

UNION OF INDIA AND ANR.

A

v

RAVI SHANKAR AND ANR.

FEBRUARY 24, 1998

[G.B. PATTANAİK AND M. SRINIVASAN, JJ.]

B

Central Government Health Scheme Delhi (Group C) Ayurvedic Recruitment Rules, 1978 :

Pharmacists—Appointment of—Respondents possessing qualification of Vaidya Visharad from Hindi Sahitya Sammellan—Direction by Tribunal to consider the case of respondents against future vacancies by relaxing the qualifications—Appeal against order of Tribunal—Held schedule attached to the rule provides that 'Vaidya Visharad' awarded by All India Ayurvedic Congress was recognised while 'Ayurveda Ratna' awarded by Hindi Sahitya Sammellan was recognised—Degree of Vaidya Visharad awarded by Hindi Sahitya Sammelan, which was possessed by the respondents cannot be held to be a recognised qualification under the Recruitment Rules—Therefore Tribunal erred in giving the impugned direction—Judgment of Tribunal set aside.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2681 of 1993 Etc.

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From the Judgment and Order dated 13. 11.92 of the Central Administrative, Tribunal, Delhi in O.A. No. 1261 of 1989.

Mrs. K. Amreshwari, Ms. Shashi Kiran and Mrs. Anil Katiysar for C.V.S. Rao, for the Appellants.

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S.M. Garg for the Respondents.

The following Order of the Court was delivered :

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This appeal is directed against the judgment of the Central Administrative Tribunal, Principal Bench, New Delhi dated 13.11.1992. By the impugned judgment, the Tribunal has called upon the appellants to consider the case of the respondents, who admittedly possessed the qualification of Vaidya Visharad from Hindi Sahitya Sammelan, Allahabad for the post of

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A Pharmacist after relaxing the qualification and experience for the post whenever any future vacancy arises.

B Mrs. Amreshwari, the learned senior counsel for the appellants contends that a Vaidya Visharad recognised by Hindi Sahitya Sammelan is not one of the recognised qualifications for the post of Pharmacist and the minimum qualification for a post cannot be relaxed and, therefore, the Tribunal was in error in directing to consider the case of the respondents on relaxation of the qualification in question. Learned counsel for the respondents, on the other hand, contended that the degree of Vaidya Visharad awarded by Hindi Sahitya Sammelan, Allahabad is recognised qualification under the Central Government Health Scheme Delhi (Group C) Ayurvedic, Recruitment Rules, 1978. In view of the rival stand taken by the parties, the only question that arises for consideration is whether the degree of Vaidya Visharad awarded by Hindi Sahitya Sammelan, Allahabad can be held to be a recognised qualification under the Recruitment Rules. Looking to the Schedule attached to the Rules which prescribed the qualification, it is apparent that it is 'Vaidya Visharad' which is awarded by All India Ayurvedic Congress is recognised and it is only Ayurved Ratna which is awarded by Hindi Sahitya Sammelan which is recognised. Therefore, the degree of Vaidya Visharad awarded by Hindi Sahitya Sammelan, which is possessed by the respondents cannot be held to be a recognised qualification under the Recruitment Rules. It may be stated that in the application before the Tribunal, the respondents have categorically asserted that they possessed the qualification of Vaidya Visharad recognised by Hindi Sahitya Sammelan. In that view of the matter, the Tribunal was wholly in error in directing consideration of the case of the respondents in case of future vacancies against a post of Pharmacist. The respondents do not possess the requisite qualification under the Recruitment Rules. They cannot have any right of appointment. The impugned judgment of the Tribunal is set aside. The appeal is allowed, but there will be no order as to costs.

T.N.A.

Appeal allowed.