

OA No. 291/551/2012 and OA No. 291/831/2012

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/551/2012  
and  
ORIGINAL APPLICATION NO. 291/831/2012**

Order reserved on 05.03.2021

**DATE OF ORDER:** 10.03.2021

**CORAM**

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER  
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

**OA No. 291/551/2012**

Praveen Kumar S/o Shri Prabhu Singh, aged about 20 years, by-caste Jat (OBC), Resident of Lalpur, Tehsil and District Jhunjhunu (Raj.).

....Applicant

Shri Sanjay Mehla, counsel for applicant (through Video Conferencing).

**VERSUS**

1. Union of India through Secretary, Department of Post, New Delhi.
2. Director, Postal Services, Rajasthan Western Region, Jodhpur (Raj.).
3. Superintendent Post Office, Jhunjhunu Division, Jhunjhunu (Raj.).

....Respondents

Shri V.D. Sharma, counsel for respondents (through Video Conferencing).

**OA No. 291/551/2012 and OA No. 291/831/2012**

**OA No. 291/831/2012**

Amar Singh s/o Shri Mangatu Ram, aged about 24 years, by caste Koli (SC), resident of Pharsu, Tehsil Bayana, District Bharatpur.

....Applicant

Shri Arvind Gupta, counsel for applicant (through Video Conferencing).

**VERSUS**

1. The Union of India through Secretary, to the Government of India, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur.
3. The Superintendent of Post Office, Dholpur Division, Dholpur.

....Respondents

Shri Rajendra Vaish, counsel for respondents (through Video Conferencing).

**ORDER**

**Per: Hina P. Shah, Judicial Member**

With the consent of learned counsels for the parties, OA No. 291/551/2012 and OA No. 291/831/2012 are taken up together for disposal as common question of law and facts is involved in the aforesaid cases.

**OA No. 291/551/2012 and OA No. 291/831/2012**

2. For the sake of convenience, the brief facts of OA No. 291/551/2012 (Praveen Kumar vs. Union of India & Ors.) are taken up. The OA No. 291/551/2012 has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

"(i) the respondents may kindly be directed to consider the candidature of the applicant and also give appointment to the applicant on the post of Gramin Dak Sewak-Branch Post Master at Branch Post Office Khudana (Bagad) pursuant to Advertisement dated 19.9.2011 with all consequential benefits by quashing and set aside Anx-A/1 dated 17.01.2012.

(ii) Any other directions and orders, which are, deemed proper in the facts and circumstances of the case may kindly be allowed to the applicant."

3. The brief facts of the case, as stated by the applicant, is that he has passed Adeeb examination from Jamia Urdu Aligarh in the year 2007, which is equivalent to examination of Secondary and the said examination of Adeeb was recognized by the Government of Rajasthan till June 2011. The Board of Secondary Education, Ajmer has issued Eligibility Certificate in the year 2010 and, thereafter, applicant has passed his Senior Secondary Education from the Board of Secondary Education, Rajasthan, Ajmer.

**OA No. 291/551/2012 and OA No. 291/831/2012**

Thus, contention of the applicant is that he is having qualification of Secondary for the purpose of appointment on the post of Gramin Dak Sevak – Branch Post Master (GDS BPM). As per the advertisement dated 19.09.2011, for the post of GDS-BPM (Bagad), the minimum prescribed qualification was Secondary Pass. The applicant applied for the said post but, surprisingly, he was not considered by the respondents on the ground that the applicant has passed Adeeb examination from Jamia Urdu, Aligarh. The applicant further states that though Adeeb examination is equivalent to Secondary examination and the same was duly recognized by the Government of Rajasthan as well as Board of Secondary Education, Rajasthan, Ajmer has issued Eligibility Certificate to the applicant and, thereafter, passed Senior Secondary Examination. Thus, as the applicant is fulfilling all the eligibility conditions and having qualification of secondary pass, he is required to be considered for the post of GDS BPM. The recognition of Jamia Urdu, Aligarh has been withdrawn by the Government of Rajasthan on 22.06.2011 while the applicant has passed his Adeeb examination before the said date i.e. 22.06.2011. As per information

**OA No. 291/551/2012 and OA No. 291/831/2012**

under R.T.I., it was intimated that on 21.10.2011, the selection process was started but the same has not been finalised and has been kept in abeyance. As his candidature was not considered for the post of GDS BPM, he sent a legal notice to the respondents, which was replied by them vide letter dated 17.01.2012, (Annexure A/1), that Adeeb is not recognised at present and the same is the impugned order in challenge. Since a similarly situated candidate namely, Abida was considered, but the action of the respondents in not considering him for the said post of GDS BPM is illegal, arbitrary and malafide, the applicant has filed the present Original Application for consideration of his candidature.

