

correction of alleged discrepancies in the midst of lockdown period after one and a half year of conduction of written test does not satisfy the tests of Articles 14 and 16 of the Constitution of India.

f) Pass an order declaring that the applicant is eligible for participating in the selection process for recruitment to the post of Lecturer in Electronics and Telecommunication Engineering in Government Polytechnics.

g) Pass an order directing the respondent Public Service Commission to publish fresh interview list including the name of the applicant.

h) Pass an order directing the Public Service Commission to cancel and/or quash and/or set aside the resolution dated September 19,2014 by which decision was taken to fix qualifying marks at each stage of the examination process.

i) Pass an order declaring that the Public Service Commission, West Bengal has no jurisdiction to fix qualifying marks interview in manner that it amounts to selecting candidates based on interview..... ”.

It appears that pursuant to the advertisement No. 24 of 2018 the applicant had applied for the post of Lecturer in Electronics and Telecommunication Engineering. The essential qualification for the post is “...*First class Bachelor’s degree in Electronics & Telecommunication Engineering or Electronics and Communication Engineering from a recognised University or Institute, or its equivalent.*”

In this regard, it is appropriate to refer to the ‘Note’ relevant to the post which forms part of the advertisement, which is as under :-

“...If the candidate has a Master’s degree in appropriate subject from a recognized University or Institute or its equivalent, First class award shall be required either at Bachelor’s degree or Master’s degree....”.

It is also relevant to refer to “Information” Paragraph 5 which stipulates us “*the prescribed essential qualifications are the minimum and*

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mere possession of the same does not entitle applicants to be called in for the interview...”

It appears from the supplementary affidavit filed by the applicant that in the B.Sc, the subjects taken by the applicant was EEMV and had secured first class with 66.5 per cent marks. Thereafter, the applicant had chosen M. Tech and therein the subject taken was “ECE(Communication)” wherein he had secured first class with 83.5 per cent of marks.

The question which requires to be considered is whether ECE(Communication) would be the appropriate subject visa-vis Electronics and Telecommunication Engineering or Electronics and Communication Engineering. We find the applicant had EEMV(Electronics Equipment Maintenance) in the Bachelor degree level and was not having a Bachelor degree in Electronics and Telecommunication Engineering or Electronics or Communication Engineering. However, in the M.Tech level he had ECE – Electronics and Engineering.

Mr. A. Maity, learned advocate appearing on behalf of the applicant submits that in view of the note as the applicant had the Master’s degree in the appropriate subject of Electronics and Telecommunication Engineering or Electronics or Communication Engineering, the applicant is entitled to participate in the selection process, particularly in view of the answer by the AICTE as evident from the question- answer against item no. 21 and the qualification at page 34. In this regard reliance has been placed on the judgement in Guru Nanak Dev University – Versus- Sanjay Kumar Katwal : (2009) SCC 610 particularly the principles of law laid down in paragraphs 6 and 9 thereof.

Mr. S. Bhattacharjee, learned advocate for the Public Service Commission, West Bengal relying on the reply, particularly the statements made in paragraph 10 thereof, submits that the essential qualification for the post of lecturer in Electronics and Telecommunication Engineering in

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Government Polytechnic in the West Bengal General service under the department of Technical Education, Training and Skill was first class Bachelor degree in Electronics and Telecommunication Engineering or Electronics and Communication Engineering from a recognised university or Institute or its equivalent. Submission is the applicant had obtained the degree of Bachelor of Science with Electronic Equipment Maintenance (EEMV) as major subject instead of B.E. and B.Tech in Electronics and Telecommunication Engineering or Electronics and Communication Engineering and as the applicant was found lacking in essential qualification, as B.Sc degree is not equivalent to B.E./B.Tech degree, he was not called for interview.

The question is whether the M.Tech degree in Electronics and Communication Engineering, as evident from page 31 of the Original application, is equivalent to having a degree in the B.Sc (EEMV) and whether the Master degree in ECE would be the “*appropriate subject*” to the post.

It is evident from page 49 of the application that the applicant was not having the essential qualification as he was having B.Sc. (EEMV) whereas in the Masters level he was having ECE(Communication) . Since he was not having the essential qualification in the B.Tech level and was having EEMV, it cannot be considered as “*appropriate subject*” in the master’s degree. The principles of law laid down in the judgement in Guru Nanak Dev University (supra) cannot be considered in view of the stipulations in the essential qualification and the note which has been discussed hereinbefore. For the reasons as aforesaid, no order is passed on the applications. The applications being OA 98 of 2021 and MA 102 of 2021 are disposed of. Since pursuant to the directions by the Tribunal on 10th February, 2021, the applicant had appeared in the interview on 11th February, 2021 and the mark sheets and results were kept in a sealed cover, which were furnished before the Tribunal by the Commission and the Tribunal has perused the same, interim order is

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vacated. The respondents - the Public Service Commission, West Bengal shall publish the result of the selection process, including the applicant, expeditiously.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skg.

WEST BENGAL ADMINISTRATIVE TRIBUNAL

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