Essential Qualifications:-

- i. M.Sc. Degree in any discipline from a recognized University.
- ii. 3 years' experience as Technical Assistant in Central/State University or similar other institution/Government Department."

A reading thereof, underscores, the fact that apart from the writ petitioner necessarily possessing, a, M.Sc. Degree, from, any recognized university, his being also enjoined, to possess 3 years' experience, as Technical Assistant, in Central/State University or similar other institution/government Department. Consequently, both the afore conditions were required to be conjointly satiated,

by the petitioner. The afore primary requisite academic qualification(s) prescribed, in the afore extracted apposite criteria, evidently stands satiated, by the petitioner, given the existence on record, of, Annexure P-1, and, of, Annexure P-2. Even otherwise, any lack of holding, by the petitioner, of the afore requisite academic qualification, is not echoed in Annexure P-7, to hence, constrain the respondent, to reject, the candidature, of the petitioner. However, the rejection of the candidature, of the petitioner, as disclosed therein, rather emanates, from the petitioner, not possessing, three years' requisite experience, as Technical Assistant, in Central/State University or similar other institution/Government Department. Consequently, the endeavour of the counsel, for the petitioner, that, he had fulfilled the afore secondary criteria, besides, in, satiation thereof, also possessed the requisite experience, is, harboured, (i) upon, his averring in the writ petition, that, he holds 7 years' experience in the afore capacity, in government sector or in other institutions. (ii) Besides, in support of the afore submission, he has placed on record, Annexure P-10, Annexure P-11, Annexure P-12, Annexure P-13, and, Annexure P-15, all Annexures whereof, embody therein, the, experience certificates issued, by those institution(s), whereat, he worked, in, different/varying capacities. A perusal of Annexure P-10, unveils qua the petitioner, working, in the capacity of Research Associate - 1, in Ind-Swift Laboratories Ltd, w.e.f. 16.6.2005 to 31.03.2008, whereas, a perusal of Annexure P-11, unfolds, qua the petitioner, working in the capacity, of, Senior Research Associate, w.e.f. 11.8.2008 to 5.2.2010, in Parabolic Drugs Ltd., besides Annexure P-12, reveals qua the petitioner, working in the capacity of Sr. Research Scientist-1, Analytical Development, in, Fresenius Kabi Oncology Limited. A perusal of Annexure P-13, unveils, qua the petitioner, working, in the capacity, of, a Senior Scientist at Basmati Export Development Foundation Modipuram, Meerut (UP) w.e.f. 16th June 2011 till 28th December, 2012, (iii) whereas, Annexure P-15, unveils, qua the petitioner working as Development Officer, at, Tea Board Palampur. Though, all the afore annexure, do not reflect, qua the petitioner working in the trite capacity, of, a Technical Assistant, in any, of the afore institution(s). However, in general, the technical staff is expected, to assist, the Scientist, in the design, and, development of apposite systems, (iv) and, with, the afore annexures unveiling qua the petitioner, hence, working in the capacity, of, Research Associate or Senior Research Associate of Sr. Research Scientist etc., hence, his experience in the afore capacity, cannot be considered, to be less, than, the experience, of, the ordained Technical Assistant, (v) and, hence his experience, as, unveiled in the afore annexures was required to be meted deference, by the validly constituted expert committee, hence, enjoying the requisite expertise, to, make the requisite analyses.

6. Be that as it may, with this Court, upon, making the afore expansive interpretation, vis-a-vis, the connotation, hence, enjoyed by the phrase "technical assistant" rather, is, also concomitantly constrained, to make, a liberal besides an unabridged objective construction(s), upon, the apposite phrase "similar other institution", (I) and, its hence holding, the, signification, qua rather

the requisite institution/company, to hence fall within the domain(s) thereof, hence, being enjoined, to satiate qua alike, any Central or State University, it hence at par(s) therewith, also, possessing all teaching faculties, and laboratories, for, the requisite purpose. However, the afore parameters, are not in extenso dwelt, upon, in Annexure P-7, rather it embodies a perfunctory short-shrift manner, of, slighting the, petitioner's candidature.

6. Consequently, the instant petition is allowed, and, annexure P-7 is quashed and set aside. The respondent is directed to reconstitute the recruitment committee, in accordance with its ordinance, and, ensure qua it being manned by resource persons, holding the requisite analysing expertise, vis-a-vis, the qualification, and, experience, of the petitioner, as borne in Annexure P-10 to P-11, and, upon, the respondent receiving its report, it is directed, to, thereafter proceed in accordance with law. All pending applications also stand disposed of.