

1/8
15

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

Date of order: 12.1.1996

1. O.A. No.13/1996

Abu Mal and Another Applicants

Vs.

Union of India & Ors. Respondents

2. O.A. No.14/1996

Punam Chand Paliwal
and Another Applicants

Vs.

Union of India & Ors. Respondents

CCRAM

THE HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

...

Present

Mr. K.K. Shah, Counsel for the applicants.

...

BY THE COURT :

Heard Shri K.K. Shah, learned counsel for
the applicants.

2. As the substantial facts and the question of
law involved in the two O.As is similar these are
being disposed of by this common order.

3. The facts of the case are briefly as under :

4. The two applicants of O.A. No. 13/1996 applied
for appointment to the post of Postal/Sorting Assistant

in response to an advertisement dated 5.1.1995, a copy of which is at Annex.A-1. The two applicants of O.A.No. 14/1996 applied for appointment to the same post ~~fixed~~ in response to the advertisement dated 7.12.1994, a copy of which is at Annex.A-1. The applicants have passed the Vishard examination(Madhyama), from the Hindi Sahitya Sammelan,Prayag, which they claim is recognised as equivalent to the intermediate examination or the 10 + 2 examination. The learned counsel for the applicants also stated that though this examination has been de-recognised by the Rajasthan Government w.e.f. 25.6.1985 it has not been de-recognised by the Central Government. He stated that since the appointment has been sought under the Central Government the de-recognition by the Rajasthan Government can not stand as a bar to their eligibility for appointment to the post. He further argued that the University of Rajasthan continued to regard this examination as equivalent to intermediate examination or the 10 + 2 examination at least till the year 1990 for the purposes of admission to the faculty of Law in the five year course of L.L.B. He also stated that the University of Rajasthan had recognised this examination for admission to the degree courses in the faculties of Arts and Commerce ^{also} at least till the year 1990 and perhaps it is still recognised by the ^{All} University of Rajasthan. the applicants of the two O.As under consideration had obtained more than 80% marks in the Vishard examination(Madhyama) in the same year. The grievance of the applicants is that

Utk

the last candidate whose name appeared in the selection list prepared by the respondents for this selection has obtained 78% marks in the equivalent examination whereas, the applicants as stated above, had obtained more than 80% marks. Thus, it would be apparent that even though they had obtained higher marks they have not been selected for the reasons other than their merit in the intermediate or equivalent examination. The applicants, therefore, represented to the respondents No. 2 on 10.10.1995/18.10.1995 (Annex.A-3), about their grievance but to no avail. However, they unofficially came to know that they had not been considered because the Vishard examination (Madhama), had not been recognised as equivalent to the intermediate / 10 + 2 examination.

5. I have considered the case. This is an important matter which could result in denial of a rightful appointment to the applicants in case the Vishard examination (Madhama) from the Hindi Sahitya Sammelan, Prayag, was recognised as equivalent to the intermediate/10+2 examination by the Central Government till the year 1986 when the applicants passed this examination. Hence, it is important that the respondents examine this matter in detail before finally denying appointment to the applicants of these two O.As. If necessary, they may immediately get a clarification from the dealing Ministry in the Central Government regarding the recognition of this examination till the year 1986 as equivalent to

the intermediate/10+2 examination. Considering all these facts I hereby direct the respondent No. 2 to examine the representations of the applicants dated 10/10/1995 and 18/10/1995 (Annex.A-3), after giving a personal hearing to the applicants and considering the points mentioned here-in-above and thereafter take necessary action for appointment or disposal of the representations as the case may be, by a speaking order giving full reasons for denying the appointment in case it is so decided, within one month from the date of receipt of a copy of this order. As the matter was urgent, it has been considered appropriate to give this direction to the respondent No. 2 without prolonging the process of litigation which would otherwise have been involved by giving a notice for filing the reply to the OAs. The applicants, would however, be free to approach this Tribunal again if they are still aggrieved by the decision of the respondents.

6. With the aforesaid direction, the OAs are disposed of at the stage of admission.

Copy of Judgment
OA 13 & OA 14/96 Served on
R 1 to 4 with OA 5 Annexus
Served on 3/10/96
Vide A.O. 22-1-96
Mehta & Mehta
Copy 18/10

sd/-
(USHA SEN)
ADM. MEMBER