

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00699/2020

Jabalpur, this Wednesday, the 06th day of January,2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

Neeraja Khare, W/o Manish Khare, aged 42 years,
Occupation PGT (Hindi), R/o Roshan Nagar, Rafi Ahmed
Kidwai Ward, Katni (MP) -Applicant

(By Advocate – **Shri Shreyas Dubey**)



V e r s u s

1. Union of India, through General manager, West Central Railways, Indra Market, Jabalpur-482002
2. Principal, West Central Railway School
New Katni Junction, Katni, Pin 483501 - Respondents

(By Advocate –**Shri Sapan Usrethe**)

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed by the applicant challenging the order dated 09.12.2020 (Annexure A-6), by which the applicant was terminated from the post of Post Graduate Teacher (Hindi).
3. The applicant has prayed for the following reliefs:-

“8(i) To quash and set aside the impugned order dated 09.12.2020 passed by Respondent No.2 being illegal.

8(ii) To hold that present Applicant has all the qualification to be appointed as PGT, Hindi.

8(iii) To issue appropriate direction for rejoining of the applicant in the school of Respondent No.2 at the post of PGT, Hindi.

8(iv) To direct the Respondents to pay for the working days in which the Applicant could not work on account of illegal termination.

8(v) To allow the present OA with cost on the Respondents.”

4. From the pleadings the facts of the case are that the applicant was appointed as PGT (Hindi) vide letter dated 15.09.2020 (Annexure A-5). The qualification as mentioned in the advertisement as prescribed for the said post was that the candidate must have scored 50% marks in M.A. Hindi (Literature) and should have completed B.Ed. The applicant appeared in the interview and got selected for the said post of PGT (Hindi). The letter of appointment was issued on 15.09.2020. The said appointment letter mentioned the working days which was 200 days maximum and 07 days minimum. However, all of a sudden the respondent No.2 terminated the appointment of the applicant vide impugned order dated 09.12.2020 (Annexure A-6). In the impugned



order it has been mentioned by respondent No.2 that the termination letter has been issued in reference to letter dated 08.12.2020 (Annexure A-7) issued by respondent No.1 in which some other qualifications has been prescribed for the Post of PGT (Hindi) in letter of Railway Board bearing RBI No. 21/2016 dated 22.02.2016. Hence, this Original Application.



5. The respondents have filed their reply to the Original Application. The respondents have submitted in their reply that respondent No.2 issued notification to fill up the 12 vacant posts of PGTs, TGTs and PRT which was published in daily newspaper Dainik Bhaskar on 10.03.2020 including 01 post of PGT (Hindi). After completion of selection procedure the list of 07 successful candidates for the posts of PGTs and TGT was issued vide order dated 15.09.2020. The applicant was also shortlisted and the name of the applicant appeared at serial No.6 in the said letter. Copy of the said letter is annexed as Annexure R-1. The applicant was appointed on contract basis for the vacant post of PGT (Hindi) in WCR Sr. Secondary School, NKJ. In the notification dated 10.03.2020 the essential qualification for the post of PGT (Hindi) was mentioned as MA (Hindi)

Literature) with minimum 50% marks and B.Ed. However, as per RBE 21/2016 dated 22.02.2016 (Annexure R-2) Railway Board had laid down essential qualification for PGT (Hindi) as follows:

“Master degree with at least 50% marks in aggregate in Hindi or Sanskrit with Hindi as one of the subject at graduate level and B.Ed.”



It was noticed that an incorrect qualification had been mentioned in notification issued by the Principal, WCR Sr. Secondary School, NKJ for the post of PGT (Hindi). Therefore the case was put up to the competent authority for rectification in the essential qualification. The qualification of the applicant is M.A. (Hindi) and B.Ed. but in the marksheet of the applicant B.Sc. Hindi is not mentioned as one subject instead Foundation Course is mentioned as one subject whereas Hindi should be one subject at Graduate level as per RBE No. 21/2016 dated 22.02.2016 as essential qualification and after obtaining the approval of the competent authority i.e. DRM, Jabalpur the notification was cancelled (only for the post of PGT (Hindi) vide office letter dated 08.012.2020 (Annexure A-7). As the applicant was on contract Teacher on temporary basis against the said post of PGT (Hindi) and was not fulfilling the essential qualification

laid down in RBE No. 21/2016, the appointment of the applicant had been cancelled by the competent authority with immediate effect. The applicant does not fulfill the criteria for selection therefore as a consequence notification was cancelled, her services were terminated and there was no malafide intention in following the policy laid down by Govt. of India.



6. Heard the learned counsel for both the parties and perused the reply and documents attached with the O.A.

7. As per the notification published on 10.03.2020, the essential qualification for the post of PGT (Hindi) was M.A. (Hindi Literature) with minimum 50% marks and B.Ed. However, the essential qualification for the said post, as per Railway Board's RBE No.21/2016 dated 22.02.2016 has been mentioned as Master degree from a recognized University with at least 50% marks in aggregate in Hindi or Sanskrit with Hindi as one of the subject at graduate level and B.Ed. The qualification of the applicant is MA (Hindi) and B.Ed. But on perusal of the B.Sc. Part III marksheet of the applicant, it has been mentioned Hindi Language under Foundation Course which is not mentioned as one subject. Since the applicant was on a contractual basis for session

2020-21 and was not fulfilling the essential qualification as laid down in Railway Board's RBE No.21/2016 (Annexure R/2), the appointment of applicant was cancelled and her services were terminated as per the policy laid down by Government of India.

8. In view of the above, we do not find any merit in the case. Hence, this Original Application is dismissed. No costs.



(Naini Jayaseelan)
Administrative Member

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(Ramesh Singh Thakur)
Judicial Member