

BEFORE

THE HON'BLE MR.JUSTICE I.A. ANSARI

THE HON'BLE MR JUSTICE S.C. DAS

The National Institute of Rural Development (in short, 'NIRD'), Hyderabad, which is an autonomous body under the Ministry of Rural Development, Government of India, published an advertisement, in the month of July, 2009, inviting applications for, amongst others, the post of Director, NIRD, North Eastern Regional Centre (in short, 'NERC'). The academic qualifications and experience, prescribed by the advertisement, read as under:

Academic qualifications:

- (a) Essential: First or high second class Post Graduate degree (55% and above) with Ph.D. in any of the Social Science disciplines.
- (b) Experience: 10 years experience in teaching in a recognized university or training in a recognized institute in Rural Development and related disciplines of which, at least, 5 years should be in planning and conducting Rural Development training and research at the level of a Reader of a University or equivalent thereto. Minimum of 3 years of working as Head of an organization/Centre/Faculty or Department engaged in Rural Development research and training.
- (c) Desirable: Independent research experience with published books and research papers in the relevant field. Ability to coordinate and maintain good working relations with the State/Central Government agencies and other public/corporate and private institutions working in the field of Rural Development. Ability to provide administrative as well as academic leadership and to plan and organize and attend to different activities relevant to the management of training cum research organization.

(Emphasis is supplied)

2. Though the essential academic qualifications had twin requirement of the candidate having Ph.D. in any of the disciplines of Social Sciences and minimum of, amongst others, three years experience of working as head of an Organization/Centre/Faculty or Department engaged in Rural Development, Research and Training, the general qualifications, prescribed for the post of Director, NERC, read as under:

General:

1) All India Service officers and other suitable senior Govt. officers or Bankers (both Central and State) are also eligible for induction in the faculty of NIRD on deputation basis. Ph.D. is preferred but not mandatory in the case of such officers with suitable experience in Training and Research relevant to the activities of the Institute. (Emphasis is added)

3. Besides Dr. Binay Singh, the petitioner, in WP(C) 1095/2012 and who is respondent No. 3 in WP(C) 1884/2012, some other persons, including Dr. Subhas Chandra Srivastava, who is respondent No. 1 in WP(C) 1095/2012 as well as WP(C) 1884/2012 (who is hereinafter referred to as respondent-applicant No.1), applied for the post of Director, NIRD, North Eastern Regional Centre. A selection committee was constituted by the NIRD for selection of candidate for the post of Director, NIRD, NERC. Having interviewed the candidates, who had applied for the said advertised post, the selection committee, based on the academic achievement, relevant experience and overall performance as well as presentation of the candidates in the interview, recommended the name of Dr. Binay Singh for appointment to the post of Director, NIRD, North Eastern Regional Centre. Based on the recommendations, so made by the selection committee, Dr. Binay Singh was appointed as the Director, NIRD, NERC.

4. Aggrieved by the selection and appointment of Dr. Binay Singh to the post of Director, as indicated above, Dr. Subhas Chandra Srivastava (i.e., applicant-respondent No.1) put to challenge the appointment of Dr. Binay Singh by way of Original Application 117/2010 in the Central Administrative Tribunal, Guwahati Bench, his case being, in brief, thus: Dr. Binay Singh neither had Ph.D. in any

of the disciplines of Social Sciences nor did he possess the requisite experience, as had been mentioned in the advertisement, for the post. In support of his contention that Ph.D., in horticulture, which Dr. Binay Singh had acquired, did not fall within the discipline of Social Sciences, the applicant-respondent No. 1 also pleaded, in his Original Application, that the Indian Council of Social Science Research has informed the respondent that under the scheme of Dewey Decimal Classification (for short, 'DDC'), horticulture did not figure under any of the disciplines of Social Science; rather, horticulture, under the scheme of Dewey Decimal Classification, has been classified as an applied science.

5. Controverting the contention of the applicant-respondent No. 1, Dr. Subh as Chandra Srivastava, that horticulture did not figure within the disciplines of Social Science in Dewey Decimal Classification scheme, the NIRD contended that the importance and relevance of the knowledge of horticulture formed an integral part of rural development, particularly, in the context of India and, therefore, a Ph.D., in horticulture, could have been regarded, and had been rightly regarded, as a Ph.D. within the disciplines of Social Science and, considering the relevance of the subject in which Dr. Binay Singh had obtained his Ph.D., his selection and appointment to the post of Director, NIRD, NERC, were unassailable.

