

Central Administrative Tribunal
Principal Bench

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IOA No. 1983/95

New Delhi, this the 20th day of March, 1996

Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)
Hon'ble Shri R.K. Ahooja, Member (A)

Ms Chander Prabha,
R/o C-505, Curzon Road Apartments,
New Delhi.
(In person)

...Applicant

Versus

Union of India through

1. The Secretary,
Union Public Service Commission,
Dholpur House,
New Delhi.

...Respondents

(By Shri M.M. Sudan, Advocate)

ORDER (Oral)

by Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)

The applicant a post-graduate in social work selected by the U.P.S.C. and appointed as Superintendent for heading the social defence institutions in the Delhi Government in 1977 she was later promoted as Deputy Director in the scale of Rs. 3000-5000/-. She belongs to the scheduled caste. The Union Public Service Commission advertised the post of Director, National Institute of Social Defence in the Ministry of Welfare in the scale of Rs. 4500-5700/- for general candidate in the year 1994. The applicant appeared and was also called for interview. However, the selection process was cancelled and the post was treated as reserved for scheduled caste and was advertised in 1995. She applied this time also. The grievance of the applicant is that, though she was in the previous year called for interview on the basis of her qualification, she has not been called for interview to be held on 24.10.1995 and many had been called for interview. The applicant assumes that she has been discriminated against by the U.P.S.C. probably because she does not have a master's degree in Criminology as Social work with specialisation in Criminology.

8

~~or in Social work with specialisation in Criminology~~ or juvenile delinquency. She claims that Master's degree in Social work which she possesses as can be seen from the certificate issued from the University is equivalent to the Master's degree in Social work with specialization in Criminology or Juvenile delinquency which is the essential qualification prescribed in the advertisement (Annexure-A1) and that the action on the part of the respondent in not calling her for interview especially when she had been called for interview for the very same post in the previous year is arbitrary and discriminatory. Hence the applicant has filed this application Under Section 19 of the Administrative Tribunals Act praying that the respondent may be directed to consider her candidature and make the selection after interviewing her too.

2. The respondent seek to justify its action in not calling the applicant for interview on the ground that the applicant does not possess the essential qualification of Master's degree in Criminology or Social Work with specialization in Criminology or Juvenile delinquency. It is further contended that in the year 1994, the applicant was called for interview only provisionally making it clear that she had to submit necessary proof that she possessed essential qualifications and that on reference to the Association of Indian Universities it was ascertained that the applicant did not possess the requisite qualification of Master's degree in Social work with specialization in Criminology or Juvenile delinquency. The respondents, therefore, contend that as it had acted fairly and justly and as the applicant has no legitimate grievance at all the application may be dismissed.

3. The applicant filed a voluminous rejoinder and has produced a number of documents.

4. When the application came up for hearing the applicant appeared in person. Shri M.M.Sudan, Advocate appeared for the respondents. As the issue involved is very simple and in the nature of the case a final decision at the earliest is desirable as agreed to by the applicant and the learned counsel of the respondents. We heard the case for a final disposal at the admission stage itself.

9

5. The short question that falls for determination is whether the applicant possesses the essential qualification required for the post as mentioned in the advertisement. A copy of the advertisement in question is on record Annexure A-1. Qualification essential is shown as (i) Master's degree in Criminology or Social Work with specialization in Criminology or Juvenile delinquency from a recognized University or equivalent; (ii) Twelve years experience in Social defence (including research work). Annexure A-2 is a copy of the certificate issued by the University of Delhi to the applicant certifying that she having been examined in 1976 and found qualified was awarded the Master's degree in Arts with third division with the subject of Social Work. Annexure A-2 is a certificate issued from the Department of Social Work (Delhi School of Social Work) University of Delhi on 25.11.1994 which reads as follows:

"To whom so ever it may concern

This is to certify that Miss Chander Prabha Roll No. 1959 was awarded MA degree in Social Work in 1976.

As a part of this course she studied 22 subjects including Social Deviance and Social Problems, Social Defence as an area of Social Work Practice, Social Legislation, Social Administration, Social Security and Social Research and Statistics."

The applicant who presented her own case with a fairly good capacity argued that though the certificates do not disclose that she had specialization either in Criminology or Juvenile delinquency since she had as part of the curriculum for MA studied criminology also one of the subjects, the M.A. degree in Social work is equivalent to the Master degree in Criminology or Social work with specialization in Criminology or Juvenile delinquency. She further argued that 18 years of her experience in the field should in any case make her much more eligible than anybody else. ~~She~~

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She stated that the Delhi University does not offer a Master's degree in Social work with specialization in Criminology or Juvenile delinquency and to her knowledge many Universities do not offer such a course. Taking into account these aspects, the U.P.S.C. should have considered the Master's degree in Social work of the Delhi University which is possessed by the applicant as an equivalent qualification and considered her candidature, submitted by the applicant. She further argued that in earlier years similar qualification has been accepted as equivalent, she claims that stopping her at the threshold on technical grounds is unjust, illegal and arbitrary. Though, we have great sympathy for the applicant, we are not persuaded to agree to her arguments. Annexure A2 and A3 though show that the applicant has passed MA degree in Social work and has studied a number of subjects do not show that she had specialization in Criminology or Juvenile delinquency. ^{They} ~~may~~ also do not show that Master's degree is equivalent to a Master's degree in Social work with specialization in Criminology or Juvenile delinquency. It cannot be said that the U.P.S.C. acted unfairly when they rejected the candidature of the applicant on the ground that she did not possess the essential qualification because, in November, 1994 itself it was informed by Association of Indian Universities that the qualification possessed by the applicant did not satisfy the requirement in the Recruitment Rules as she had not have specialization in Criminology and Juvenile delinquency. Though the Delhi University does not offer MA degree in Social work with specialization there are a number of Indian Universities including ^{Tala} ~~Jawahar~~ Institute of Social Sciences/ Andhra University which offer MA (social work) with specialization as is seen from the letters of Association of Indian Universities dated 8th November, 1995 (Annexure R2). Master's degree in Criminology as MA degree in Social work with specialization are being awarded by various Indian Universities. The Association of Indian Universities

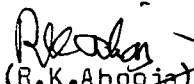
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after perusing the certificate of the applicant and the list of subjects studied by her opined that her qualification did not satisfy the requirement of the recruitment rules. Under these circumstances the decision taken by the respondents that the applicant does not possess the essential qualification, cannot be faulted at all. This Tribunal does not have the expertise to say that the MA degree in Social work is or is not equivalent to Master's degree in Criminology or Master's degree in Social work with specialization in Criminology and Juvenile delinquency. The Association of Indian Universities undoubtedly is in a better position to offer an opinion. The U.P.S.C. having acted as per the opinion of the Association of Indian Universities has according to us acted very fairly and justly. No interference with their decision is called for.

In the result, in the light of what is stated above finding no merit in this application, we dismiss the same leaving the parties to bear their own costs.


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice-Chairman (J)

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