



2026:DHC:2243-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 13.01.2026
Judgment pronounced on: 18.03.2026

+ **W.P.(C) 9907/2020 & CM APPL. 31584/2020, CM APPL. 39090/2022, CM APPL. 39091/2022, CM APPL. 4321/2025**

DR. KRISHNA BIHARI

.....Petitioner

Through: Mr. Somesh Chandra Jha, Mr.
Amartya Ashish Sharan and
Mr. Akash Kishore, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Neeraj, SPC with Mr.
Soumyadip Chakraborty, Adv.
for UOI.
Mr. Ravinder Agarwal, Mr.
Manish Kumar Singh, Mr. Vasu
Agarwal and Mr. Lekh Raj
Singh, Adv. for UPSC.
Mr. Ritesh Khatri, Adv. for R-
3.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

AMIT MAHAJAN, J.

1. The present writ petition is filed against the order dated 23.09.2020 (hereafter '**impugned order**') passed by the learned Central Administrative Tribunal, New Delhi in O.A. No. 96/2017



whereby the learned Tribunal dismissed the OA preferred by the Petitioner and refused to set aside the selection of Respondent No. 3 and appoint the Petitioner in his stead.

2. Succinctly put, an Advertisement No. 12/2015 was issued by Respondent No. 2/UPSC in the year 2015 regarding vacancy of 5 posts of Regional Directors in the National Centre of Organic Farming, Ghaziabad, Ministry of Agriculture out of which one post was reserved for Physically Challenged Persons with Disability. The requisite educational and experience qualifications were stipulated in the advertisement itself. The applications were thereafter processed by Respondent No. 2 and the Selection Committee recommended the names of Shri Tapan Kumar Ghosh, Ajay Singh Rajput, Dushyant Gehlot and Respondent No. 3. Respondent No. 3 was placed at Serial No. 2 in the recommended list and the Petitioner herein was placed in the Reserve List at Serial No. 1. The Petitioner preferred the subject OA 96/2017 thereby contending that Respondent No. 3 did not possess the prescribed qualifications despite which he was selected. Petitioner prayed that the appointment of Respondent No. 3 be set aside on account of Respondent No. 3 failing to meet the prescribed qualifications in terms of the advertisement and prayed that the Petitioner be appointed in place of Respondent No. 3.

3. By the impugned order, the learned Tribunal dismissed the O.A. No. 96/2017 preferred by the Petitioner thereby challenging the selection of Respondent No. 3 to the post of Regional Director in National Centre of Organic Farming, Ghaziabad. It was noted that as



per the counter affidavit of UPSC, Respondent No. 3 held the requisite qualifications and was treated to be qualified. The learned Tribunal noting that the prescribed qualification consisted of a wide range of disciplines and that the Selection Committee after considering the materials found Respondent No. 3 to be qualified, dismissed the OA preferred by the Petitioner. Aggrieved by the same, the Petitioner has filed the present petition.

4. The learned counsel for the Petitioner submitted that the appointment of Respondent No. 3 as a Regional Director in National Centre for Organic Farming, Ghaziabad was erroneous as Respondent No. 3 neither possessed the necessary educational qualifications nor the experience required in terms of the Advertisement No. 12/2015 issued by the UPSC. He submitted that in terms of the Advertisement, the candidate was required to possess the qualification being “*M.Sc. in Microbiology from a recognised university or Institute or M.Sc. in Botany with specialization in Plant Pathology or Microbiology or Mycology from a recognized University or Institute OR M.Sc. in Agriculture with specialization in Soil Science or Agricultural Chemistry or Agronomy or Microbiology or Plant Pathology or Horticulture or Agricultural Extension from a recognized University or Institute.*”

5. He submitted that while Respondent No. 3 claims to possess an M.Sc. in Agriculture with a specialisation in Horticulture, however, as per the certificate issued by the Himachal Pradesh Krishi Vishwavidyalaya, Respondent No. 3 possesses an M.Sc. in



Agriculture with specialisation in Tea Husbandry and Technology which is not a prescribed qualification. He placed reliance on a letter dated 11.11.2020 by CSK Himachal Pradesh Krishi Vishwavidyalaya which was obtained subsequent to the passing of the impugned order to show that the M.Sc. Agriculture with specialisation in the subject of Tea Husbandry and Technology of the University cannot be considered equivalent to the specialisation of Horticulture or Soil Science or Microbiology.