6. While contesting the Original Application, which the applicant-respondent No.1 had filed, the NIRD did not dispute the fact that out of the three categories of experience, as had been advertised, Dr. Binay Singh did not fulfill the requirements of 10 years' experience in teaching in a recognized University or training in a recognized institution in Rural Development planning and related disciplines of which, at least, 5 years' experience had to be in planning and conducting Research at the level of a Reader of a University or equivalent thereto and minimum of three years of working as head of an Organisation/Centre/Faculty or Department engaged in Rural Development Research and Training. The NIRD, however, contended, in the Original Application, that Dr. Binay Singh satisfied the requirement of minimum of three years of working experience as Head of an Organisation/Centre/Faculty or Department engaged in Rural Development Research and Training, which the advertisement prescribed.

7. In support of their contention that Dr. Binay Singh had the requisite experience, as mentioned in the advertisement, the NIRD submitted that Dr. Binay Singh had been holding the post of Advisor (Horticulture) in the Secretariat, North Eastern Council, Ministry of Development of NER, Govt. of India, for 5 (five) years and he was also holding the additional charge of NE Regional Community Resources Management Project as Programme Coordinator and Development Strategist from 29.11.2002 to 30.04.2003 and, again, from 30.09.2008 to 14.11.2008. The NIRD further contended that Dr. Binay Singh had also looked after HRD & E Sector from 2005 to 2007.

8. Even Dr. Binay Singh, (who is, now, petitioner in WP(C) 1095/2012), took the same stand, in support of his eligibility for the post of Director, NIRD, NERC, as had been taken by the NIRD in the Original Application.

9. Having, however, taken the view that horticulture does not fall within the discipline of Social Science and that Dr. Binay Singh was not academically qualified to be selected for, and appointed to, the post of Director, NIRD, NERC, and that, as regards the experience, too, Dr. Binay Singh had not been functioning and had no experience of having functioned as head of an Organization/Centre/Faculty or Department engaged in Rural Development, research and training, as mentioned in the advertisement, the learned Tribunal concluded, by referring to the case of Madan Mohan Sharma and another vs. State of Rajasthan and others, reported in (2008) 3 SCC 724, that recruitment could be made only according to the advertised educational qualifications and experience and that since the selection of Dr. Binay Singh had the effect of diluting the eligibility conditions mentioned in the advertisement, the order of appointment of Dr. Binay Singh to the post of Director, NIRD, NERC, Guwahati, was illegal. The learned Tribunal has accordingly set aside and quashed, by its order, dated 05.01.2012, the recommendations of the selection committee, made in favour of Dr. Binay Singh, as well as the appointment of Dr. Binay Singh to the post of Director, NIRD, NERC.

10. Aggrieved by the decision, so rendered by the learned Tribunal, Dr. Binay Singh and the NIRD have filed, as already indicated above, two separate writ petitions, under Article 226 of the Constitution of India, the writ petition, filed by Dr. Binay Singh, having given rise to WP(C) 1095/2012; whereas the writ petition, filed by the NIRD, having given rise to WP(C) 1884/2012.

11. Assailing the impugned order of the learned Tribunal, Mr. J.L. Sarkar, learned counsel, appearing for the NIRD, has submitted that the applicant-respondent No.1, Dr. Subhas Chandra Srivastava, had, while setting out his case before the learned Tribunal, placed reliance on Dewy Decimal Classification (in short, 'DDC') as the basis for contending that horticulture does not fall within any of the disciplines of Social Science and the learned Tribunal committed serious error of law in holding Dr. Binay Singh educationally not qualified to be selected or appointed to the post of Director, NIRD, NERC, in terms of the advertisement, which NIRD had issued.

12. The learned Tribunal was also incorrect, contends Mr. Sarkar, learned counsel, in taking the view that Dr. Binay Singh, who has been selected and appointed as Director, NERC, did not have the adequate experience inasmuch as Dr. Binay Singh, according to Mr. Sarkar, had functioned as Head of Organizations inasmuch as he had acted, submits Mr. Sarkar, as Advisor (Horticulture) in the Secretariat, North Eastern Council, Ministry of Development of NER, Govt. of India, for five years and he had held the additional charge of NE Regional Community Resources Management Project as Programme Coordinator and Development Strategist.

