

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 253 of 1989

Date of Decision : 12th February, 1992.

Bijaya Ketan Nayak

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. M. R. Panda
D. K. Bani
S. P. Sahu,
Advocates

For the respondents

M/s. A. K. Mishra,
Standing Counsel
(Central Government)

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C O R A M

HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MISS USHA SAVARA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *no*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MISS USHA SAVARA, MEMBER (ADMN), This application has been filed against the memorandum dated 21.3.89 (Annexure-5), 19.4.89 (Annex.9) and 20.3.89 (Annexure-10) passed by Respondent No.2 and Respondent No.1 respectively.

2. The applicant had applied for clerk grade Examination in the year 1987 and was selected in 'Z' group by Staff Selection Commission. On 13.1.89, he made a representation to the Regional Director, Staff Selection Commission (in short S.S.C.) Calcutta enquiring about his appointment letter.

A reminder was sent on 20.3.89 to S.S.C., New Delhi as well as Regional Director, S.S.C., Calcutta. On 21.3.89, the Regional Director, S.S.C., Calcutta informed that he was not eligible for an appointment in Group 'Z' as he did not have Hindi at Matriculation level examination, which was the essential qualification for Group 'Z' (Annexure-5). The applicant had passed the Hindi Prabeshika Examination under faculty of Hindi Siksha Samiti, Orissa in November, 1988, therefore, he made a representation the Commission of S.S.C., New Delhi on 10.4.1989 to accept the Prabeshika Hindi Certificate and recommended his candidature for appointment

ly. as L.D.C. in Group 'Z'. The applicant had not, while answering the advertisement, mentioned that he was in possession of the certificate regarding Hindi upto Matriculation Certificate (Annexure-6), and being appraised of the requirement of producing such a certificate, had produced Annexures 6 & 7 before the Respondent No.2.

3

However, he was informed by letter 19.4.1989 by the Regional Director that the Hindi Certificate could not be accepted by the S.S.C. as the candidate had acquired the qualification after 1.8.1987 which was the crucial date for determining a candidate's educational qualifications (Annexure-10).

3. Mr. M.R. Panda, learned counsel for the petitioner urged that the petitioner had secured qualifying marks in the type test in English language and that there was no specific provision for Hindi qualification of High School Certificate standard required for applying for the post. The candidate had passed Hindi Prabeshika and if selected, he would be able to perform his duties perfectly. In the circumstances, Shri Panda prayed for a **direction** to the Respondents to appoint the applicant in the selected post on the basis of his marks.

4. Shri A.K. Mishra, learned counsel for the respondents contested the claim of the applicant. He pointed out that the advertisement clearly stated in Para-6 that educational qualifications for posts under Group 'Z' required a candidate to have passed the matriculation or equivalent or higher examination with Hindi as one of the subjects. He also drew our attention to the certificate of Hindi Shiksha Samiti - which was issued in November, 1988 whereas the advertisement clearly stated that the candidate must have passed Matriculation or ~~equivalent~~ or higher examination as on 1.8.1987. Since the applicant did not have the qualification

required on the due date, his candidature had been correctly cancelled.

5. We have heard the learned counsel and given our anxious consideration to the annexures enclosed. The applicants' original application could not have enclosed the Hindi Certificate, since he had merely appeared for the examination at the relevant time. He obtained the certificate in November, 1988, that is, much after the due date of 1.8.1987. Since he did not have Hindi at Matriculation level examination which was essential qualification for Group 'Z' at the relevant time, his name could not have been recommended for appointment as L.D.C. in Group 'Z'. The fact that he got the qualification subsequently is of no consideration to the Staff Selection Commission i.e. the respondents.

6. In view of this, we are constrained to reject the application as being devoid of merit. We, accordingly, reject the application and dismiss it with no order as to costs.


12.2.89.
VICE-CHAIRMAN


12.2.89.
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench, Cuttack
/Sahoo/

