

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2179 of 1996

New Delhi, this 24th day of March, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

(By Shri Pavan Kumar, Advocate - not present).

versus

1. The Union of India, through
The Secretary
Ministry of Personnel, Public
Grievances & Pensions, North Block
New Delhi-110001.
2. Staff Selection Commission
Through its Chairman
Block No.12
Kendriya Karyalaya Parisar
Lodi Road
New Delhi-110003.
3. Assistant Director (ENR)
Staff Selection Commission
Block No.12
Kendriya Karyalaya Parisar
Lodi Road
New Delhi-110003. Respondents

(By Smt.P.K.Gupta, Advocate - not present)

ORDER(oral)

Smt. Shanta Shastry, M(A)

None appears either in person or through counsel. As the matter is of 1996 we are proceeding to dispose of the same on the basis of the available pleadings on merits.

2. The facts of the case are that the respondents had issued an advertisement on 1.10.1994 in the Employment News announcing the holding of a competitive examination by the Staff Selection Committee for recruitment to the post

of Junior Hindi Translators in the Ministries/Departments/Offices of the Government of India all over the country in the following categories:

(a) Junior Hindi Translator in the Central Secretariat Official Language Service in the pay scale of Rs.1400-2600; and

(b) Junior Hindi Translators in Subordinate Offices like the All India Radio, Doordarshan Kendras, Central Excise, Income Tax etc. in the pay scale of Rs.1400-2300.

3. The educational qualification as on 1.1.1995 prescribed for the posts was as follows: Master's Degree in English/Hindi with Hindi and English as main subject (which includes the term compulsory and elective) The applicant applied for the post and appeared in the examination conducted on 19.2.1995. The results were announced in January 1996 and the applicant was successful in the examination along with other candidates. On 31.1.1996 the applicant was directed to submit an attested copy of his degree certificate with Hindi as compulsory subject as a proof. The applicant accordingly submitted his mark sheet as a proof of degree certificate showing that he had offered Hindi as a compulsory subject and English as an elective subject at the degree level. Thereafter the respondents

11

informed him by impugned order dated 1.7.1996 cancelling his candidature on the ground that "he has not possessed the essential qualification prescribed for the post." The applicant approached the respondents several times to impress that he possess~~u~~ the requisite qualification for the post of Junior Hindi Translator, but the respondents failed to appreciate the facts.

4. The main grievance of the applicant is that although he fulfilled the necessary educational qualifications for the post of Junior Hindi Translator, his candidature was cancelled on 1.7.1996 after he had duly passed the examination.

5. The applicant has submitted that in a case of identical facts and circumstances, application of similarly placed applicants was allowed in the judgement dated 30.7.1996 of this Tribunal in OA.99/96. The applicant has therefore prayed to set aside the impugned order dated 1.7.96 and to direct the respondents to issue the appointment letter to the applicant.

6. We have perused the counter reply filed by the respondents. It has been stated therein that the applicant was declared qualified in the final result subject to fulfilling all conditions of eligibility. It was clearly indicated in the press note that an ineligible candidate found at

12

any stage will not be nominated. Before nomination of the candidate, the scrutiny of his application was finally carried out and his certificate, particulars and educational qualifications were carefully checked. After verification it was seen that he did not fulfil the essential qualification prescribed for the post of Junior Hindi Translator in the Central Secretariat Official Language Service for which he was allowed to appear. The applicant possesses qualification of MA in Linguistics (English). At graduation level he had taken BA (hons) from Bhagalpur University. But there was no proof of his having studied Hindi as Main subject at graduation level. In the certificate from the Bhagalpur University, it was clarified that he had studied Hindi composition of 100 marks as a compulsory subject and not as Main Indian Language or subsidiary subject. The mark sheet showed that he had studied Hindi of 100 marks only whereas other subjects i.e. Sanskrit, English and History carried 300 marks each. It was therefore concluded that the applicant had not studied Hindi as a main subject. The respondents consulted the Department of Official Language, Ministry of Home Affairs in another case wherein the Ministry had clarified that Hindi and English must be Main subjects at the level of BA.

7. According to the advertisement for the post of Junior Hindi Translator, the main qualification was Master's Degree in English or Hindi with Hindi and English as a compulsory and elective subject at degree level. Alternatively, the candidate had to possess Bachelor's Degree with Hindi and English as Main subject (which includes the term compulsory and elective). The applicant had only a Master's Degree in Linguistic (English). So he fulfilled part of the qualification. The second part is that he should have Hindi and English as compulsory and elective subjects at degree level. It is seen from his mark sheet that he did have Hindi and English as compulsory and elective subject at degree level. The respondents have said that the applicant has passed BA (Hons). But it is seen from the mark sheet at Annexure R-2 of the OA that the applicant has passed BA^(pass) examination. He secured 63 marks out of 100 in Hindi. Therefore it can be taken that Hindi was one of the compulsory subjects. As to its being an elective subject, in regard to the definition of 'elective' subject, in another OA it had been clarified by the respondents that an 'elective subject' means that it should have been the subject through all three years of the degree course and should have been the subject in the final exam at degree level. If we consider this definition of the elective subject, since the applicant had taken Hindi and has passed Hindi as a subject in the final year examination, it

cannot be said that the applicant did not have Hindi as an elective subject. The respondents have been harping that the applicant should have taken both Hindi and English as Main subject at the degree level. According to us, this contention cannot be accepted. Because this condition is for the alternative qualification of Bachelor's Degree with Hindi and English as Main subject and not for the qualification of Master's Degree in English with Hindi and English as compulsory subject at degree level. We are therefore satisfied that the applicant fulfils the educational qualification prescribed for the post of Junior Hindi Translator as advertised on 1.10.1994 published in the Employment News. We are, therefore, allowing the OA and we set aside the impugned order dated 1.7.1996. We direct the respondents to consider the applicant's candidature for selection to the post of Junior Hindi Translator holding that he possesses the requisite educational qualification, along with other candidates and on the basis of the results of the written examination held in 1995. We do not order any costs.

Shanta Shastry
(Mrs. Shanta Shastry)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman(J)