13. It is also submitted, on behalf of the NIRD, that the essential qualifications, prescribed by the advertisement, were subject to the General Conditions, wherein Clauses (i) read: (i) All India Service Officers and other suitable Senior Govt. Officers Bankers (Both Central and State) are also eligible for induction in the faculty of NIRD on deputation basis. Ph.D is preferred but not mandatory in the case of such officers with suitable experience in Training and Research relevant to the activities of the institute.

14. Referring to Clause (i), Mr. Sarkar contends that Ph.D, for All India Service Officer, is 'preferable' and not 'essential'. Mr. Sarkar contends that Dr. Binay Singh was an All India Service Officer inasmuch as he is an employee of the North-Eastern Council (popularly known as 'NEC') and, in this view of the matter, the learned Tribunal seriously erred in holding that Dr. Binay Singh did not have either requisite educational qualification or experience as mentioned in the advertisement, in question.

15. DDC is a system, according to Mr. Sarkar, which is used in libraries for organizing the publications on various subjects so that it becomes easier for a person to locate the publications, but DDC is not an authority for deciding as to whether a particular subject falls within the discipline of Social Science or not.

16. Moreover, points out Mr. Sarkar, National Institute of Rural Development aims at ameliorating the conditions of people in rural areas and from this perspective, too, horticulture would play a special role in achieving this object and, hence, a person, who had Ph.D in horticulture, could not have been held to be, in terms of the advertisement, educationally not disqualified for being appointed to the post of Director, NIRD, NERC.

17. Lastly, it is contended by Mr. Sarkar, learned counsel, that NIRD constituted an expert body and it is this expert body, which had selected Dr. Binay Singh as a person qualified and suitable to be appointed as Director, NERC, and, in this regard, the expert body had taken the view that he had the requisite academic qualification, namely, Ph.D, in the discipline of Political Science, and also the essential experience and an expert body's decision could not have been interfered with, and ought not to have been interfered with, by the learned Tribunal. In support of his contention, Mr. Sarkar places reliance on Bihar Public Service Commission and others Vs. Kamini and others, reported in (2007) 5 SCC 519, Y. Gopal Krishna Singh Vs. Regional Institute of Medical Sciences & others, reported in 2010 (3) GLT 737, Deputy Director of Public Instruction and District Recruitment Authority and others Vs. Shaik Moula and another, reported in (2006) 1

2 SCC 370, and University of Mysore Vs. CD Govinda Rao and another (AIR 1965 SC 491).

18. Adopting the arguments of Mr. Sarkar, Mr. S. Dutta, learned counsel, appearing for Dr. Binay Singh, has reiterated that DDC cannot be made basis for deciding the question as to whether horticulture is one of the disciplines of Social Science or not. Social Science, according to Mr. Dutta, includes within its fold many disciplines of Science and, in this view of the matter, it was incorrect to hold that horticulture was not one of the disciplines of Social Science and that horticulture is applied Science.

19. Mr. Dutta also submits that Dr. Binay Singh had adequate experience too and the learned Tribunal committed grave error in holding him not qualified, either academically or experience wise, for selection and appointment to the post of Director, NIRD, NERC, in terms of the advertisement, in question, when an expert body has selected Dr. Binay Singh and he has already been appointed and his term would be over in the month of February, 2013.

20. Appearing on behalf of the applicant-respondent No.1, Dr. Subhas Srivastava, Mr. TH Hazarika, learned counsel, supporting the impugned order, contends that DDC is an appropriate process for determination as to whether a particular subject falls within a given discipline or not and the learned Tribunal committed no error in relying upon the classification made under DDC. Mr. Hazarika, learned counsel, also submits that even Indian Council of Social Science Research has, in a written information given to the applicant-respondent No.1, Dr. Subhas Srivastava, has conveyed that under the scheme of DDC, horticulture does not figure under any of the disciplines of Social Science.

21. Mr. Hazarika, learned counsel, points out that the petitioner, Dr. Binay Singh, did not have requisite experience inasmuch as the experience, which he was relying upon, is an experience, which could not have been regarded as the experience, which the advertisement, in question, demanded.