6. He submitted that Respondent No. 3 also did not possess the requisite experience qualification as required by the Advertisement. He submitted that in terms of the Advertisement, the candidate was required to *possess ten years' experience in the field of research and development of bio-fertilizer and other aspects of organic farming with experience in quality control of biofertilizers and organic fertilizers including two years administrative experience.* He submitted that while Respondent No. 3 claimed to possess an experience of 15 years 6 months and 9 days, he was only working as a Technical Assistant Gr.1 for the entire period from 23.03.2000-13.07.2009 on an *ad hoc basis* in the department of Tea Husbandry and Technology, CSK Himachal Pradesh Agricultural University and joined the Tea Board in permanent capacity only in the year 2009. He consequently submitted that Respondent No. 3 did not possess 10 years' experience in field of research and development of bio-fertiliser that was required as per the advertisement.



7. *Per contra*, the learned counsel appearing on behalf of Respondent No. 2, at the outset, submitted that the issue involved in the present writ petition is purely academic and submitted that since the Petitioner has already attained the age of superannuation, no substantive relief can be granted to him. He submitted that the Petitioner was placed at Serial No. 1 in the Reserve Panel. He submitted that the validity of the Reserve Panel was only for a period of 18 months which in exceptional circumstances can be extended up to 24 months. He submitted that the date of finalisation of the recommendation of the Commission in the present case was 16.02.2016. He submitted that even when considered exceptionally, the time period expired on 16.02.2018 and consequently, the Reserve Panel at this stage cannot be acted upon. He consequently submitted that no substantive relief can be granted to the Petitioner and prayed that the present petition be dismissed.

8. On merits, the learned counsel representing Respondent No. 2 submitted that Respondent No. 3 met the requisite qualifications stipulated in the Advertisement. He submitted that from a perusal of the M.Sc. degree of Respondent No. 3, it transpires that Respondent No. 3 possessed M.Sc. in Agriculture (Tea Husbandry and Technology). He submitted that Respondent No. 3 also had an understanding of soil science and plant pathology which is apparent from a perusal of Respondent No. 3's marksheet. He submitted that Respondent No. 3's minor subject was "Soil Science" and the same was one of the educational qualifications necessary for the post. He submitted that while it was not the determinative criteria, yet it is



pertinent to note that Respondent No. 3 also possessed a Ph.D. in Applied Plant Science (Horticulture).

9. He submitted that Respondent No. 3 also had an experience of more than 15 years in the promotion and development of organic tea farm, assisting teaching research and extension, testing and manufacturing of bio-fertilisers, bio-pesticides, evaluation and efficacy studies as a Deputy Director in Tea Board Implementation of Plan Schemes and administrative experience including heading Regional Office for 3 years. He consequently submitted that Respondent No. 3 possessed the requisite qualifications. He submitted that in matters of Selection, the Commission discharges its duties as an expert. He submitted that Courts should ordinarily not interfere in matters of selection or promotion unless *mala fides* are attributed which in the present case has not been alleged. He consequently prayed that the present petition be dismissed.

10. The learned counsel representing Respondent No. 3 submitted that the Petitioner cannot rely upon the letter dated 11.11.2020 by CSK Himachal Pradesh Krishi Vishwavidyalaya to contend that the M.Sc. Agriculture with specialisation in the subject of Tea Husbandry and Technology of the University cannot be considered equivalent to the specialisation of Horticulture or Soil Science or Microbiology. He submitted that the said document is new and was never filed by the Petitioner before the learned Tribunal and submitted that the same ought not, at this juncture, be considered by this Court. He submitted that even otherwise, Respondent No. 3 also preferred a letter to the



said university being CSK Himachal Pradesh Krishi Vishwavidyalaya and by reply dated 04.08.2021, the university spelled out that Tea being one of the plantation crops broadly fell within the domain of Horticulture. He submitted that Respondent No. 3 also possesses more than 50 research publications in the same discipline which too was considered by the Selection Committee at the time when the interview was committed. He consequently submitted that the impugned order is well reasoned and warrants no interference by this Court.

