

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA No. 41 of 2006

Date of order : 29 January, 2008

C O R A M

Hon'ble Mr. Justice P.K. Sinha, Vice-Chairman
 Hon'ble Mr. Amit Kushari, Member[Admn.]

Madan Prasad, S/o Sri Ram Bachan Prasad, resident of village.-
 Akashi, P.O. - Mokar, P.S. - Agrer, District - Rahatas.

Applicant

Vrs.

1. Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The Chairman, Railway Board, New Delhi.
3. The General Manager, North Central Railway, Allahabad.
4. The Chairman, Railway Recruitment Board, North Central Railway, O/o Compound Divisional Railway Manager, New Annexee Bhawan, Nawab Yusuf Road, Allahabad.
5. The Assistant Secretary, Railway Recruitment Board, North Central Railway, O/o Compound Divisional Railway Manager, New Annexee Bhawan, Nawab Yusuf Road, Allahabad.
6. The Workshop Manager, Diesel Rail Engine Factory, North Central Railway, Varanasi.

Respondents.

Counsel for the applicant : Shri S.K. Bariar

Counsel for the respondents : Shri R. Giyaghey, ASC

ORDER

Amit Kushari, Member[A] : -

The applicant had applied for the post of Technician Grade III [Machinist], against in advertisement notice issued by the Railway Recruitment Board, Allahabad published on 9.7.2004. The qualification prescribed for this post was matric with I.T.I. certificate. The applicant had passed Madhyama from Bihar Sanskrit Shiksha Board and he also possess I.T.I. Certificate. Therefore an admit card bearing Roll No. 1201277 was issued to him. He was called for the written examination and declared successful in the written test on 7.2.2005. He was subsequently asked to appear for document verification on 18.3.2005. His documents were finally examined on 22.3.2005 and the result was published but it was indicated that the result of Roll No. 1201277 was withheld for want of some clarification. Subsequently, the Railway Recruitment Board, Allahabad published a notification dated 25.11.2005 that the final result of the applicant was cancelled due to certain instructions of the Railway Board vide circular dated 16.11.2005. The Railway Board circular of 16.11.2005 does not give any recognition to the Madhyama certificate issued by the Bihar, Sanskrit Shiksha Board, Patna.

2. The ld. counsel for the applicant, Shri S.K. Bariar drew our attention to an order of the Bihar Govt. dated 11.1.1999 [issued by the Department of Secondary Education] in which it has been notified that the Madhyama Examination conducted by the Bihar Sanskrit Shiksha Board would be taken as Matriculation/Madhyamik Examination for entry into Govt. service. The ld. counsel for the applicant also points out that this order was also published in the Bihar Govt. Gazette on 1st August, 2001 which has been annexed with this O.A. as Annexure-A/7.

3. The ld. counsel for the respondents Shri R. Griyaghey has pointed out that the Railway Recruitment Board does not examine in detail all the numerous applications and almost every applicant is asked to appear in the written and psychological test. The respondents have mentioned in the written statement that only after the preliminary tests are over the certificates of the successful candidates are carefully examined and those candidates who do not fulfill all the conditions and could not produce the correct certificates are removed from panel. He also points out that just because the applicant had passed the written and psychological test does not make him eligible for being qualified for appointment and does not confer any legal right on him.

4. The crucial point to be decided in this case is whether the Railway

Recrutment Board was correct in rejecting the Madhyama Certificate of the applicant who had passed this test with Sanskrit, English, Hindi, History and Geography. More or less a similar issue had come before the Patna Bench of the Central Administrative Tribunal in O.A. No. 16 of 2003 and the Division Bench disposed of the O.A. on 10.5.2004. While disposing of the O.A. the Division Bench has observed "Bare perusal of the referred circular clearly envisages that degree of Madhyama granted by KSDSV, Darbhanga is equivalent to higher Secondary. Thereafter, the said examination have been conducted by Bihar Sanskrit Shiksha Board after 1983. Therefore, it can safely be held that the applicant possesses requisite qualification of matriculation for said promotional examination."

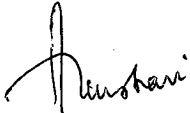
This order of the Patna Bench of Central Administration Tribunal was up-held by the Patna High Court and the Hon'ble Patna High Court had noted that if a candidate has passed Uttar Madhyama with English as a subject, it can be considered as equivalent to Matriculation or Secondary School Examianation.

5. Since the Bihar Sanskrit Board is a creation of Bihar Legislative Assembly, a degree issued by this Board cannot be refused recognition by the Railway Board or the Union of India.

6. We, therefore, are of the opinion that the Railway Recruitment Board

had made a serious mistake in disallowing the applicant from being taken as a successful candidate only on this point. Since the impugned order at Annexure-A/6 does not mention any other ground for disallowing the applicant, we can presume that the only reason for disallowing him was the non recognition of the Bihar Sanskrit Shiksha Board and its certificate by the Railway Board.

7. We, therefore, direct the respondents to accept the applicant as a successful candidate. The impugned order at Annexure-A/6 [final result of the Railway Recruitment Board] so far as it relates to the applicant is quashed. The respondents are directed to send a communication on these lines to the applicant within two months of the receipt of this order. No costs.


[Amit Kushari]
Member [Admn.]


[P. K. Sinha]
Vice-Chairman

mps.