22. Dr. Binay Singh, according to Mr. Hazarika, learned counsel, was not even an All India Service Officer or any Government Officer or Banker and, hence, Ph.D, in any of the disciplines of Social Science, was an essential academic qualification for him and his case was not covered by the General Conditions of Recruitment as had been mentioned in the advertisement, in question. According to Mr. Hazarika, learned counsel, even the Selection Committee did not consider Dr. Binay Singh as an All India Service Officer or a Government Officer or Banker.

23. As regards the contention that it was an expert body, which had selected Dr. Binay Singh, and, hence, his selection ought not to have been interfered with, Mr. Hazarika, learned counsel, has taken us through the Comparative Chart, which has been prepared by, or for, the expert body, which the NIRD had constituted. In this Chart, Mr. Hazarika points out, the column of the petitioner, as a person having requisite experience of three years as the Head of the Department, had been left blank inasmuch as Dr. Binay Singh, points out Mr. Hazarika, is shown to have joined as a professor on 31.03.2009 and, hence, he had barely worked for a few months before he was selected in violation of the advertisement and while Dr. Binay Singh had been functioning as Advisor (Horticulture) in the Secretariat, North Eastern Council, Ministry of Development of NER, Govt. of India, and/or when he held the additional charge of N.E. Regional Community Resources Management Project as Programme Coordinator and Development Strategist, North Eastern Council, Ministry of Development of NER, Govt. of India, he had neither functioned as the Head of Department, NEC Secretariat, nor had he functioned, in his capacity of Programme Coordinator and Development Strategist, as the Head of the N.E. Regional Community Resources Management Project.

24. As against many infirmities with which the selection of Dr. Binay Singh suffered from, the applicant-respondent No.1, Dr. Subhas Chandra Srivastava, points out Mr. Hazarika, had his Ph.D in Economics, which is, admittedly, one of the disciplines of Social Science and he was having, even according to the Comparative Chart, which the expert body had relied upon, requisite experience of having functioned as Professor and Head of Department; but ignoring him and ignoring also the fact, contends Mr. Hazarika, that Dr. Binay Singh did not have either minimum qualification or requisite experience, Dr. Binay Singh has been arbitra

rily selected by the expert body and, hence, his selection was rightly not sustained by the learned Tribunal.

25. Further contends Mr. Hazarika, learned counsel, appearing for the applicant-respondent No.1, Dr. Subhas Chandra Srivastava, that merely because of the fact that Dr. Binay Singh had been selected by a body, which the NIRD had constituted and called the expert body, the said body could not have been treated as an expert body, when the learned Tribunal found that the selection of Dr. Binay Singh ex facie suffered from infirmities and, in this situation, the learned Tribunal was within the ambit of its powers in interfering with the selection and appointment of Dr. Binay Singh and in setting the same aside.

26. Mr. Hazarika has also pointed out that according to the information received from the Indian Council of Social Science Research, horticulture, in terms of the DDC, did not fall under any of the disciplines of Social Science and, hence, Dr. Binay Singh could not have been held to have Ph.D in any of the disciplines of Social Science.

27. Coming to the submissions made by Mr. R. Mazumdar, learned amicus curiae, it needs to be taken note of, as has been pointed out by the learned amicus curiae, that the term, 'Social Science', refers to an academic discipline, which is concerned with the study of society and human behaviour and this term is used as an umbrella to refer to a number of subjects, such as, anthropology, archaeology, criminology, economics, education, history, linguistics, communication studies, political science, international relations, sociology, human geography, and psychology and Social Science includes elements of other fields as well, such as, law, cultural studies, environmental studies and social work.

28. Emile Durkheim, Karl Marx and Max Weber are, further points out the learned amicus curiae, regarded as the principal architects of modern social science.

29. Because of the fact that Social Science relates to the study of society and human behaviour, the subject of Social Science is, according to the learned amicus curiae, an ever expanding subject. Nonetheless, submits the learned amicus curiae, Social Science is still considered as the study of human society and social relationships, including sociology, psychology, anthropology, economics, political science and history.

30. Social Science, as a field of study, is, submits the learned amicus curiae, separate from the natural sciences, which cover topics, such as, physics and chemistry, but economics, political science, history, law and geography can be considered, and are considered, as disciplines of Social Science.

