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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 367/2002

New Delhi, this the 30th day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

Shri Parmanand Prasad
S/o Shri Baleshwar Mahto
R/o RZ-25B/12
Indira Park
Palam Colony
New Delhi - 110 045.

...Applicant

(By Advocate Shri Pankaj Kumar)

V E R S U S

1. Staff Selection Commission
through its Secretary
Block No.12,
CGO Complex, Lodi Road
New Delhi - 110 003.
2. UNION OF INDIA
Through its Secretary
Department of Official Language
Ministry of Home Affairs
Lok Nayak Bhawan
New Delhi - 110 003.

...Respondents

(By Advocate Shri S.M.Arif)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

In this application, the applicant has challenged the action of respondent No.1 i.e. Staff Selection Commission in issuing, what he states, is an arbitrary memorandum dated 18-1-2002, rejecting his candidature for appointment to the post of Junior Hindi Translator (JHT). We have heard Shri Pankaj Kumar, 1d. counsel for the applicant at length and Shri S.M.Arif, 1d. counsel for the respondents and perused the pleadings and relevant documents on record. We find from the records of the case, that this case raises the similar issues as have been raised by the applicant in Ram Chander Mahto Vs. UOI & Ors. (OA 184/2001) decided on 28-8-2001, which has

been followed in the case of A.K.Pandey Vs. SCC & Anr. (OA 1350/2001) decided on 18-9-2001 (copies placed on record), in which one of us [Smt. Lakshmi Swaminathan, VC (J)] was also a Member. The same arguments as have been advanced by the learned counsel for the applicant in these two cases before the Tribunal, have been taken by Shri Pankaj Kumar, 1d. counsel for the applicant, which have been fully considered but rejected by the orders dated 28-8-2001 and 18-9-2001, respectively. Our attention has also been drawn to the order of the Hon'ble High Court dated 26-9-2001 in CWP No.6567/2000, (copy placed on record), wherein the same qualifications prescribed by the respondents for appointment to the post of Junior Hindi Translator, have been considered in similar circumstances where the Hon'ble High Court has also rejected the submissions made on behalf of the petitioner, on the ground that he had not studied Hindi and English in all the three years and had studied English and Hindi only in one year.

2. The essential qualifications prescribed by the respondents in the Notification for selection to the post of Junior Hindi Translator is as follows :-

"Master's Degree in English/Hindi with Hindi/English as a compulsory and Elective subject at Degree level.

OR

Bachelor's Degree with Hindi and English as Main subjects (which include the term compulsory and Elective)

OR

B.A.(Hons) in English/Hindi with Hindi/English as subsidiary/MIL subjects.

The reasons given by the respondents in rejecting the applicant's candidature as noted in the impugned memorandum dated 18-1-2002 reads as follows :~

(7)

"It is noted and observed that Shri Parmanand Prasad has studied Hindi subject only in his B.A. Degree i.e. 1st year and 2nd year only of 100 marks and not in all the three years, Degree course consists of all the 3 years and part study of any subject would not serve the requirement. It is further noted that Hindi subject is not his main subject. His main subjects are English, History and Economics which are of 300 marks each. In B.A. 3rd year, he has studied English (Hons) subject although he is M.A. in English but in B.A. he has not studied Hindi subject as Main subject in all the 3 years".

As mentioned above, the same main contentions have been taken by the learned counsel for the applicant, namely,

- (i) that under the prescribed syllabus of the University, from where the applicant had taken his Degrees i.e. B.A. (Hons.) English and MA (English), nothing else was possible and he could not have studied Hindi for all the three years ;
- (ii) that no other University in India give such qualifications as required by the respondents ;
- (iii) that it is only the Controller of Examination of that particular University from where, the applicant qualified and given ^{the} certificate to the effect that Modern Indian Language Hindi which carries marks of 100 as a compulsory (main) subject, is the only possible way to interpret the aforesaid required qualifications, ^{who is} the competent authority and none else.

(8)

These contentions have been considered in the aforesaid judgements of the Tribunal as well as the Hon'ble Delhi High Court and we respectfully follow the same reasoning. The certificate issued by the Controller of Examination Lalit Narayan Mithila University, Kameshwaranagar, Darbhanga, Bihar dated 3-12-2001, in which, he has stated, inter alia, that the applicant has offered Modern Indian Language Hindi (100 marks) as a compulsory (Main) subject and three optional subjects - English, Economics and History bearing 300 marks as per provisions, clearly shows that the same is not in accordance with the prescribed qualifications notified by the respondents for selection to the post of Junior Hindi Translator. The same issue has also been fully considered and rejected by the Hon'ble High Court, which is binding on us. We are unable to agree with the contentions of the learned counsel for the applicant that the reasons given by the respondents in rejecting his candidature are either arbitrary or not in accordance with the prescribed qualifications and his further contentions that the applicant possesses the same, cannot be agreed to. The applicant does not possess the prescribed qualifications for being appointed to the post of Junior Hindi Translator. Therefore, there are no good grounds to justify any interference in the matter or to differ from the aforesaid orders of the Tribunal or the Hon'ble High Court, which are binding on us.

3. In the circumstances, the OA fails and is accordingly dismissed. No order as to costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

/VKSN

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (J)