4. After issue of notices, the respondents vide their reply have stated that as the post of GDS BPM was vacant since 01.08.2009, notification for recruitment for the post of GDS BPM Khudana was issued on 19.09.2011 for OBC category and the required qualification was Secondary. The applicant had applied for the said post. But the selection process was not completed and the same was kept in abeyance due to non-recognition of Adeeb examination passed from

**OA No. 291/551/2012 and OA No. 291/831/2012**

Jamia Urdu Aligarh. It was also mentioned by the Board of Secondary Education, Rajasthan, Ajmer vide its letter No. मा.शि.बो./2011-12-2184 dated 28.09.2011 that the equivalency is decided by the Board only for education purpose and it was also intimated that Board of Higher Secondary Education Delhi, Council of Secondary Education, Mohali and Jamia Urdu, Aligarh are not recognised in the list of recognized members of COBSE and the examination passed from these institutions/ Boards are not equivalent with Secondary Examinations. Secondary Education Board of Rajasthan, Ajmer also intimated that the recognition of examination of Jamia Urdu Aligarh has been rejected by the Board since 05.07.2011 vide letter dated 28.09.2011. Also the Secretary, *Madhyamik Shiksha Parishad*, Allahabad vide its letter dated 05.09.2012 intimated that the equivalency of examination is provided only to that Boards/Institutions, which are established by law and the Adeeb examination of Jamia Urdu, Aligarh is not appearing in the records of the office. Also C.A.T., Jaipur Bench in OA No. 77/2011, in the case of **Kalu Ram Meena vs. Union of India Ors.** decided on 25.07.2012, held that Jamia Urdu Aligarh is declared

**OA No. 291/551/2012 and OA No. 291/831/2012**

an institution not established either under Central Government or State Government or UGC and the said O.A. was dismissed. As per the said decision of C.A.T., Jaipur, meeting of Members of the Committee was held on 14.09.2012 wherein it was decided that all the selection cases, which are kept in abeyance earlier their candidature, have been rejected and forfeited. Consequently, the application of the applicant was rejected and his candidature was forfeited and he was debarred from the selection process and the applicant was replied accordingly as per letter dated 17/20.01.2012 (Annexure A/1). Therefore, the present Original Application is without any substance and the same is not maintainable.

5. The applicant has filed a rejoinder denying the submissions of the respondents and further stated that the similar controversy arose in two matters i.e. in the case of **Tayyab Hussain vs. State of Rajasthan & Ors.** (D.B. Civil Review Petition No. 22/2002) before the Hon'ble Rajasthan High Court, Jodhpur and in the case of **Miss Altaf Bano vs. State of Rajasthan** (DB Civil Special Appeal No. 258/2004 before the Hon'ble Rajasthan High Court Jaipur Bench.

**OA No. 291/551/2012 and OA No. 291/831/2012**

The Hon'ble Rajasthan High Court, Jodhpur vide its order dated 29.07.2002, (Annexure A/10), in the case of **Tayyab Hussain vs. State of Rajasthan & Ors.** had held that 'Adeeb' and 'Adeeb Mahir' qualifications of Urdu granted by Jamia Urdu Aligarh were treated respectively equivalent to Secondary and Senior Secondary examination. Similarly, in the case of **State of Rajasthan & Ors. vs. Firdos Tarannum**, reported in 2006 (2) WLC (Raj.) 596 : 2006 (1) RDD 467 (Raj) (DB), a different view was taken by the Hon'ble High Court vide its order dated 20.01.2006 (Annexure A/11) than earlier views taken in the cases of **Tayyab Hussain vs. State of Rajasthan & Ors.** and **Miss Altaf Bano vs. State of Rajasthan** and it was held that the petitioner has acquired Urdu qualifications from Jamiya Urdu, Aligarh, which is not a qualification awarded by an Institution which had a legal sanction behind it, therefore, the same is not available for the purposes of employment in the State of Rajasthan. Recently, Jamia Urdu Aligarh filed SLP before the Hon'ble Apex Court bearing Civil Appeal Nos. 10721-10722 of 2018 (arising out of SLP(C) Nos. 14573-14574 of 2012) in the case of **Firdos Tarannum** (supra) wherein the Hon'ble Apex Court