31. Horticulture, on the other hand, submits the learned amicus curiae, is an applied science inasmuch as it involves the study of science, technology and business in intensive plant cultivation for human use. In this regard, the learned amicus curiae points out that horticulturists apply knowledge of science, skill and technology to grow intensively produced plants for use as human food and non-food for personal or social needs. Study of horticulture, according to Mr. Mazumdar, learned amicus curiae, aims at improving plant growth, yields, quality, quality, nutritional value and resistance to insects, diseases and environmental stresses.

32. The learned amicus curiae points out that the bio data of Dr. Binay Singh reveals that the topic of his research was to study the effect on micronutrients on being treated with acid lime (Kaji lemon). Micronutrients, points out the learned amicus curiae, are those constituents of food, which are required in micro quantities in the diet and nutrients are mainly divided into carbohydrates, lipids (fats) and proteins, which are required in larger quantities. Minerals and vitamins are termed micronutrients. Further submits the learned amicus curiae that micronutrients are required in minute amounts to maintain a healthy diet.

33. To address the issue as to whether the petitioner had a Ph.D. in one of the disciplines of Social Science, the scope and ambit of the topic/area of interest in which the research was carried out during the quest for the Ph.D. degree ought to have been, according Mr. Mazumdar, learned amicus curiae, looked into.

34. It is the submission of Mr. Mazumdar, learned amicus curiae, that the topic of research, as indicated in the bio-data annexed to the writ petition would, if taken at face value, indicate that the study was restricted only to the effect of treating micronutrients with the acid lime and, in such a case, it would be a research paper on a discipline of natural science. Had the research been on the effect of such 'treated' micronutrients on the society or section of society, then, it could have, perhaps, been regarded as a research on a discipline of Social Science.

35. Before entering into the question as to whether Dr. Binay Singh had requisite academic qualification, we place it on record that this Court made a pointed query as to how the body, which had been constituted by the NIRD, can be regarded as expert body to determine whether the given subject falls within any of the disciplines of social science or not, Mr. Sarkar could not give any satisfactory response. To another query made by this Court as to how Mr. Binay Singh can be described as an All India Service Officer, when he was an employee of an autonomous body, such as, North Eastern Council, which has been constituted under the North Eastern Council Act, 1971, Mr. Sarkar could not give any answer.

36. Because of what have been pointed out above, we have no hesitation in taking the view that Dr. Binay Singh cannot be regarded as an All India Service Officer nor can he be regarded as a government officer or banker and, in his case, Ph.D. was an essential academic qualification.

37. No wonder, therefore, that even the Selection Committee, which the NIRD had constituted, did not record, in the case of Dr. Binay Singh, Ph.D. as a preferential academic qualification; rather, even in the case of Dr. Binay Singh, Ph.D. has been treated by the Selection Committee as an essential academic qualification. This impression gets strengthened from the fact that it was never contended before the learned Tribunal that Ph.D., in any of the disciplines of social sciences, was not an essential qualification so far as Dr. Binay Singh was concerned.

38. Coupled with the above, one may also point out that the learned amicus curiae is correct in submitting before us that the term, 'Social Science' appears to have originated from 'Science of Society' established in the 19th Century Sociology (Latin 'Socius' meaning companion and 'Ology' meaning the study of). This apart, Social Science is defined as any scholastic discipline or scientific field that investigates human society and the subject of Social Science grew from moral philosophy, in contrast to natural sciences, which are defined and recorded as sciences that are experimental and applied. The generally accepted branches of social science include anthropology, economics, history, political science, psychology, sociology, education, geography, law, linguistics, criminology and archaeology. Most fields of study, outside the field of natural science, are considered social science. The disciplines of social science tend to examine and study man's interactions to his fellow man and with the society. Social science, in its broadest sense, can be understood to be the study of society and the relationships of individuals within a society. In modern academic practice, multiple methodologies are used and there appears to be a cross-fertilization of ideas from scientific study of many branches including the disciplines covered by natural sciences, but such branches cannot be regarded as Social Science.

39. The learned amicus curiae is also correct in pointing out that horticulture is the science, technology and business involved in intensive plant cultivation for human use and that the study of horticulture aims at improving plant growth, yields, quality, nutritional value and resistance to insects, diseases and environmental stresses.

40. Further-more, the bio-data of Dr. Binay Singh, as has been correctly pointed out by the learned amicus curiae, reveals that the topic of his research was, as already indicated above, study of the effect on micronutrients on being treated with acid lime (Kaji lemon). This was purely a scientific study or research and Dr. Binay Singh could not have been, therefore, regarded to have obtained Ph.D. in any of the disciplines of Social Science.

