

(15)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 1310/2001

New Delhi this the 13th day of February, 2002

Hon'ble Shri Kuldip Singh, Member (J)

Ms. Sunita Kumari
D/o Shri Dauji Ram
Resident of G-147/T-1,
Dilshad Colony, Delhi-110095

(None Present) -Applicant

Versus

1. Government of National Capital Territory of Delhi
Through: The Secretary,
Education Department,
Old Secretariat,
Delhi-110054.
2. The Director of Education,
The Government of National Capital Territory of
Delhi, Old Secretariat,
Delhi-110054.
3. The Deputy Director of Education,
District: North East,
Office of the Deputy Director of Education,
'B' Block, Yamuna Vihar,
Delhi.
4. The Vice-Principal,
Government Girls Secondary School,
Khajoori Khas,
Delhi.

-Respondents

(By Advocate: Shri Ashwini Bhardwaj, proxy for
Shri Rajan Sharma)

ORDER (Oral)

Shri Kuldip Singh, Member (J)

This OA has been filed by the applicant
whereby the applicant has assailed an order No.98
dated 21.3.2001 vide which the services of the
applicant has been terminated under Rule-5 of the
Central Civil Service (Temporary Service) Rules, 1965.

2. The facts, as alleged by the applicant in the

kr-

OA, are that the applicant in response to an advertisement issued by Delhi Subordinate Service Selection Board (DSSSB) published in the Hindustan Times of 1.3.1999 filled an application for being appointed as a Trained Graduate Teacher. Since she fulfilled all the educational qualifications, she was selected and offered an appointment vide Annexure A-6. In pursuance of the same, the applicant joined as a Teacher on the terms and conditions contained in Annexure A-6. The respondents thereafter got her character and antecedents verified through Deputy Commissioner of Police, Delhi. She was also allotted a Provident Fund Account number. Respondents also verified the certificates and testimonial of the applicant from the authorities, who had issued the same. One of such letter was also issued to the Registrar, Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh for verification of applicant's B.Ed Degree and mark sheet and vide Annexure R-2, the Association of Indian Universities informed the respondents that the name of Bhartiya Shiksha Parishad, Uttar Pradesh is listed in the list of fake Universities/Institutions notified by the University Grants Commission from time to time through Press release. They have also specifically mentioned that its programmes are not recognised by AIU i.e. Association of Indian Universities, hence the respondents passed the impugned order terminating the services of the applicant.

3. The applicant challenged the same on the

kr~

ground that the Recruitment Rules do not contain a condition that the B.Ed Degree and Diploma certificate should be from a recognised institution. Since the applicant had undergone the course of Bachelor of Education, respondents cannot terminate her services.

4. The applicant also pleads that the respondents have deprived her right to defend herself and prove her innocence or lack of involvement in any manner whatsoever, which will compel her to resign/ be sacked without being afforded an opportunity as prescribed under Article 311 (2) of the Constitution of India. Thus, the applicant claims that she has no fault at all, so her services cannot be terminated.

5. Respondents contested the OA by filing their counter affidavit. Respondents pleaded that at the time when offer of appointment was given to the applicant, it was made clear to her vide Annexure A-6 that the appointment is purely on temporary and provisional basis for a period of one year, which is likely to be made regular after one year after completion of the verifications of date of birth, educational qualifications and category, status, caste/Tribe certificate etc. It was the condition that the department was to verify the educational qualifications of the applicant and since on verifications of the same, it has been revealed that the institution from which the applicant had obtained B.Ed Degree i.e. Bharatiya Shiksha Parishad U.P. is not a recognised and it has also been informed that



the Degree obtained by the applicant is not valid ~~and~~ stating that the Bhartiya Shiksha Parishad is not recognised by Association of Indian Universities as per information received vide Annexure R-2. Thus, it is stated the applicant was not holding the ~~adequate~~ ^{essential} qualifications to be appointed as a teacher and as such Department was within their right to terminate her services under Rule-5 of the Central Civil Services (Temporary) Service Rules, 1965.

