

ITEM NO.10
ION XVI

COURT NO.10

SECT

S U P R E M E C O U R T O F

I N D I

A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 25584/2008
(Arising out of impugned final judgment and order dated 30/09/2008
in MA No. 428/2007 in MA No. 640/2007 in OP No. 325/2007 passed by
the CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH)

V.RAGHAVENDRA RAO

Peti

tioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

[FOR FINAL DISPOSAL]

Date : 09/07/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

Mr. Joydeep Mazumdar, Adv.
Mr. Devojjyoti, Adv.
Mr. Rohit Dutta, Adv.
Mr. Amit Pawan, Adv.

For Respondent(s)

For RR 4

Mr. Sudarshan Rajan ,Adv.

For Rr 1 & 3/IOI

Mr. Tushar Mehta, ASG.
Ms. Kiran Bhardwaj, Adv.
Mr. Mukesh K. Verma, Adv.
Mr. D. S. Mahra, Adv.

For RR 2/UPSC

Ms. Binu Tamta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is dismissed in terms of the signed
order.

Signature Not Verified

Digitally signed by
Kalyani Gupta
Date: 2014.07.31
14:35:47 IST

[KALYANI GUPTA]

[SHARDA

KAPOOR]

Reason:

COURT MASTER

COURT

MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6511 OF 2014
[ARISING OUT OF SLP) NO. 25584 OF 2008]

DR. V. RAGHAVENDRA RAO

.....

APPELLANT

VERSUS

O R D E R

Leave granted.

2. We have heard learned counsel for the appellant and respondents.

3. The appellant is aggrieved by the order of the Central Administrative Tribunal dated 30th September, 2008 passed in O.A. No. 325 of 2007 in and by which it was held that the empanelment of the appellant for the post of Director in Anthropological Survey of India was rightly withdrawn by the Union Public Service Commission, respondent No.2 herein. After the empanelment, intimated the Ministry of Culture that the appellant did not possess the required qualification for the post of Director of Anthropological Survey of India and, therefore, his empanelment was withdrawn.
C.A. NO. OF 2014 @ SLP(c) NO. 25584 OF 2008

4. The main question for consideration before the Tribunal was whether the appellant possessed the required qualification. The qualification required was Ph.D. Doctorate Degree in Anthropology of a recognized University or equivalent apart from other qualifications such as experience etc. There is no dispute that the appellant has acquired his Ph.D. in Science. The burden of the ring of the appellant before the Tribunal as well as before us was that the said Doctorate obtained by him is at par with the Doctorate Degree in Anthropology and, therefore, the withdrawal of the appellant's name from the panel by the second respondent was not justified.

5. Before the Tribunal, the second respondent produced a

certificate issued by one Prof. Dr. S.B. Patil, Dean,
Science Faculty University of Mumbai which was mainly
relied upon by the second respondent to support its stand
that the appellant did not possess the basic educational
qualification.

The said Certificate reads as under:

"Ref. No. Th./8635 of 2006 dtd.
08/09/06.
With reference to the above letter I
have to state the following:
Thesis submitted by Dr. Raghavendra
Rao for Ph.D. in Science is accepted and
has been awarded Ph.D. in Science. The
remark in the reports submitted by
referees Dr. J.V. Undevia and Dr. (Mrs.)

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Malati Sathe are self-explanatory.
Applied Biology has nexus to small part
of anthropology but do not cover all
aspects of anthropology."(underlining is
ours)

6. In fact, in this appeal by way of special leave
contained an application IA No. 2 of 2009 by

appellant seeks to file some additional documents.

the documents was dated 14th September, 2006.

It is agai

stated to be a letter of the very same Professor Dr. S.B.
Patil, Dean, Science Faculty, University of Mumbai.

said letter was not placed before the Tribunal by the

appellant and for the first time the same is placed before

us. In all fairness to the respondents, the said document

cannot be entertained at all. However, the

interlocutory application having been allowed and the said

document was allowed to be placed on record, we wish to

examine the said document also in considering

grievance of the appellant against the order impugned in

this appeal.

In the said letter, it has been stated as

under.

"OSD & Controller of Examination
Mumbai University

Ref: No. Th/8635 of 2006 dtd.
08/09/06

With reference to the above letter I
have to state the following:

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Thesis submitted by Dr. Raghavendra Rao
for Ph.D. in Science in the subject of
Applied Biology has nexus with
anthropology. The reports submitted by
referees by Dr. J.V. Undevia and Dr.
(Mrs.) Malati Sathe have written
specifically in the report. The
chairperson of Adhoc board of studies in
Applied Biology, Dr.(Mrs.) S.V.
Chiplunkar has also mentioned in her
report about nexus with anthropology.

The work done by Dr. Rao is Applied
Biology has nexus with anthropology."
(underlining is ours)

7. A reading of the Certificate dated 15th September,

2006 makes it clear that the Doctorate acquired by the

appellant namely, Ph.D. (Science) had a subject 'Applied

Biology' which had a nexus to a small

'Anthropology'. The Certificate also makes it clear that

the said doctorate does not cover all aspects

of Anthropology. In the other letter which has now been

placed before us, namely, 14th September, 2006 it

is only stated that the Doctorate in Science acquired

by the appellant had a subject of Applied Biology which has nexus

with Anthropology and nothing more.

Therefore, even

going by the above two documents the fact remains

that no

Certificate has emerged from any acceptable authority that the Doctorate acquired by the appellant namely, Ph.D. in Science was equivalent to Anthropology.

In such

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circumstances, we do not find any error in the order impugned in this appeal. The appeal is dismissed.

8. Learned Additional Solicitor General appearing for the Union of India submitted that by virtue of status quo order which was operating for some period, the appellant was functioning as Director In-charge of Anthropological Survey of India till his retirement. If that be so, we

only state that whatever monetary benefits which the appellant gained by virtue of his functioning as Director In-charge of Anthropological Survey of India should not be in any way affected. We also state that since due to the status quo order the post remained unfilled for all these years and now since the appeal has been dismissed, there should be no impediment for the respondents to fill up the post in accordance with law.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[SHIVA KIRTI SINGH]

NEW DELHI
JULY 09, 2014.

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