

A45

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 431/90

Raj Kumar Awasthi & others

Applicants.

versus

Union of India & others

Respondents.

Shri W.H. Haidari

Counsel for applicants.

Shri V.K. Chaudhari

Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants, 2 in number, working as class IV employees in the Census department at Lucknow for the last 18 years, although both of them have passed from Hindi Sahitya Sammelan Prayag, Allahabad, Prathma, Madhyama and Uttama Examinations and Lucknow University have recognised Madhyama equivalent to Intermediate for admission to B.A. Part I. The Dy. Director of Census vide order dated 25.9.90 granted permission to both the applicants to join B.A. On coming to know that class IV employees were going to be promoted, the applicants also, on the ground of educational qualification, applied for the same. 10 class IV employees of Census Department were invited to appear in the departmental test but the names of the applicants did not find place in the said list.

2. Vide order dated 11.6.90 Dy. Director allowed them to appear in the qualifying test subject to the condition

AS

that the result will remain undeclared till the receipt of clarification on the educational qualification.

The examination was postponed from 19.6.90 to 26.6.90 and one Shri Ramesh Prasad Loader was promoted to the post of clerk and the applicants' claim was not considered. On 13.11.90 they requested that their cases be considered for promotion but the same has not been done and that is why they have approached this Tribunal praying that a writ of mandamus be issued to the respondents to allow them to appear in the departmental promotion test and they be directed to declare the result of the departmental promotional test held on 26.6.90. According to them practical experience be taken into account as has been observed in the case of Hon'ble Supreme Court reported in AIR 1990 S.C. 371 and as such they should not be deprived on the ground that they did not fulfil qualification.

3. According to the respondents, the Lucknow University for admission purposes only to B.A. Part I, recognised Madhyama examination to that of Intermediate examination and the permission for B.A. examination was granted with certain conditions and the same cannot be treated as the authority to the effect that passing of Madhyama exam. by the applicants will also be treated as passing of Intermediate examination. The essential qualification

u

is Matriculation/High School examination for group C posts of Lower Division Clerks and Mathematics and English are compulsory subjects and thus these persons cannot be treated to be Matriculate. In this connection reference has been made to the notification dated 18.2.70 Central Hindi Directorate, Ministry of Education has also given such clarification. U.P. Government has also clarified in respect of the same to the Central Government, vide letter dated 28.6.90 that the examination conducted by the Hindi Sahitya Sammelan Prayag are not being treated equivalent to any degree or Diploma for the purposes of Government service. The said Ramesh Prasad was promoted as he possessed the essential educational qualification and a speed of 25 words per minute in Hindi Typewriting.

4. In the rules, educational qualification is Matriculation or equivalent, for class C posts. Lucknow University has already recognised Madhyama as equivalent to Intermediate for appearing in B.A. I examination. Ministry of Human Resources, vide his press note referred to above in the counter affidavit has recognised Madhyama, Prathma etc. equivalent for purposes of Hindi only but not equivalent to the District Examination. Prathma of Hindi Sahitya Sammelan is equivalent to SLC and Madhyama equivalent to B.A. This is what has been said by the Hindi Directorate, Ministry of Education, Government of India. It will not be taken to the

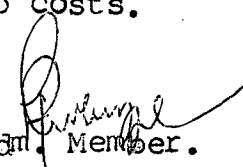
Matriculation or entire S.L.C. examination upto the Hindi <sup>is</sup> standard. As a matter of fact, the applicants' case ~~for~~ promotion and test which is being taken ~~is~~ promotional test and not of direct recruitment in respect of which the statutory rules have been framed which also makes the provision ~~for provision~~ for promotion. Under rule 10% of vacancies are to be filled by Group D employees who fulfil the condition of educational qualification also. Such educational qualification in the matter of promotion is also an essential condition. Undoubtedly, these examinations have been accepted equivalent to Hindi Standard but Madhyama examination has been ~~was been~~ recognised upto standard of even Intermediate, what to say of High School and that is why these applicants have been admitted in B.A. If University can admit those who have secured certificate in Madhyama, not only in Hindi, but also in other subjects also, there appears to be no reason that the position of these certificates cannot be held equivalent to Matriculation. In case more persons <sup>are</sup> required to appear in more than one subject its equivalence can not be disputed. So far as promotion is concerned, the equivalence and the promotion is not to be seen direct and it is to be seen that the experience is not to be sought altogether.


5. Accordingly the respondents are directed to treat the Examination of Madhyama equivalent to Matriculation

A 8

or High School and declare the result of the applicants.

6. Application is disposed of as above. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/-

Lucknow: Dated: 12<sup>th</sup> March 1993 -