41. The contention of the petitioners that horticulture is a subject necessa

ry and helpful in the matters of rural development may be correct. But this would not make horticulture a discipline of Social Science; whereas, the advertisement specifically required a candidate to have Ph.D. in any of the disciplines of Social Science. Had the NIRD, while advertising the post of Director, called for applications from persons, whose educational/academic qualifications would help rural development, the situation might have been different.

42. Be that as it may, coming to the experience, it is noteworthy that it has not been in dispute before us that the advertisement, in question, prescribed two distinct categories of experiences, which we may reproduce below:

(b) Experience: 10 years' experience in teaching in a recognized University or training in a recognized institution in Rural Development planning and related disciplines of which at least 5 years should be in planning and conducting Research at the level of a Reader of a University or equivalent thereto. Minimum of 3 years of experience of working as Head of an organization/Centre/Faculty or Department engaged in Rural Development research and training.

(Emphasis is added)

43. Out of these two categories of experiences, it is an admitted position that Dr. Binay Singh did not possess 10 years' experience of teaching in a recognized University or training in a recognized institution in Rural Development planning and related disciplines of which, at least, 5 years' experience was, as prescribed by the advertisement, in question, in planning and conducting Research at the level of a Reader of a University or equivalent thereto, nor did Dr. Binay Singh possess, we find, 3 years' experience of having worked as a head of an Organization/Centre/Faculty or Department engaged in Rural Development research and training. However, according to the petitioners, Dr. Binay Singh satisfied the requisite experience. Is this contention of the petitioners correct and sustainable?

44. While considering the question, posed above, one cannot ignore the fact that the Comparative Statement of experience, which the Selection Committee (called as an expert body by NIRD) had relied upon, shows that unlike Dr. Subhas Chandra Srivastava (the applicant-respondent No. 1), Dr. Binay Singh was not shown to have the minimum experience of three years as prescribed by the advertisement, in question. In fact, the Comparative Statement shows that in respect of Dr. Binay Singh, under the heading of 'Experience', the column for filling up requisite experience, as Head of an Organization/ Centre/Faculty or Department engaged in Rural Development research and training, was left blank. This apart, the bio data, which was furnished to the Selection Committee, shows that Dr. Binay Singh joined as Professor, Department of Forestry, in the North Eastern Regional Institute of Science and Technology (NERIST) on 31.03.2009. He had, therefore, clearly worked as Professor, Department of Forestry, NERIST, for a few months and he had not functioned as the Head of the Department of Forestry, in NERIST, for the requisite period of three years. In fact, this position could not be disputed before us. For a clearer appreciation of the matter, however, the relevant part of the Comparative Statement aforementioned is reproduced below:

Name	Date of birth	Total service experience	Present position with years	Experi- ence (years)	As HOD	Present position with years	Experi- ence (years)
SC Srivastava		16 years	Prof & HOD	3 yrs		Economics	
5 yrs (including present position)			More than	3 yrs			
Binay Singh		20 years	4 months	Professor, NERIST		M. Sc. A	
gri. (Horticul- ture)		12yrs including present position					-

45. From the above Comparative Statement, there can be no escape from the conclusion that as far as Dr. Binay Singh was concerned, he did not have the requisite experience of three years as Head of an Organization/Centre/Faculty or Department engaged in Rural Development research and training. In this regard, we may point out, as already indicated above, that Dr. Binay Singh claims to have served as an Adviser in the field of Horticulture and Allied Sector in the Secre

tariat, North Eastern Council, Shillong, for a period of five years. Dr. Singh also contends that he held the additional charge of North Eastern Region Community Resources Management Project as Programme Coordinator and Development Strategist. The experience acquired, while working as an Advisor in the field of Horticulture and Allied Sector in the Secretariat, North Eastern Council, Shillong, can not be regarded as experience of Head of an Organization/ Centre/Faculty or Department engaged in Rural Development research and training nor can the experience, acquired as the Programme Coordinator and Development Strategist, in the North Eastern Region Community Resources Management Project, can be treated to be experience of Head of an organization/Centre/Faculty or Department engaged in Rural Development research and training.

