

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2257/94

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NEW DELHI THIS THE 9TH DAY OF OCTOBER, 1995.

Hon'ble Sh.N.V.Krishnan, Acting Chairman
Hon'ble Dr.A.Vedavalli, Member(J)

Dr.D.K.Sikri
S/o Shri P.R.Sikri
R/o A-1B/123-A Janakpuri
New Delhi-58

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Applicant

(BY ADVOCATE SHRI S.K.GUPTA)

vs.

Government of N.C.T.through,

1. Chief Secretary
NCT Govt.
Old Sectt.
Delhi.
2. Director
Directorate of Education
Old Sectt. Delhi.
3. Deputy Director(Estt.II)
Directorate of Education
Old Sectt.Delhi.

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Respondents

(BY ADVOCATE SHRI ARUN BHARDWAJ)

ORDER(ORAL)

Shri N.V.Krishnan:

The applicant was a candidate for employment as a Post Graduate Teacher in Sanskrit under the Delhi Administration. In the matter of grading he secured 73 marks. Admittedly, had he secured 75 marks he would have been selected for the post.

2. The applicant states that the grading of marks is given on the basis of Annexure A-13 Marking Scheme which is not disputed by the respondents. In so far as Class XII/ Higher Secondary is concerned, 6 marks would be given if the percentage is below 50; 8 marks would be given if the percentage is above 50 but below 60; and 10 marks would be given if the percentage is above 60.

3. The applicant has been given 8 marks in respect of the Higher Secondary. He states and this fact is not disputed

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that he has done Higher Secondary in Commerce and has a "Visharad" qualification from the Punjab University. The respondents have assigned marks only for Higher Secondary in Commerce where, rightly, he had been given 8 marks. The applicant, however, says that in the Visharad examination of the Punjab University, he has secured more than 65% marks and, therefore, that being the better of the two qualifications, he should have been given 10 marks because it is his contention that the Visharad qualification of the Punjab University is equivalent to the ^{Higher} Secondary examination. The applicant has filed alongwith his rejoinder, a letter of the Punjab University which is addressed to the Rashtriya Sanskrit Sansthan (for short, the Sansthan) which conducts examination in Sanskrit. That letter is reproduced below :

"Subject : Recognition of examinations on reciprocal basis.

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Dear Sir,

Kindly refer to your letter No.RSKS/Acd/9-3/78/2826 dated 21.2.1980.

I am to inform you that the Academic Council of this University at its meeting held on 15.10.1980 has recognised Prathama, Madhyama, Shastri & Acharya examinations of Rashtriya Sanskrit Sansthan, New Delhi as equivalent to Prajna, Visharad, Shastri & Acharya examinations, respectively of this University, on reciprocal basis."

Therefore, the Visharad examination passed by the applicant from the Punjab University, in terms of this letter, is equivalent to the Madhyama examination conducted by the Sansthan.

4. The Ministry of Personnel has issued O.M. No.6/12/71/Estt.(D) dated 18.7.1972 giving recognition to the various examinations conducted by the Sansthan as equivalent to the educational qualifications in the general set-up for purposes of employment under the Central Government. This letter

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states that Madhyama of the Sanshan is equivalent to the Higher Secondary examination of the general set-up for the purpose of employment. This equivalence and recognition has been adopted by the Directorate of Education in its letter No. F.32/1/25/Gen.72 dated 28.8.1972 which directs all authorities to take necessary action in accordance with the instructions contained in the Ministry of Personnel's letter dated 18.7.1972.

5. The learned counsel for the respondents, therefore, does not dispute that if any candidate has passed the Madhyama examination conducted by the Sansthan then the Delhi Administration would treat that person as having passed the Higher Secondary examination in the general set-up.

6. The learned counsel for the applicant states that the Punjab University letter states that the recognition is on a mutual basis and, therefore, Visharad examination passed by the applicant from the Punjab University is equivalent to the Madhyama examination conducted by the Sansthan. The applicant should be deemed to have passed the Higher Secondary examination in terms of the Government of India letter dated 18.7.1972. The learned counsel for the respondents, however, disputes this contention. He states that the Government of India's letter dated 18.7.1972 is limited only to the examinations conducted by the Sansthan directly. It does not include within its purview the examinations conducted by other Universities which the Sansthan may have recognised as equivalent to one of the examinations conducted by it.

7. Strictly speaking, this contention of the respondents appears to have merit, but is not free from doubt. Therefore, before taking a decision in the matter, the respondents ought to have obtained clarification from the Ministry of Personnel

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as to the scope of recognitions granted by the letter dated 18.7.1972; particularly whether the letter not only gives recognition to the examinations conducted by the Sansthan as mentioned therein but also as to whether any examination of any other agency which has been approved or recognised by the Sansthan as equivalent to the examination conducted by it would also be covered by this letter.

8. We are of the view that it is not for us to express any opinion in this regard but we do hold that the respondents ought to have sought this clarification from the Government of India itself before taking a final decision in the matter. Accordingly, we allow this application to the extent of directing the respondents to seek a clarification as mentioned above from the Ministry of Personnel within three months from the date of receipt of this order and we make it clear that it is open to the respondents, Delhi Administration to take further action in accordance with the clarification that may be issued by the Ministry of Personnel in this regard. We further clarify that if the applicant has still any grievance left, it is open to him to seek such further remedy in accordance with law as may be advised. The O.A. is disposed of accordingly without any order as to costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

N. V. Krishnan
9.10.95

(N. V. Krishnan)
Acting Chairman