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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.9/1989

New Delhi, this 4th day of February, 1994.

Hon'ble Shri C.J.Roy, Member (J)
Hon'ble Shri P.T.Thiruvengadam, Member (A)

Syed Ahmad
s/o Shri Gulam Mohamad
R/D P.K.139

Vishva Karma Nagar,
Shahdara, Delhi-110032

(By Shri ~~Qureshi~~ S.S. Tiwari, Advocate)

..Applicant

Versus

1. The Secretary,
Ministry of Health &
Family Welfare,
Govt. of India,
Nirman Bhawan, New Delhi.

2. The Director,
Central Govt. Health Services,
Nirman Bhawan, New Delhi.

3. The Deputy Director,
C.G.H.S., Nirman Bhawan,
New Delhi.

4. The Administrative Officer(CZ)
C.G.H.S., Nirman Bhawan,
New Delhi.

5. Kausar Noor, Unani Pharmacist,
C.G.H.S., Sarojani Nagar,
New Delhi.

6. Akhlaq Ahmad, Unani Pharmacist,
C.G.H.S., Sarojani Nagar,
New Delhi.

..Respondents.

(By Shri P.P.Khurana, Advocate)

ORDER

(delivered by Hon'ble Shri P.T.Thiruvengadam, Member(A)).

An advertisement was published in Employment News Weekly (Govt. of India Publications) for the appointment for the post of Pharmacist (Unani) under Central Govt. Health Services, Delhi on 2-6-1984. The qualification prescribed for the post states, among others, the following:-

"Matriculation with proficiency in Urdu or equivalent Oriental qualification in Urdu/Arabic/Persian."

The applicant ^{who} has obtained the qualification Adib-e-Mahir granted by [^] Jamia Urdu, Aligarh applied for the above

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post. He fulfilled the other requirements. He was called for interview on 23-12-1984 and was hoping to be given the offer of appointment. Since no such offer was made, he reminded the respondents who gave him a letter dated 26-9-1986 stating that the applicant was not selected due to inadequate qualification possessed by him. On further representation by the applicant, he was advised by the Administrative Officer, C.G.H.S. in letter dated 6-10-1988 as under:-

"Reference your letter dated 9-8-88 regarding appointment under C.G.H.S. Delhi.

In this connection it is informed that the qualification 'Adib-E-Mahir' although recognised for the purpose of employment to the posts which require knowledge of Urdu of Intermediate Standard, is not treated equivalent to matriculation, the basic qualification prescribed for appointment to the post of Pharmacist (Unani). Therefore it is not possible to accede to your request for appointment as Pharmacist (Unani)."

2. This O.A. has been filed praying for a direction to the respondents to issue appointment letter in favour of the applicant for the post of Pharmacist (Unani). The short point for consideration is ^{whether} ~~that~~ the qualification possessed by the applicant satisfies the stipulation made in the advertisement. The case of the applicant is that Adib-E-Mahir awarded by Jamia Urdu, Aligarh is equivalent to matriculation with proficiency in Urdu. Reliance has been placed on the letter issued by the Central Council of Indian Medicine listing out the various Oriental qualifications under equivalence (high school/intermediate) for the purpose of ^{admission} ~~appointments~~ to the B.U.M.S. ^{course}. In this letter dated 14-5-87 addressed to the Organising Secretary, All India Unani Tibbi Conference, Adib-E-Mahir Jamia Urdu Aligarh is shown as equivalent to high school/SSLC/matric for the purpose of admission to the Unani degree course.

3. On the other hand, the learned counsel of

the respondents referred to the counter filed ^{it is stated that} wherein the Department made a reference to the Ministry of Education & Culture as well Deptt. of Personnel & Administrative Reforms. In these references, clarification with regard to Adib-E-Mahir was sought. D.P. & A.R. intimated that Adib-E-Mahir qualification of Jamia-E-Urdu, Aligarh has been recognised as equivalent to Urdu of intermediate standard and not fullfledged intermediate or matriculation.

4. The respondents have also attached a copy of DOP&AR Memorandum dated 28-6-78 wherein the following has been incorporated:-

"The undersigned is directed to say that on the recommendations of the Board of Assessment for Educational Qualifications, the Government of India have decided to recognise the following courses offered by the Jamia Urdu, Aligarh for the purposes of employment under the Central Government:

<u>Name of the Certificate</u>	<u>Nature of recognition</u>
Adeeb Examination	Recognised for the purposes of employment to the posts which require knowledge of Urdu of High School/Matriculation Standard.
Adeeb-e-Mahir	Recognised for the purposes of employment to the posts which require knowledge of Urdu of Intermediate Standard."

5. It was further argued that the Central Council of Indian Medicine is not the competent agency to prescribe educational qualification for making appointment to various posts under Central/State Governments. The Council has treated the qualification of Adib-E-Mahir from Aligarh equivalent to the matriculation for the purposes of admission to various Unani courses. Such equation cannot be extended for other purposes.

6. We have heard both the counsels. We find that there is nothing on record to establish that the qualification of Adib-E-Mahir of Aligarh can be

equated to matriculation. This qualification serves only as a substitute for Urdu at matriculation or even intermediate level. Hence we do not see any force in the contention of the applicant that his non-selection on grounds of inadequate qualification is illegal.

7. In the circumstances, the O.A. is dismissed. There will be no order as to costs.

PJ *De*
(P.T. THIRUVENGADAM)
Member (A).

JS
(C.J. ROY) 4/2/94
Member (J)