**OA No. 291/551/2012 and OA No. 291/831/2012**

vide its order dated 25.10.2018 (Annexure A/12) set aside the judgment in the case of **Firdos Tarannum** (supra) and matter was remanded to Hon'ble High Court for a fresh decision in accordance with law after hearing Jamia Urdu Aligarh institution and directed the matter to be heard expeditiously as possible, preferably not later than one year. As there were two judgments giving divergent / different views in the cases of **Tayyab Hussain & Miss Altaf Bano** and in the case of **Firdos Tarannum**, reference was made for constitution of a Larger Bench with regard to the controversy in question. As per order dated 20.02.2020 before the Hon'ble Larger Bench, the question which arose for consideration was as under:

**“Whether Urdu qualification awarded by Jamia Urdu Aligarh had a legal sanction behind it and is recognized for admission to higher course/employment in the State of Rajasthan?”**

The Larger Bench of the Hon'ble High Court, Jaipur in its order dated 20.02.2020 (Annexure A/13), in D.B. Civil Reference No. 2/2020 in D.B. Civil Writ Petition No. 3248/2013, has observed as under:

**OA No. 291/551/2012 and OA No. 291/831/2012**

"Thus the situation now emerges is, that at present, the Division Bench judgment of this Court in Firdos Tarannum's case (supra) has been set aside. Thus, at this stage, there are no two different/divergent views/decisions given by this Court, which would require consideration by a Larger Bench.

Thus, the reference at this stage is rendered infructuous. Hence, the reference is returned as having been rendered infructuous.

Consequently, the writ petitions be listed now as per roster."

Thereafter, the said Writ Petitions were on board and finally adjourned on 19.11.2020 for three weeks and the final outcome in the bunch of matters is awaited. But since the view taken by the Larger Bench in Firdos Tarannum case has been set aside, therefore, there is no force in orders dated 05.07.2011 and 28.09.2011, passed by Board of Secondary Education, Rajasthan Ajmer which were based on the view taken in Firdos Tarannum's matter. Therefore the impugned order dated 17.01.2012 is liable to be quashed and set aside.

6. The respondents have not filed any reply to the rejoinder to rebut the claim of the applicant but have relied on the order passed by this Bench of the

**OA No. 291/551/2012 and OA No. 291/831/2012**

Tribunal in O.A. No. 77/2011 decided on 25.07.2012, wherein it has held that Jamia Urdu Aligarh is not recognised by Rajasthan Board. It was further stated that the Division Bench of Hon'ble Rajasthan High Court in the case of **State of Rajasthan & Ors. vs. Firdos Tarannum**, (supra), it has been observed that the qualification/degree issued by Jamia Urdu, Aligarh is not a qualification/degree awarded by an Institution which had a legal sanction behind it and, therefore, the same was not available for the purpose of employment in the State of Rajasthan. The said judgment was relied by Hon'ble Rajasthan High Court, Jodhpur Bench in the case of **Sunita Singh & Ors. vs. Board of Secondary Education, Rajasthan, Ajmer** and the said case was dismissed by Hon'ble Rajasthan High Court vide its judgment dated 22.09.2011. Also the coordinate Bench of C.A.T., Jodhpur in an identical matter decided on 31.07.2019 in OA No. 390/2013 (**Smt. Pooree Devi vs. Union of India & Ors.**), has held that "applicant is not eligible for the post of GDS BPM as he does not possess essential qualification and the said O.A. was dismissed." The respondents further stated that in the said matter, the entire controversy was discussed

**OA No. 291/551/2012 and OA No. 291/831/2012**

and as such nothing remains to be discussed further and, therefore, the applicant has no legal right to be considered for appointment to the said post and the action of respondents in cancelling the selection of the applicant is legal and as per law.

7. We have heard learned counsels for the parties at length through Video Conferencing and examined the pleadings and have taken into consideration the judgments on the said issue.

8. The applicant as well as the respondents have reiterated their stand taken earlier.

9. The question which requires our consideration is whether respondents are justified in denying appointment to the applicant in respect of the notification for recruitment on the post of GDS BPM issued on 19.09.2011 on the basis of the certificate of Adeeb of Jamia Urdu, Aligarh which has been rejected by Rajasthan Board since 05<sup>th</sup> July 2011.