6. The applicant has filed a rejoinder wherein the applicant pleaded that the Association of Indian Universities cannot be above the judiciary and they cannot say that it is not a recognised University because the Hon'ble High Court of Allahabad, Lucknow Bench has permitted the Bhartiya Shiksha Parishad, U.P, to carry on the activities under the name and style of Bhartiya Shiksha Parishad, U.P. and applicant has also annexed along with the rejoinder, a copy of the order of the High Court of Allahabad, Lucknow Bench (Annexure A-18). Similarly, an order passed by Learned Civil Judge (Junior Division) (South), Lucknow in the matter of Bhartiya Shiksha Parishad, U.P. and Others Vs. University Grants Commission and others wherein respondents had restrained from calling or declaring the plaintiff a fake university either by the respondents, its employees, its retainers, assignees or any one claiming to represent the respondent till final decision of the Court, so the applicant pleaded in the rejoinder that since the matter with regard to Bhartiya Shiksha

km

has been agitated for -5-

Parishad before the Hon'ble High Court of Allahabad, Lucknow Bench and the decree has already been passed by the learned Civil Judge (Junior Division) (South), Lucknow, so the services of the applicant should not be terminated.

7. When the matter was taken up for hearing after repeated calls, no one appeared for the applicants, so I decided to proceed to hear the case as per CAT Procedure Rules. I have heard Shri Ashwini Bhardwaj, learned proxy counsel for respondents and gone through the pleadings on record.

8. From the pleadings, I find that the applicant has placed reliance on orders passed by the Hon'ble High Court of Allahabad, Lucknow Bench and order passed by Civil Judge (Junior Division) (South), Lucknow, so it is to be seen whether these orders do convey the competence of Bhartiya Shiksha Parishad to award a Degree of B.Ed to its ~~pupils~~ ^{pupils'} ~~people~~ or not.

9. As far as the judgment of the Allahabad High Court is concerned, I find that it has been given in a criminal miscellaneous case where State of UP appears to have filed some cases against the Bhartiya Shiksha Parishad and the order of the Hon'ble High Court only says that till the next date of listing, the petitioner was permitted to carry on the activitites under the name and style of Bhartiya Shiksha Parishad. This order has been passed under Section 482 Cr.P.C. which is inherent power of Hon'ble High Court ~~and~~

[Signature]

~~which~~ in a criminal case. But this order cannot be passed in any way to regularise the B.Ed Degree awarded to the applicant. No order can be said to have recognised Bhartiya Shiksha Parishad as University competent to award a Degree of B.Ed to its students. As per the order of Civil Judge is concerned, persual of the order shows that according to the application made by Bhartiya Shiksha Parishad itself before the Civil Judge, it was alleged that respondents i.e. University Grants Commission and State of UP accuses the former of calling themselves as University and their act of awarding of the ~~degrees~~ ^{degrees} to students-Plaintiff (Bhartiya Shiksha Parishad) refuted this accusation and made a categorical statement that they do not call themselves a University nor award Degrees. A copy of the order which is placed at Annexure-19 also shows that Bhartiya Shiksha Parishad had also claimed that they have no connection with UGC. Thus, the institute from which the applicant has obtained the Degree of B.Ed, had themselves denied before the Civil judge (Junior Division) South, ^{Mauonla} Lucknow about issuing of any Degree ~~and since~~ the Association of Indian Universities has categorically verified that this institute known as Bhartiya Shiksha Parishad is not a recognised university and time and again its name is listed in the list of fake Universities and its programmes are not recognised by Association of Indian University so the B.Ed Degree ^{possessed by} which is being possessed by the applicant and has been produced before the respondents for the purpose of gaining employment is not a valid Degree and the

(g)

(21)

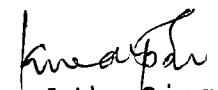
-7-

respondents were fully competent to terminate the services of the applicant under Rule-5 of CCS (Temporary Service) Rules, 1965 because it was one of the condition when offer of appointment was issued vide Annexure A-6 it was stated therein that Educational qualifications were subject to verifications.

10. Hence I find no merit in this OA and the same

is dismissed, ~~with costs~~

No order as to costs to


(Kuldip Singh)
Member (J)

cc.