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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

1. OA 643 of 1988 Date of decision: 17.9.91
2. CCP 75 of 1991

Mrs. Kanta Devi Vats & Another ....Applicants

Vs.

D.S. Negi, Director of Education & Others ...Respondents

For the Applicants ...Ms. Shashi Kiran, Counsel

For the Respondents ...Mrs. Avnish Ahlawat, Counsel for respondent Nos. 1 to 5.

Shri Duli Chand, Counsel for respondent No.6.

Ms. Kiran Suri, Counsel for respondent No.7.

Shri S.K. Gupta, Counsel for respondent No.8.

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? Yes

2. To be referred to the Reporters or not? No

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

The two applicants before us who are graduates and holders of diploma in Yoga were called for interviews for the post of Yoga teacher in the Delhi Administration which were held on 12.5.1986, 13.5.1986, 14.5.1986 and 15.5.1986 but were not selected. 113 male candidates and 77 female candidates were sponsored by the various Employment Exchanges, out of which 77 male candidates and 44 female candidates, including

the applicants, appeared for the interview. The Staff Selection Board consisted of the Director of Education as its Chairman, three other members and Shri R.C. Gupta, Project Officer, Yoga, as the Subject Expert. The Chairman and two other Members have signed the minutes of the meeting of the Board while one Member had only signed the evaluation sheet. Shri Gupta, the Subject Expert, did not sign the minutes.

2. Out of 14 candidates selected and appointed as Yoga Teachers, three are certificate holders in Yoga and not Diploma holders (Respondent Nos.6,7 and 8). The applicants have called in question the selection and appointment of these certificate holders and the non-selection and non-appointment of the applicants who are Diploma holders. According to the applicants, Respondent Nos.6,7, and 8 were not eligible for appointment, and that the proceedings of the Selection Board are vitiated as the Subject Expert had not signed the Minutes. These contentions have been denied by the respondents.

3. We have gone through the records of the case carefully and have considered the rival contentions. In our opinion, it will not be appropriate to interfere with the findings and recommendations of the Selection Board as regards the suitability of the apolicants for the post of Yoga Teacher. Their suitability was duly considered by the said Board but they were not selected, having regard to the superior merit of those who had been selected. We also do not see any infirmity in the proceedings of the said Board merely because Shri Gupta, the Subject Expert, did not sign the Minutes of the proceedings. In a selection of this kind, in the absence of any rule to the contrary, the majority opinion will prevail.

4. We may now consider the question whether the selection and appointment of respondent Nos.6,7 and 8 are vitiated in any manner.

....3..,

5. The relevant Recruitment Rules provide that the educational and other qualifications required for direct recruits for the post of Yoga Teacher are "Graduate from a recognised University with diploma of at least three months duration in Yoga from a recognised institution". Respondent Nos. 6, 7 and 8 are certificate holders from recognised institutions and the duration of the course attended by them was three months. Respondent Nos. 7 and 8 are Graduates. Respondent No.6 had passed Adeeb Kamil which is equivalent to graduation. He has passed High School examination in 1972, Intermediate Examination in 1976 and Adeeb Kamil in 1985. The Ministry of Home Affairs (Department of Personnel & Administrative Reforms) have issued an Office Memorandum on 28.6.1978 according to which Adeeb-e-Kamil is recognised for the purposes of employment to the posts which require knowledge of Urdu of B.A. standard. For all intents and purposes, a candidate who has passed Adeeb Kamil is in the position of a candidate who has passed B.A. Degree examination in any of the Indian languages. The Recruitment Rules do not stipulate that the candidate should be a graduate in any particular subject. It is also in evidence that respondent No.6 has acquired Adeeb Kamil after passing High School and intermediate examinations(vide pages 103 to 107 of the paper book).

6. The Recruitment Rules do not stipulate that a person should obtain diploma from a particular institution which has been recognised by the Government. The stipulation is that the

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course should be of three months duration conducted by a recognised institution. There are several institutions conducting courses in Yoga, some of which award Diplomas while some others award certificates at the end of the course. In our view, no differentiation can be made between Diploma and Certificate merely because of the name given by the institute concerned.

7. We, therefore, hold that respondent Nos. 6,7 and 8 fulfilled the qualifications prescribed under the Recruitment Rules for the post of Yoga Teacher and that there is no legal infirmity in their selection and appointment as Yoga teachers.

8. In the light of the foregoing discussion, we see no merit in the present application and the same is dismissed.

9. Before parting with this case, we may refer to the views expressed by Shri R.C. Gupta, Subject Expert who had sat in the Interview Board but did not sign the Minutes. The applicants are relying upon an affidavit signed and sworn by him in support of their plea while the official respondents and respondent No.7 have produced copies of notes signed by him giving a different version regarding the Diploma and Certificat courses. We refrain from expressing any opinion about the conduct of Shri Gupta as that might affect any vigilance enquiry against him which is stated to have been initiated against him. It will also not be appropriate to make any

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observations about his conduct ex-parte.

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The petitioners have alleged in this CCP filed by them that the respondents have committed criminal contempt by forging a letter said to have been issued by Shri R.C. Gupta, the Subject Expert who was a member of the Staff Selection Board. For the reasons mentioned above, we do not consider it appropriate to pass any order on the CCP. The notice of contempt is also discharged.

(B.N. DHOUNDIYAL)
MEMBER (A)
17/9/91

(P.K. KARTHA)
VICE CHAIRMAN(J)
17/9/91