10. It is an admitted position that a Notification for recruitment for the post of GDS BPM Khudana (Bagad)

**OA No. 291/551/2012 and OA No. 291/831/2012**

was issued on 19.09.2011 for OBC category and the last date of the receipt of applications was fixed as 20.10.2011 and the required qualification was Secondary. The applicant had applied for the said post. The applicant has acquired a Certificate of Adeeb in 2009 from Jamia Urdu, Aligarh as per Annexure A/3 though he stated that he has passed in 2007 and his Migration Certificate is dated 28.07.2009. On 21.10.2011, the selection process was started and all the applications received till the last date were opened by the Committee constituted for the purpose, but the said selection could not be completed due to non-recognition of Adeeb examination passed from Jamia Urdu, Aligarh and, hence, the said selection was kept in abeyance. In exchange of correspondence, as per letter No. COBSE/C.99/2011 dated 10.10.2011, (Annexure R/1), issued by Council of Boards of School Education in India and vide letter No. मा.शि.बो./2011-12-2184 dated 28.09.2011, (Annexure R/2), issued by Board of Secondary Education, Rajasthan, Ajmer, had intimated that Board of Higher Secondary Education Delhi, Council of Secondary Education, Mohali and Jamia Urdu, Aligarh are not recognised with them and examination passed from these Institutions/Boards

**OA No. 291/551/2012 and OA No. 291/831/2012**

are not equivalent with Secondary Examination. The Board of Secondary Education, Rajasthan, Ajmer also intimated that the recognition of examination of Jamia Urdu, Aligarh has been rejected by the Board since 05.07.2011 by order dated 05.07.2011 (Annexure R/3). With regard to letter written to Uttar Pradesh Board Allahabad; Secretary Madhyamik Shiksha Parishad, Allahabad vide its letter No. Parishad-9/313 dated 05.09.2012, (Annexure R/4), intimated that the equivalency of examination is provided only to that Board/Institutions which are established by law and Adeeb examination of Jamia Urdu Aligarh is not appearing in the records of the said office. Thereafter, in the light of references received from the Boards/Councils mentioned above and as per the decision of this Bench of the Tribunal in OA No. 77/2011 (**Kalu Ram Meena vs. Union of India & Ors.**), a meeting of members of the Committee was held on 14.09.2012 wherein it was decided that all the selection cases, which are kept in abeyance, their candidature has been rejected and forfeited. Consequently, the application of the applicant was rejected forfeiting his candidature and he was debarred from the selection process and was informed accordingly. In the

**OA No. 291/551/2012 and OA No. 291/831/2012**

meanwhile, the applicant served a legal notice on 12.01.2012 and as per the status of the case at that time, a suitable reply was given to the applicant vide letter No. H/GDS/Recctt.11-12 dated 17/20.01.2012 (Annexure A/1).

11. As seen from the letter of Board of Secondary Education, Rajasthan, Ajmer, bearing No. मा.शि.बो./2011-12-2184 dated 28.09.2011, (Annexure R/2), it was clear that the equivalency is decided by the Board only for education purpose. For other purposes like training/ appointment/ selection or promotion, the concerned authority or department should decide it at their own level. The fact which requires to be considered is that Rajasthan Education Board had provided recognition for some time to Adeeb examination only for education purpose and not for employment. Thus, from the correspondence, it is clear that Jamia Urdu, Aligarh is not established by law and also not recognised by COBSE, Delhi. At the time of filling the application for the post of GDS BPM, the qualification of Adeeb was not recognised and not found equivalent to Secondary examination and, therefore, the respondents cannot be faulted for

**OA No. 291/551/2012 and OA No. 291/831/2012**

keeping the selection process in abeyance. It is only after their Meeting of the Members of Committee held on 14.09.2012, the candidature of all such persons including the applicant having Adeeb Certificate was rejected and the selection process was cancelled.

12. As seen there are various judgments on the issue that Adeeb examination is equivalent/not equivalent to that of Secondary examination. It is further seen that Hon'ble High Court of Rajasthan have taken different/divergent views in the same controversy and after such controversy in question, Jamia Urdu Aligarh approached the Hon'ble Apex Court by filing SLPs. In Civil Appeal Nos. 10721-10722 of 2018 (Arising out of SLP (C) Nos. 14573-14574 of 2012), **Jamia Urdu Aligarh Etc. vs. the State of Rajasthan & Ors.**, the Hon'ble Apex Court on 25.10.2018 passed the following orders:-

**"O R D E R**

Applications for impleadment are allowed.

1. Leave granted.
2. Having heard learned counsel on both sides, we find that it is undisputed that the appellant-institution was not heard before the impugned

**OA No. 291/551/2012 and OA No. 291/831/2012**

judgment was passed. Even so, the appellant's degrees have been held to be invalid on the ground that there is no sanction to the existence of the appellant's institution itself.

3. On the short ground that the appellant-institution was not heard, we consider it appropriate to set aside the impugned judgment and order and remit the matter back to the High Court for a fresh decision in accordance with law after hearing the appellant-institution. The High Court may decide the matter as expeditiously as possible, preferably not later than one year.
4. The appeals are disposed of accordingly."