Analysis

11. In the present case, the grievance of the Petitioner is that Respondent No. 3 lacks the stipulated qualifications as materialised in the Advertisement, and it is consequently prayed that the appointment of Respondent No. 3 as a Regional Director in National Centre for Organic Farming, Ghaziabad be set aside. The Petitioner has also sought appointment in Respondent No.3's place.

12. Insofar as the prayer in relation to appointment of the Petitioner is concerned, as noted earlier, the Petitioner has already crossed the age of superannuation and as such no substantive relief can be granted to the Petitioner. While the said position has not been disputed by the Petitioner, it has been argued that the present petition still be considered on merits as the same would have an impact on the consequential benefits that the Petitioner may be entitled to should his appointment to the said post be found merited.



13. Moving thus to the merits of the present case, at the outset, this Court deems it apposite to note that the power of judicial review in matters related to recommendations given by the Selection Committee is limited. The Court does not sit in appeal over the decision of an examining body nor does it substitute its own opinion for that of subject experts. Judicial scrutiny is confined to examining the decision-making process and interference is warranted only when the process is vitiated by *mala fides*, arbitrariness, or patent illegality. In that regard, the Hon'ble Apex Court in the case of ***M.V. Thimmaiah v. UPSC : (2008) 2 SCC 119*** noted as under:

“21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an Appellate Authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion.....”

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30. We fail to understand how the Tribunal can sit as an Appellate Authority to call for the personal records and constitute Selection Committee to undertake this exercise. This power is not given to the Tribunal and it should be clearly understood that the assessment of the Selection Committee is not subject to appeal either before the Tribunal or by the courts. One has to give credit to the Selection Committee for making their assessment and it is not subject to appeal. Taking the overall view of ACRs of the candidates, one may be held to be very good and another may be held to be good. If this type of interference is permitted then it would virtually amount that the Tribunals and the High Courts have started sitting as Selection Committee or act as an Appellate Authority over the selection. It is not their domain, it should be clearly understood, as has been clearly held by this Court in a number of decisions. Our attention was invited to a decision of this



Court in R.S. Dass [1986 Supp SCC 617 : (1987) 2 ATC 628] wherein at para 28 it was held as follows: (SCC pp. 638-39).....

32. Our attention was invited to a decision of this Court in Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan [(1990) 1 SCC 305 : 1990 SCC (L&S) 80 : (1991) 16 ATC 528] wherein it was observed as follows: (SCC pp. 309-10, para 12)

“12. ... it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. ... in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so-called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction.”

14. Emphasis has primarily been laid by the learned counsel for the Petitioner on the fact that while Respondent No. 3, in his application, has claimed that he possesses a degree of M.Sc. in Agriculture with specialisation in Horticulture, his degree certificate from Himachal Pradesh Krishi Vishwavidyalaya manifests that he possesses an M.Sc. in Agriculture with specialisation in Tea Husbandry and Technology which is not a prescribed qualification specified in the Advertisement. Reliance has also been placed on a letter dated 11.11.2020 issued by CSK Himachal Pradesh Krishi Vishwavidyalaya that was obtained subsequent to the passing of the impugned order which highlights that the degree M.Sc. Agriculture with specialisation in subject of Tea Husbandry and Technology of the University cannot be considered to be equivalent to the specialisation of Horticulture or Soil Science or



Microbiology. It has consequently been argued that Respondent No. 3 has failed to meet the prescribed qualification.

15. In that regard, this Court first turns its gaze to the educational qualification as manifested in the Advertisement No. 12/2015 and the same is reproduced as follows:

“M.Sc.in Microbiology from a recognised university or Institute or M.Sc. in Botany with specialization in Plant Pathology or Microbiology or Mycology from a recognized University or Institute OR M.Sc. in Agriculture with specialization in Soil Science or Agricultural Chemistry or Agronomy or Microbiology or Plant Pathology or Horticulture or Agricultural Extension from a recognized University or Institute”

16. As per the submission made by the learned counsel representing Respondent No. 2/UPSC and the reply affidavit filed by them, Respondent No. 3 met the prescribed qualifications. It is pointed out that Respondent No. 3 possessed M.Sc. in Agriculture (Tea Husbandry and Technology), Department of Horticulture with minor subject Soil Science. The reply affidavit filed on behalf of UPSC indicates that Specialisation in Soil Science was one of the essential educational qualifications for the post. The Reply filed on behalf of UPSC manifests that while not a necessary criterion, Respondent No. 3 also possessed a Ph.D. in Applied Plant Science (Horticulture). It has been emphasised that horticulture and plant husbandry by their very definition being subjects with overlapping material, the same cannot be pursued as distinct or separate and it has consequently been argued that Respondent No. 3 was qualified.