46. Thus, even the experience of having worked as Advisor and/or Programme Coordinator and Development Strategist, mentioned hereinbefore, does not satisfy the requirement of experience prescribed by the advertisement. The petitioners before us, neither the NIRD nor Dr. Binay Singh, could show as to how Dr. Binay Singh can be said to have satisfied the requirement of requisite experience, which the advertisement, in question, demanded.

47. Irrespective, therefore, of the fact as to whether horticulture falls within any of the disciplines of social science or not, we have absolutely no hesitation in holding that the learned Tribunal was wholly correct in taking the view that Dr. Binay Singh did not have the requisite experience in terms of the advertisement, particularly, when we notice, if we may reiterate, that the Comparative Statement of educational qualification and experience, prepared in the present case, clearly shows that, in respect of Dr. Binay Singh, the column, meant for showing the experience of 3 (three) years as Head of an organization/Centre/Faculty or Department engaged in Rural Development research and training, had been left blank. This apart, the body, which the NIRD had constituted, could not be shown to be an expert body and there is nothing on record to show nor could anything be placed before us exhibiting that the persons, who constituted the selection committee, were competent to determine if a particular discipline does or does not fall within the ambit of social science.

48. What surfaces from the above discussion is that the infirmities, in the process of selection, are writ at large, when we notice the column of experience, in the Comparative Statement, which the expert body relied upon, had been left blank in respect of Dr. Binay Singh, who claims that he had the requisite experience of having functioned as Head of Department for a period of three years.

49. When the decision making process suffers from consideration of any irrelevant fact or suffers from exclusion of any relevant fact, the decision cannot be said to have withstood the test of fair selection.

50. Though it is, no doubt, true that the appointment of Dr. Binay Singh would come to end in the month of February, 2013, the fact of the matter remains that he was selected, appointed and allowed to hold the post, when he was not even qualified to be considered for selection, and whose candidature ought to have been rejected outright in the light of the essential qualification, which the advertisement, in question, had prescribed and which Dr. Binay Singh had failed to satisfy. The NIRD, thus, allowed Dr. Binay Singh to usurp the post, which he was not entitled to hold. Consequently, allowing Dr. Binay Singh to hold any further the post of Director, NERC, would not only be illegal, but will be wholly irrational, arbitrary, unjust, unfair and against good conscience.

51. The mere fact that a Selection Committee, which could not be shown to be an expert body, had selected Dr. Binay Singh for the post of Director, NIRD (NERC) cannot, by itself, be a reason for allowing Dr. Binay Singh to hold the post of the Director even when he did not satisfy the essential conditions of recruitment and appointment, as prescribed by the advertisement aforementioned.

52. We may pause here to point out that the scheme of Dewey Decimal Classification, as has rightly been submitted by the learned amicus curiae, is used in 2,00,000 libraries in, at least, 135 countries. The Dewey Decimal Classification is a system of library classification made up of ten classes, each divided into ten divisions, each having ten sections, although there are only 99 of 100 divisions and 908 of 999 sections in total, as some are no longer in use or have not

been assigned.

53. The Dewey Decimal Classification is not the yardstick to determine if a particular subject falls within a given discipline or not inasmuch as the scheme of Dewey Decimal Classification is used for the purpose of arranging various publications, in a library, making it easier for anyone to locate the publication.

To this extent, the grievance of the petitioners has force. Even if, however, the Dewey Decimal Classification is not applied for the purpose of determining as to whether horticulture is one of the disciplines of social sciences or not, the fact of the matter remains that in the case of candidates, such as, Dr. Binay

Singh, when he did not satisfy the requirement of requisite period of experience, he could not have been, and ought not to have been, selected and appointed to the post of Director, NIRD (NERC), throwing to the wind the terms and conditions, which a candidate was required to satisfy in the light of the advertisement in question. The selection and appointment of Dr. Binay Singh, thus, suffered from inherent lack of satisfaction of essential qualifications, which the advertisement, in question, had prescribed. Interference by the learned Tribunal, in a case of present nature, cannot, therefore, be said to be faulty, erroneous or without jurisdiction.

54. Because of what have been discussed and pointed out above, we do not find that the impugned decision of the learned Tribunal suffers from any infirmity, legal or factual. We, therefore, see no reason to interfere, by invoking our extra-ordinary jurisdiction under Article 226 of the Constitution of India, with the impugned order passed by the learned Tribunal.

55. Both the writ petitions, therefore, fail and the same shall accordingly stand dismissed.

56. No order as to costs.