13. Thus as seen the matter was remanded by the Hon'ble Apex Court vide its order dated 25<sup>th</sup> October 2018 to the Hon'ble Rajasthan High Court by setting aside the judgment in the case of **State of Rajasthan & Ors. vs. Firdos Tarannum** (supra) for a fresh decision in accordance with law after hearing Jamia Urdu, Aligarh since it has observed that the Appellant-Institution was not heard before the impugned judgment in the matter of **Firdos Tarannum** passed by Hon'ble High Court. It has specifically observed by the Hon'ble Apex Court in para 3 of the aforesaid order that "*On the short ground that the appellant - institution was not heard, we consider it appropriate to set aside the impugned judgment and order and*

**OA No. 291/551/2012 and OA No. 291/831/2012**

*remit the matter back to the High Court for a fresh decision in accordance with law after hearing the appellant – institution.”*

14. Accordingly, the Hon’ble High Court of Rajasthan in Larger Bench, which was constituted on account of divergent / different views taken by the Hon’ble High Court in the cases of **Tayyab Hussain (supra)** and **Miss. Altaf Bano** (supra) on the one hand and in the case of **Firdos Tarannum** (supra) on the other hand, vide its order dated 20.02.2020 has observed that “*Thus, the situation now emerges is, that at present, the Division Bench judgment of this Court in Firdos Tarannum’s case (supra) has been set aside. Thus, at this stage, there are no two different /divergent views/ decisions given by this Court, which would require consideration by a Larger Bench. Thus, the reference at this stage is rendered infructuous. Hence, the reference is returned as having been rendered infructuous.*” It was further observed to list the writ petitions as per roster. The said Writ Petitions, which are pertaining to the said controversy have been adjourned after listing for one or the other reason but the said issue is pending before the Hon’ble High

**OA No. 291/551/2012 and OA No. 291/831/2012**

Court as the matter appeared on the Board lastly on 19.11.2020.

15. Though it has come to our knowledge about the controversy pending before the Hon'ble High Court of Rajasthan but it is clear that the matter of **Firdos Tarannum** (supra) has not been set aside on merits but only on the ground that since Jamia Urdu, Aligarh was not heard, the orders were set aside. The decision of the Hon'ble Apex Court is very clear that the matter was remitted to the Hon'ble High Court for a fresh decision in accordance with law after hearing the appellant-institution, and till date there is no final decision on the same.

16. In our considered opinion, we find that at the time of selection process, the Adeeb Certificate was not recognised by the Board of Secondary Education, Rajasthan, Ajmer w.e.f. 05.07.2011 and the selection process in the present matter was conducted only after the said date, also the notification for the post of GDS BPM was issued on 19.09.2011. It is also clear that the Board of Secondary Education, Rajasthan, Ajmer had provided recognition to Adeeb examination

**OA No. 291/551/2012 and OA No. 291/831/2012**

of Jamia Urdu Aligarh for some time but the same too was rejected/derecognised since 05.07.2011. As the selections against the said advertisement are over years before and the selections cannot be re-opened at the behest of the applicant as mere selection of the applicant does not create any legal right whatsoever in favour of the applicant and no legal injury has been caused to the applicant. Therefore, it is clear that the applicant was not eligible for the post of GDS BPM and the orders of the respondents are just and proper.

17. In view of the observations made above, we are agree with the views taken by the Coordinate Bench of C.A.T., Jodhpur in OA No. 390/2013 in the case of **Smt. Pooree Devi vs. Union of India & Ors.** vide its order dated 31<sup>st</sup> July, 2019 as the entire controversy has been discussed in detail and the present matter is exactly identical on the said issue. Therefore, we do not find any infirmity on the part of the respondents in rejecting the candidature of the applicant as we hold that the applicant is not eligible for the post of GDS BPM as he does not possess essential qualification, therefore, he has no right to challenge the same on the grounds referred to in the

**OA No. 291/551/2012 and OA No. 291/831/2012**

O.A. Accordingly, the impugned order dated 17.01.2012, (Annexure A/1), cannot be interfered as the same is passed in accordance with law.

18. In view of the above discussions, OA No. 291/551/2012 and OA No. 291/831/2012 are hereby dismissed with no order as to costs. The respondents may proceed with the selection process as per law.

19. Also interim relief granted by this Tribunal vide order dated 01.01.2013 in OA No. 291/831/2012, that any post of GDS BPM filled up during the pendency of the OA shall remain subject to the final outcome of the OA, stands vacated.

**(HINA P. SHAH)**  
**JUDICIAL MEMBER**

**(DINESH SHARMA)**  
**ADMINISTRATIVE MEMBER**

Kumawat