

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1719/96

New Delhi this the 9th day of January, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Sh. S.P. Biswas, Member (A)

Shri Kamlesh Kumar Mishra,
R/o 1154/S:1, R. K. Puram,
New Delhi-22.

.... Applicant

(through Shri George Paracken, advocate)

versus

1. The Regional Director (NR),
Government of India,
Staff Selection Commission,
Lodhi Road, New Delhi.

2. The Director,
Department of Official Language,
Ministry of Home Affairs,
Lok Nayak Bhavan,
Khan Market, New Delhi.

.... Respondents

(through Mrs. P. K. Gupta, advocate)

ORDER (ORAL)

delivered by Hon'ble Dr. Jose P. Verghese, V.C. (J)

We have heard the learned counsel for the parties and perused the records of the case.

2. The applicant applied for the post of senior Hindi Translator and appeared in the interview of the Staff Selection Commission but was not selected on the ground that the candidate did not fulfil the essential qualification prescribed.

3. The essential qualification prescribed is given in the recruitment rules and the same is reproduced here below:-

"(a) Educational Qualifications:

(i) For Grade V :-

Masters degree in English/Hindi with Hindi/English as a compulsory and

elective subject at degree level; or

Bachelors degree with Hindi and English as main subjects (which includes the term compulsory and elective).

(ii) For Grade IV :-

Masters degree of a recognised University in Hindi/English with English/Hindi as a main subject (which includes the term compulsory and elective) at degree level.

or

Masters degree of a recognised University in any subject with English and Hindi as main subjects (which includes the term compulsory and elective) at degree level."

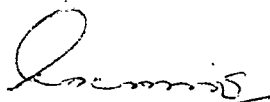
4. The learned counsel for the applicant submits that the applicant is possessing Master's degree in English and B. A. Honours in English with compulsory paper in Hindi which is total fulfilment of the requirement of the essential qualification. The respondents in their letter dated 31.1.96 have stated that the applicant should submit the certificates in full requirement of the essential qualification and the Hindi subject in this case shall not be MIL or subsidiary. The contention of the applicant is that he passed the Hindi paper from Patna University, and it was neither MIL nor a subsidiary subject; rather it was a compulsory paper with normal 100 marks. The learned counsel for the applicant also showed us the University Prospectus which shows that the MIL carries 50% Hindi and 50% marks for English, and in the present case the qualification is not in the nature of MIL or subsidiary. It is a full language course. He also produced the graduation certificate. The respondents seems to be under the impression that the marks awarded for the language Hindi was not added to the total marks by which the result is declared but on the close scrutiny it was found that it was not so and it was not as a subsidiary subject, the applicant has cleared the subject. In the circumstances, the contention of the respondents that the applicant was not possessing all the

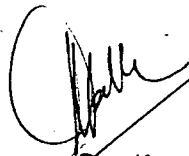


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essential qualification cannot stand. In the result, the application is allowed and the respondents are directed to accept the certificate as in full requirement of the essential qualification to the post and deal with the applicant as if he has fulfilled all the essential qualification prescribed, and in accordance with law. It is further directed that the case of the applicant may be considered as if his candidature was at the initial stage without any objection.

5. With the aforesaid directions, we disposed of the original application but without any order as to costs.


(S. P. Biswas)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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