17. From a careful perusal of the material on record, it is apparent that the Selection Committee scrutinised the application of Respondent No. 3 and found him eligible. The advertisement materialises that the educational qualification comprised a broad range of courses with multiple specialisations. As transpires from the advertisement itself, the qualifications were not confined to one particular discipline but encapsulated various allied subjects with several specialisations. Undoubtedly, scientific disciplines often overlap and the bounds of various specialisations are not necessarily rigid or mutually exclusive.

18. In such circumstances when the advertisement itself includes a wide domain of disciplines, it would not be proper for this Court to conclude that merely because Respondent No.3 possessed a degree in M.Sc. in Agriculture with specialisation in Tea Husbandry and Technology and not specifically in Horticulture, he is not qualified especially when the Selection Committee in the present case carefully perused the application of Respondent No. 3 and found him eligible. Insofar as the reliance placed by the Petitioner on the letter dated 11.11.2020 issued by CSK Himachal Pradesh Krishi Vishwavidyalaya to argue that specialisation in Tea Husbandry will not tantamount to specialisation in Horticulture is concerned, it is pertinent to note that the same was obtained subsequent to the passing of the impugned order and was not placed before the learned Tribunal. Even otherwise, rivalling the said letter, Respondent No. 3 has also placed on record a reply issued by the same university dated 04.08.2021, where it was



spelled out that Tea being one of the plantation crops broadly fell within the domain of Horticulture.

19. This Court has scrutinised the rival documents relied upon by both the parties. Having done so, this Court is of the opinion that when the discipline itself comprised a wide range of subjects with multiple specialisations, and the Selection Committee considered the educational qualifications and took note of the fact that Respondent No. 3 studied soil science as a minor subject and that though not a determinative criterion, Respondent No. 3 also possessed a Ph.D. in Applied Plant Science (Horticulture), and thereafter found Respondent No. 3 eligible then in the absence of any *mala fides* or arbitrariness alleged, no fault can be attributed to the view taken by the Selection Committee.

20. Evidently, the reply affidavit by UPSC further manifests that it was duly noted by UPSC that Respondent No. 3, as per the experience certificates included in the application for the post, had more than 15 years of experience in the promotion and development of organic tea farm, assisting teaching research and extension, testing and manufacturing of bio fertilisers, bio-pesticides, evaluation and efficacy studies and also had administrative experience including Heading Regional Office for last 3 years which met the prescribed qualification being - *possess ten years' experience in the field of research and development of bio-fertilizer and other aspects of organic farming with experience in quality control of biofertilizers and organic fertilizers including two years administrative experience.*



21. The selection process was entrusted to a specialised body comprising accomplished officers in the discipline. It is presumed that such bodies possess extensive and technical expertise necessary to appreciate subtle academic nuances and overlaps in scientific disciplines and specialisations. Once the selection committee having expertise over the subject matter opined that Respondent No. 3 was qualified and possessed the requisite qualifications, this Court cannot, in any event, sit in appeal over the opinion of experts and substitute its own view by re-examining the same. Determination of the requisite qualifications and whether a candidate meets the prescribed qualifications or not lies primarily within the province of subject experts, and courts do not possess the institutional competence to substitute their views for that of duly constituted expert bodies especially in the dearth of any alleged *mala fides* or arbitrariness.

22. In the present case as well, nothing on the record indicates that the Selection Committee acted without consideration or misunderstood the qualifications of the candidates. Contrarily, as noted above, unless *mala fides* are shown, it is presupposed that the Selection Committee was aware of the academic equivalence and requirements of different specialisations when considering the candidature of Respondent No. 3.

23. In the light of the foregoing, this Court does not find any infirmity in the impugned order so as to warrant an interference by this Court and the same cannot be faulted with.



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24. The present writ petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

MARCH 18, 2026

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