

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 560/2013

Jodhpur this the 27th October, 2014

CORAM

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (Judicial),
Hon'ble Ms. Meenakshi Hooja, Member (Administrative)**

Bheru Lal Meghwal S/o Shri Kalu Ram, aged 31 years, caste-Meghwal, R/o Village-Samicha, Tehsil Kumbhalgarh, District-Rajsamand (Rajasthan).

.....Applicants

By Advocate: Mr N.R. Chaudhary.

Versus

1. Union of India through the Secretary, Department of Post & Telegraph, Ministry of Communication, Govt. of India, Dak Bhawan, New Delhi.
2. The Superintendent (Pravar Adhikshak), Post Office, Udaipur Division, Udaipur.

.....Respondents

By Advocate : Ms K. Parveen.

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- (i) The respondents may kindly be directed to treat the qualification of Adeeb Examination equivalent to Secondary examination and consider the candidature of the applicant



for appointment on the post of Grameen Dak Sevak Shakha Deakpal.

- (ii) The respondents may kindly be directed to provide the appointment to the applicant with all consequential benefits, if he find place in the merit.
- (iii) Any other appropriate relief which this Hon'ble Tribunal deem just and proper in the facts and circumstances of the case may be passed in favour of applicant.
- (iv) The original application of the applicant may be allowed with the cost.

2. The brief facts of the case, as stated by the applicant, are that the applicant applied for one vacant post of Grameen Dak Sevak Shakha Dakpal at post office Sameecha (Gaonguda) against the notification dated 30.09.2013 issued by respondent No. 2 under the provisions of Service Rule for Postal Grameen Dak Sevak. The requisite minimum qualification for the said post is Secondary and selection is based on marks obtained in Secondary examination. Initially, a candidate namely Rajesh having 71% marks has been selected but the same candidate also selected for Losing Post Office and he joined his duties there and the next meritorious person is the applicant himself but it is learned by the applicant that his name is not going to be considered, therefore, he submitted an application dated 08.11.2013 under RTI Act. In response to the application filed under RTI Act it was informed to the applicant vide Annex. A/6 dated 11.12.2013 that the applicant having qualification of Secondary from Jamia Urdu, Aligarh is not recognized by Council of Boards of School

Education in India, therefore, his application form has been rejected. It has been averred in the OA that the applicant has passed his Adeeb Examination in session 2009-10 and according to the list of equivalence to other Boards issued by Board of Secondary Education, Rajasthan clearly mentions the name of Jamia Urdu, Aligarh at Serial No. 89(1) (Annex. A/7) and accordingly to the list of Boards of School Education recognized by Council of Boards of School Education in India Board of Secondary Education, Rajasthan, Ajmer is mentioned at serial No. 30. It clearly reveals that the Adeeb Examination of Jamia Urdu, Aligarh is equivalent to the Secondary Examination of Board of Secondary Education, Rajasthan, therefore, it cannot be said that the qualification of Adeeb examination acquired by the applicant is not a recognized qualification from the Council of Boards of School Education in India. It has further averred that Hon'ble High Court of Rajasthan in S.B. Civil Writ Petition No. 7014/2013 Dhan Singh Chundawat & Ors vs. State of Rajasthan & Ors vide its order dated 25.10.2013 directed the Board of Secondary Education, Rajasthan to consider and decide the cases of petitioners with regard to issue of eligibility certificate on the basis of Adeeb Examination conducted by Jamia Urdu, Aligarh prior to 22.06.2011 (Annex. A/9). Aggrieved by non-considering the candidature of the applicant in pursuance of advertisement Annex. A/1, the applicant has filed this OA seeking relief mentioned in para No. 1.

3. The respondents by way of filing reply have denied the right of the applicant and submitted that applications were invited from

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eligible candidates vide notification dated 30.09.2013 for the post of GDS BPM, Samicha and 13 applications were received for consideration including an application of the applicant. The applicant submitted a Mark-Sheet of High School Examination (Adeeb-2009) from Jamia Urdu, Aligarh as an educational qualification along with his application. While considering the case of the applicant, it was found that Adeeb Examination from Jamia Urdu, Aligarh is not recognized by the Council of Boards of School Examination in India as per list generated for COBSE, therefore, the case of the applicant was not considered for the post of GDS BPM, Samicha and an eligible candidate was selected for the said post as the applicant did not possess the requisite qualification. The Adeeb Examination of Jamia Urdu, Aligarh is not considered as valid qualification for the post of GDS BPM by the Department vide order dated 27.12.2013 (Annex. R/5).

4. Heard both the parties. Counsel for the applicant submits that the applicant has passed 'Adeeb' course from Jamia Urdu, Aligarh in February, 2010 with English & Mathematics and therefore, he is eligible for consideration to the post of GDS BPM as per Annex. A/7. He submits that as per Annex. A/7 he is eligible for consideration for the post of GDS BPM at Samicha because 'Adeeb' Examination from Jamia Urdu, Aligarh has been considered as equivalent to the Board of Secondary School Examination but candidature of the applicant has been rejected by the respondent-department without considering Annex. A/7. He further contended that the Hon'ble Rajasthan High



Court in Dhan Singh Chundawat & Ors vs The State of Rajasthan & ors in S.B. Civil Writ Petition No. 7014/2013 vide its order dated 25.10.2013, taking into account other judgment passed in S.B.C.W.P. No. 13585/2011 decided on 26.09.2011 in similar circumstances, directed the Board of Secondary Education to consider and decide the cases with regard to issue of eligibility certificate to the candidates on basis of 'Adeeb' examination conducted by Jamia Urdu, Aligarh to the candidates who have passed prior to 22.06.2011 (i.e. the date of derecognition).

5. Counsel for the applicant contended that in view of the judgments and Annex. A/7 & A/8, the applicant is entitled for consideration to the post of GDS BPM at Samicha and this Tribunal vide its order dated 19.12.2013 ordered that respondents shall not finalize any appointment on the post of GDS BPM, Post Office Samicha, therefore, now the respondents may be directed to consider the candidature of the applicant taking into account his qualification as equivalent to the Secondary Examination pass by the Board of Secondary Education, Rajasthan. Per contra, counsel for the respondents contended that the educational qualification acquired by the applicant is not equivalent to the Secondary pass from Board of Secondary Education, Rajasthan.

6. We have considered the rival contentions of both the parties and also perused the averments made in the OA as well as in the reply. The application of the applicant has been rejected by the order

Annex. A/6 dated 11/12/2013 and as per information provided under RTI Act only on the ground that the applicant has passed 'Adeeb' Examination from Jamia Urdu, Aligarh which is not recognized by Council of Board School Education in India. In our considered view, the rejection order cannot be sustained in the eye of law considering the judgments of Hon'ble Rajasthan High Court referred above and also in view of Annex. A/7 produced by the applicant.

7. In view of discussions hereinabove made, Annex. A/6 dated 11/12/2013 is set aside and respondents are directed to consider the candidature of the applicant in the light of discussions made by us as well as document Annex. A/7 submitted by the applicant and judgments of Hon'ble Rajasthan High Court passed in above referred writ petitions. Further, respondents are directed to consider the candidature of the applicant within 3 months from the date of receipt of this order and the applicant is entitled to get the appointment on the post of GDS BPM, Post Office Samicha, if he is otherwise found fit as per law.

8. Consequently, OA is allowed with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member
Ss/


(JUSTICE K.C.JOSHI)
Judicial Member

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11/11/14

Received
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