

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.1828/91

Date of Decision: 13.11.92

Shri Vijender Kumar ..Applicant.

Versus

Commissioner of Police & Anr..Respondents.

For the applicant ..Shri Shankar Raju, counsel.

For the respondents ..Shri Anup Bagai, counsel.

CORAM:

THE HON'BLE VICE CHAIRMAN SHRI P.K. KARTHA.

THE HON'BLE MEMBER SHRI B.N. DHOUNDIYAL.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter, or not? *Yes*

JUDGEMENT

(of the Bench delivered
by Hon'ble Member Shri B.N.DHOUNDIYAL)

Shri Vijender Kumar, the applicant in this OA, is aggrieved by the oral order dated 7.8.91, whereby, his selection as Constable in Delhi Police has been cancelled on the ground that the Certificate of Prathma from Hindi Sahitya Samelan, Allahabad possessed by him, is not equivalent to matriculation.

2. According to the applicant, he applied for the post of Constable in pursuance of the notification by the Delhi Police and after completing all the formalities, he was informed about the selection on 11.8.90. After qualifying all the standard tests for selection, including the medical examination, he was

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placed at Sl.No.903 in the merit list of the selected candidates and was to join training course on 7.8.91. However, on that date, he was told by the incharge of the Recruitment Cell that he has been debarred from training and his selection has been cancelled, without stating any reason. On subsequent enquiry, it was revealed that according to the opinion given by the Police Educational Advisor, the Certificate of Prathma has not been treated as equivalent to S.S.L.C./Matric by the Department. He has prayed that the impugned order dated 7.8.91 be set aside and quashed and the respondents be directed to treat him as duly qualified and declare his selection as legal and valid and that he should be appointed as Constable(Executive) on completion of his training with all consequential benefits.

3. On 16.8.91, this Tribunal passed an interim order directing the respondents to provisionally allow the applicant to join the recruitment training for the post of Constable (Executive), subject to the final outcome of the present application.

4. The above facts are admitted by the respondents who have, however, stated that the minimum educational qualification for the post of Constable is Matriculation. During the final scrutiny of the documents, it was found that the applicant had passed Prathma from Hindi Sahitya Samelan, Allahabad, which is not equivalent to Matriculation. The respondents have, however, stated that in pursuance of the interim order of this Tribunal, the applicant has been allowed to join the training, subject to the outcome of the present application. *AW*

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5. We have gone through the records of the case and heard the learned counsel for both parties. The applicant has produced a copy of the letter dated 25.7.83 from Hindi Sahitya Samelan, Allahabad (Annexure A-7), which states categorically that the Central Government has recognised Prathma Examination as equivalent to Matriculation for the purpose of entry into Government service. However, in the actual circular issued by the Department of Personnel and Training, it is clearly mentioned that the recognition accorded above, is only with regard to the standard of Hindi and is not to be treated as equivalent to the full fledged certificate. This fact was reiterated in the press note issued on 18.2.90.

6. Another Bench of this Tribunal had occasion to consider this question in OA 1777/91 (Ram Kanwar Vs. Union of India), in which, a view was taken that Prathma Certificate showed that the applicant passed not only in Hindi, but also in other subjects including English. In ^{AN} that case, the learned counsel for the respondents conceded the point made by the applicant that the respondents should have atleast given the applicant an opportunity to pass matriculation examination within a reasonable period.

7. In view of the confusion created by the circular on equivalence and the fact that the applicant has already undergone the training, we are of the view that a reasonable opportunity should appropriately be given to him for passing the matriculation examination within a period of two years and that he should be provisionally appointed as Constable, subject to his passing the matriculation examination.

8. We order accordingly. The respondents shall comply with the above directions, expeditiously and preferably,

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within a period of two months from the date of receipt
of this order. The parties shall bear their own costs.

B.N. DHOUDIYAL
(B.N. DHOUDIYAL) 18/11/92
MEMBER(A)

PK
(P.K. KARTHA)
VICE CHAIRMAN(J)

13/11/92

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