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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2308/2001

New Delhi, this the 12th day of July, 2002

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

Raj Kumar
C-57-A, Nanna Park
PO Uttam Nagar, New Delhi .. Applicant

(By Shri B.B. Raval, Advocate)

versus

Government of NCT of Delhi, through

1. Chief Secretary
Old Secretariat, Delhi
2. Director of Education
Old Secretariat, Delhi
3. Deputy Director of Education
District West B, G Block
Vikaspuri, New Delhi
4. Principal
Govt. Boys Sr. Sec. School
Hastal, New Delhi .. Respondents

(By Shri Mohit Madan, proxy for Mrs. Avnish
Ahlawat, Advocate)

ORDER

Shri M.P. Singh, Member(A)

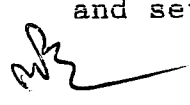
Applicant has challenged the order dated 31.5.2001 issued by the Joint Director of Education calling upon him to show cause as to why his services should not be terminated as the basic qualification of 10+2 on the basis of which he was provisionally selected is not recognized by the concerned authority.

2. Brief facts of the case are that the applicant passed his Matriculation exam in March, 1984 from Haryana Vidyalaya Shiksha Board. Thereafter, he passed the senior secondary school (Uttar Madhyama) Exam from the Board of Adult Education & Training (BAET), New Delhi in 1988 vide roll No.1316. He passed BA in April, 1994 and

MB

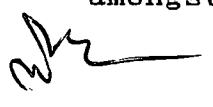
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B Ed in July, 1997 from Maharshi Dayananad Vishwa Vidyalaya. After that he passed MA (History) in May, 1998. He applied for the post of Post Graduate Teacher (PGT) in the pay scale of Rs.6500-10500 and participated in a test conducted by Delhi Subordinate Service Selection Board (DSSSB) on 27.8.1999. On being declared successful, he was issued offer of appointment dated 27.12.1999 by Deputy Director of Education (DDE) directing him to attend his office within 10 days along with original educational certificates and attested copies thereof for verification, which he did while reporting to the office of DDE on 28.12.99. He was informed by the dealing hand of that office to collect his posting order after four days. When he reported after four days, he was verbally told by DDE that his certificate of 12th standard issued by BAET was not valid as the institute was not a recognised one. According to the applicant, it was a recognised Institute registered with both Government of India as well as Delhi Administration and that earlier also from the same institute one Shri Daya Singh Rawat, who had passed his 12th exam from the same Board was not offered appointment by the UCO Bank, New Delhi on the same ground in 1995. Shri Rawat approached the Delhi High Court by filing CWP No.528/95. The High Court vide its order dated 10.1.97 directed the UCO Bank to consider Shri Rawat for further promotion along with all consequential benefits. The High Court has also held that when the petitioner (Shri Rawat) graduated from that institution in the year 1984, it was admittedly a recognised institution. Despite this applicant was not allowed to join his duty. Aggrieved by this, he has filed this OA praying for direction to quash and set aside the order dated 31.5.2001.



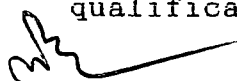
3. Respondents in their reply have stated that only those candidates who fulfilled the requisite educational qualifications as per the advertisement/brochures given by DSSSB were eligible for the post of Lecturer. DSSSB vide its letter dated 19.11.1999 forwarded the list of successful candidates of the selection test to the answering respondent alongwith dossiers of all the candidates. In pursuance of this letter, selected candidates were nominated vide letter dated 10.12.99 to different districts of education and clear directions were issued to the concerned DDE that offer of appointment may be issued by the concerned district after verification and checking of documents as per the details given in the letter of DSSSB. At the time of scrutinizing certificates of educational qualification of the candidates who had successfully passed the selection test, it was found that applicant has passed SSC Exam from BAET which is not listed among the accredited board and institutions in the country and thus the certificate awarded by the institution is not recognised by the competent authority. It is further stated by the respondents that clarification was received from the Ministry of Human Resource Development (MHRD) vide their letter dated 24.1.96 which clearly stated that BAET, New Delhi is not listed among the accredited board/institutions in the country and thus the question of recognition of its examination does not arise.

