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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2237/96

New Delhi, this the 3rd day of December, 1998

HON'BLE SHRI A.V.HARIDASAN, VICE-CHAIRMAN (J)
HON'BLE SHRI R.K.AHOOJA, MEMBER (A)

Anil Saini S/O Sh. Tara Chand Saini,
C/O Sh. Om Prakash Chowan, H.No.
3382, Bazar Delhi Gate, Daryaganj, New
Delhi - 110002.

--APPLICANT.

(By Shri M.L.Chawla & S.L.Lakhan Pal Advocates)

Vs.

1. Lt. Governor, Through Principal Secretary (Medical) Govt. of National Capital Territory of Delhi, Old Secretariat, 5, Sham Nath Marg, Delhi - 110005.
2. The Public Health Coordinator -cum-Joint Secretary, Medical & Public Health Department, (Technical Recruitment Cell), 1, Jawaharlal Nehru Marg, New Delhi - 110002.

--RESPONDENTS.

(By Shri Raj Singh, Advocate)

ORDER

Hon'ble Shri R.K.Ahooja, Member (A):

The applicant was interviewed on 12.1.1994 in the office of DEAN, Maulana Azad Medical College for the post of Lab Assistant. He claims that he was selected but his name was placed at Sl. No. 3 in the panel. Pending his turn for appointment, he was asked to work as a Lab Trainee in the Bio-Chemistry Laboratory in the L.N.J.P. Hospital w.e.f. 5.2.1994. The grievance of the applicant is that the respondents have ignored him and instead have appointed his juniors in the said panel. He was again asked for interview on 9.5.1996 but he declined as he had already been selected and placed at Sl. No. 3. He has now come before the Tribunal with a prayer that the respondents should be directed to offer him

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appointment in terms of selection panel prepared on the basis of interviews held on 12.1.1994 and with effect from the date his next junior was given appointment by the respondents.

2. The respondents in their reply have stated that on verification, it was found that the diploma course in Medical Laboratory Technology (for short M.L.T. Diploma) which was produced by the applicant, is not from a recognised institution and hence he is not qualified for appointment.

3. Sh. M.L. Chawla, learned counsel for the applicant has produced before us a list of institutions, recognised by the Govt. of N.C.T. Delhi. In that, the Institute of Public Health and Hygiene, New Delhi, from which the applicant obtained his diploma, has been shown as a recognised institution. We notice, however, that the document produced by the learned counsel for the applicant pertains to the year 1993. On the other hand, the copy of the diploma produced by the applicant (Annexure A-1) shows that this is dated 16th May of 1991. Credence, therefore, cannot be placed on the document shown to us by the learned counsel for applicant since it is quite possible that the recognition was granted to the concerned institute only in 1993 on verification that it met the requirement for such recognition.

4. Sh. Chawla, learned counsel for the applicant has also pointed out before us that in any case the Institute of Public Health and Hygiene, New Delhi is recognised by State Govts. and in particular the State

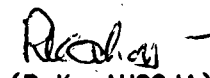
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of Nagaland. He argued that the Govt. of N.C.T. Delhi was duty bound to accept the certificate issued by any institute recognised by any other State.

5. We do not consider it necessary to go into this larger question of law, since we find that no proof is available on the basis of record that the institution, in question, is actually recognised by the Govt. of Nagaland. There is a mention on the face of the certificate that the Institute is recognised by the State Govts. but nothing is mentioned as to which are these States. Even otherwise it seems odd that an Institution admittedly located in Delhi should be recognised by Govt. of Nagaland but not by the Govt. of N.C.T. Delhi. The claim of the applicant that the Diploma prescribed by him is a recognized Diploma thus remains unsubstantiated.

6. In the facts and circumstances of the case, we do not find that the respondents can be faulted for rejecting the case of the applicant on the ground that the applicant does not possess the requisite essential qualifications for the post of Lab Assistant.

7. The OA is accordingly dismissed without any order as to costs.


(R.K. AHOOJA)
MEMBER (A)


(A.V. HARIDASAN)
VICE CHAIRMAN (J)

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