

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1542/98

(9)

New Delhi, this the 20th day of July, 2000

HON'BLE JUSTICE MR. V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

In the matter of:

Sh. Baldev Raj
S/o Sh. Sant Lal Khurana
R/o 493, Subhash Nagar,
New Delhi. Applicant
(By Advocate: Sh. S.C.Luthra)

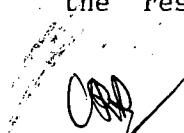
VS.

1. Union of India
through the Secretary,
Ministry of Communication,
(Dept. of Posts),
Dak Bhawan,
New Delhi-110001.
2. The Supdt. of R.M.S.
HR DIV.
Ambala-133001. Respondents
(By Advocate: Sh. K.R.Sachdeva)

ORDER (ORAL)

By Sh. V.Rajagopala Reddy, Vice Chairman (J)

This is the third round of litigation, with regard to the selection of the applicant for the post of Sorting Assistant. In response to the advertisement dated 9.6.92 he applied for the post of Sorting Assistant. He was duly selected and sent for training. The selection was, however, cancelled on the ground that the Board of Adult Education and Training from where the applicant has taken the 10+2 examination was not a recognised institution. Aggrieved by the said action of the respondents, he filed OA No.713/93. It was disposed of with the direction to dispose of the representation of the applicant. The representation was accordingly considered and was rejected. Thereupon he filed an OA No. 154/95 and it was disposed of on 20.10.97 directing the respondents to reconsider the applicant's candidature for



order. Applicant's name, however, did not find place in merit list of selected candidates. This order is under challenge in this OA.

2. In the impugned order, the respondents ignored the marks obtained in 10+2 examination, holding that the Board of Adult Education & Training was not a recognised institution. Learned counsel for the applicant contends that this action of respondents is illegal.

3. Learned counsel for respondents submits that the Tribunal in OA-154/95 directed to consider marks of the applicant obtained by him in graduation. Accordingly they were considered. Hence the same question cannot be reagitated in this OA. It is further contended that in view of the letter issued by the Superintendent of Board of School Education dated 9.4.92 clearly shows that the examination conducted by the Board of School Education and Training, Haryana was not equal to the qualification of the senior secondary certificate (10+2) which is the basic qualification for the post of Sorting Assistant.

4. We have carefully reconsidered the contention raised by the counsel on the either side. The main question that arises for consideration in this case is whether the Board of Adult Education and Training, New Delhi was a recognised institution or not. The minimum educational qualification for the purpose of appointment for the post of Sorting Assistant was either 10+2 standard or 12th class pass of a recognised university/Board of School Education. The applicant passed not only 10+2 but also graduation. In support of the contention that the said institute was a recognised institute



He had filed Annexure A-6 the OM dated 12.12.98 issued by the Ministry of Human Resources Development, Department of Education, Government of India which says that the Board of Adult Education is a recognised institution. The applicant passed the 10+2 examination in 1986. Learned counsel for applicant has also relied upon the judgment of High Court of Delhi in CW No. 528/95 dated 10.1.92. In this judgment the only point that arises was whether the same institution was a recognised institution or not. It was observed by the court that the institution was derecognised subsequent to the date when the petitioner therein was appointed on the post. It was held that the petitioner could not be denied promotion or benefit because the institution was a recognised institution in the year 1984 when the petitioner had graduated from the institute. The derecognition of the institution thereafter would not render the certificate invalid. Again in OA No.815/97 dated 7.11.97 the judgment of the Principal Bench relying upon the judgment of the High Court, held that the certificate issued by the above institution was valid.

5. Learned counsel for respondents has not filed any material in support of his contention that it was not a recognised institution. The letter relied upon by them was also not brought to our notice. It appears that the institution was derecognised subsequently, i.e. in 1992. The High Court already held that subsequent derecognition of institution would not render the certificate issued in 1980 as invalid. We also do not agree with the learned counsel for respondents' contention that the judgment of the Tribunal in OA 154/95 constitutes res judicata as regards the validity of the certificate issued by the Board of Adult Education and Training. No such finding was given by the learned Judges in

the judgment. In fact a finding was given in favour of the applicant therien when it was observed that it was neither fair nor just to withhold the appointment to the applicant as a Sorting Assistant. On the face of this finding it is not permissible for the respondents to cancel order of appointment. We also do not find any finding in the above case that the respondents should only consider the marks obtained by the applicant in his graduation.

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6. The OA, therefore, succeeds. The impugned order is set aside. OA is, accordingly, allowed. No costs.

Shanta Shastray
(SHANTA SHAstry)

Member (A)

'sd'

V.Rajagopala Reddy
(V.RAJAGOPALA REDDY)

Vice Chairman (J)