4. Directorate of Education by a public notice issued on 29.1.99 in Times of India and Indian Express had informed that four institutions including BAET are not listed amongst the accredited board/institutions in the country



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and the certificates awarded by these institutions are not recognised by the competent authority. Since the applicant does not fulfil the requisite educational qualification as per the R/Rules inasmuch as the 12th class examination passed by him is not recognised by the competent authority, his dossier was returned to DSSSB vide letter dated 23.3.2000. Aggrieved by this, applicant filed OA 471/2000, which was allowed by the Tribunal vide its order dated 19.12.2000 with the direction to the department to issue posting order to the applicant within three weeks from the date of order. The Tribunal relied upon the Delhi High Court order in Daya Singh Rawat (supra). Pursuant to this, the applicant was provisionally appointed to the post of PGT (History) on usual terms and conditions already conveyed. Thereafter, MHRD vide its letter dated 24.1.2000 informed the Dte. of Education that BAET is not recognised by CBSE nor the institution is working under the instructions of MHRD. It was further clarified that the OM dated 12.12.88 purported to have been issued by Shri L. Parmar, former AEO in that department, never issued any such letter recognising an examination conducted by BAED. On receipt of reply from MHRD, memo dated 31.5.2001 was issued to the applicant calling upon to show cause as to why his services should not be terminated, as the basic qualification of 10+2 on the basis of which he was provisionally appointed was not recognised by the competent authority. Applicant reply to the same received on 25.6.2001 is under consideration. In the meanwhile, applicant has filed the present OA and the Tribunal has restrained the answering respondent from terminating his services till 19.9.2001. Since the basic qualification of 10+2 on the basis of which he was



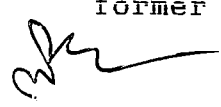
provisionally selected is not recognised, his services are liable to be terminated. In view of these submissions, the OA be dismissed.

5. Heard the learned counsel for the parties and perused the records.

6. During the course of the arguments, the learned counsel for the applicant has relied upon the judgement of this Tribunal dated 22.2.1991 in OA 2654/90 with connected OAs and also the judgement of Punjab & Haryana High Court in Sunita Devi & Ors. Vs. State of Haryana [AIR 1997 P&H 84] to contend that cancellation of appointment of applicant is not justified.

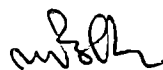
7. On the other hand, the learned counsel for the respondents has submitted that the OM dated 12.12.88 relied upon by the Hon'ble High Court is a forged one as has been confirmed by the MHRD. In the case of Rawat (supra), the Delhi High Court was of the view that until 12.12.1988, the institution was a recognised one. Thus, this Tribunal allowed applicant's earlier OA 471/2000 in terms of the Delhi High Court order relied upon by the applicant.


8. It is well settled legal position that only the competent authority can grant recognition to educational institutions to conduct classes, examination and award certificate/degree to the students. Recognition cannot be conferred by the order of any court of law. In fact MHRD has categorically stated that the letter dated 12.12.88 purported to have been issued by Shri L.Parmar, former Assistant Education Officer in that department had



never been issued recognising an examination conducted by BAET. Thus, there is no question of grant of recognition to BAET at any point of time. Therefore, applicant cannot claim the benefit of having passed the exam at the time when the institute was not recognised and any certificate issued by the institute cannot be treated as a valid certificate for the purpose of getting employment under the Government. Hence applicant's case has been rightly rejected by the respondents. Therefore the action of the respondents in this regard issuing the impugned show cause notice dated 31.5.2001 cannot be found fault.

9. In view of the foregoing discussions, the present OA is devoid of merit and the same is accordingly dismissed. The interim order passed on 5.9.2001 stands vacated. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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