



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2686/2015
MA 1914/2016

Reserved on 08.01.2020
Pronounced on 23.01.2020

Hon'ble Mr. S.N.Terdal, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Navdeep S/o Shyam Sunder Sharma,
Age 22- Unemployed,
R/o VPO Mundhal Khurd,
Tehsil & District Bhiwani,
Haryana-127041.

... Applicant

(By Advocate: Mr. Anil Hooda)

VERSUS

Staff Selection Commission (Northern Range)
Through its Chairman,
Block No. 12, CGO Complex,
Lodhi Road, New Delhi-110003

... Respondent

(By Advocate: Mr. Gyanendra Singh)

ORDER

(Hon'ble Mr. S.N.Terdal, Member (J)):

We have heard Mr. Anil Hooda, counsel for applicant and Mr. Gyanendra Singh, counsel for respondents, perused the pleadings and documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- "a) direct the respondent to allow the applicant to participate in the selection process as his degree was complete in May 2013 and he fulfil the eligibility criteria of having a bachelor degree in science as on 01.01.2014.



- b) direct the respondent to allow the applicant to appear in the DEST (skill test) of Combined Graduate Level Examination-2014, which is going on.
- c) Pass such other or further orders which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3. The relevant facts of the case are that the applicant applied for recruitment against the advertisement for Combined Graduate Level Examination, 2014. As on the cut off date of 01.01.2014, he was required to have the essential qualification, namely, Bachelor Degree. In this regard para 6 of the said Notification is extracted below:-

"6. Essential Qualifications as on Ist January, 2014.

- i) Compiler: Bachelor's Degree from any recognized University with Economics or Statistics or Mathematics as compulsory or Elective subject.
- ii) Statistical Investigator Grade-II Bachelor's Degree with Statistics as one of the main subjects

OR

Bachelor's Degree with Mathematics (with Statistics as a paper studied in one year/two years/three years as the case may be) as one of the main subjects

OR

Bachelor's Degree with Economics (with Statistics as a paper studied in one year/two years/three years as the case may be) as one of the main subjects

OR

Bachelor's Degree with Commerce (with Statistics as a paper studied in one year/two years/three years as the case may be) as one of the main subjects

Note: "Statistics" means any branch of Statistics, applied or otherwise.



- iii) All other Posts: Bachelor's Degree from a recognized University or equivalent.

Note 1: For posts of Assistants (CSS) Computer Proficiency has also been prescribed as an Essential Qualification.

Note-II: As per Ministry of Human Resources Development Notification No. 44 dated 01.03.1995 published in Gazette of India edition dated 08.04.1995, the Degree obtained through open University/Distance Education Mode needs to be recognized by Distance Education Council, IGNOU. Accordingly, unless such Degree had been recognised for the period when the candidates acquired the relevant qualification, they will not be accepted for the purpose of Educational Qualification.

Note-III: All candidates who are declared qualified by the Commission for appearing at the interview/Skill Test/Computer Proficiency Test will be required to produce the relevant Certificates such as **Mark sheets for all the three years of Graduation/Provisional Certificate**/Certificate of Graduation in original as proof of having acquired the minimum education qualification on or before 1st January, 2014 failing which the candidature of such candidates will be cancelled by the Commission. The Candidates who are able to prove, by documentary evidence, that the result of the qualifying examination was declared on or before the cut-off date and he/she has been declared passed, will also be considered to meet the Educational Qualification."

4. The case of the applicant is that he had the essential qualifications before 01.01.2014 as evidenced by the marks sheets. From the perusal of the mark sheets for all the examinations also it is clear that he had passed in all the examinations concerning the graduation before 01.01.2014. But, however, the consolidated marks card for his graduation was issued on 11.02.2014 and his Bachelor degree certificate was issued by the University on



31.03.2014. The respondents perusing only the degree certificate and the consolidated mark sheets of the applicant disqualified him to appear in the skill test. On 12.08.2015 by an interim order this Tribunal directed the respondents to allow the applicant to participate in the skill test provisionally.

5. Counsel for the applicant vehemently and strenuously submitted that from the perusal of all the marks sheet of all the examinations concerning the degree it is clear that the applicant had cleared all the examination before the cut off date of 1.01.2014 and by the perusal of note-III it is clear that on the basis of the marks sheet for all the concerned examination the applicant should have been treated as qualified to appear in the skill test and he further submitted that his OA be allowed.

6. The counsel for the respondents vehemently and strenuously submitted that as per the terms of the said advertisement they have gone by the date of issuance of the degree certificate and on that basis the applicant was not eligible to appear in the skill test.

7. In this case by the above interim order dated 12.08.2015, the respondents were directed to permit the applicant to appear in the skill test and the prayer made in



the OA is also to the same effect. In view of the clear provisions contained in Note III above, the date on the marks sheet can also be taken for purpose of consideration of completion of essential qualification alternatively to the consideration of the date on his certificate of graduation. As such, the action of the respondents is arbitrary and unreasonable and the respondents are directed to declare the result of the applicant and take further steps.

8. Accordingly, OA is disposed of. No order as to costs.

(Aradhana Johri)
Member (A)

(S.N.Terdal)
Member (J)

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