

19
CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 10/93 in

Original Application Nos. 752/91 and 238/91

Tribunal's order

Dated: 6.8.93

Shri G.K. Masand, counsel for the applicant.

Shri G.R. Sharma, counsel for the respondents.

Heard counsel for the parties. The only question is whether a proper compliance of the directions which were given by this Tribunal in its order dated 8.1.92. The direction was that the applicant be appointed in accordance with the scheme framed by the Principal Bench, which obviously will be framed in accordance with law, including recruitment rules as has been indicated earlier. According to Shri Masand although a pretext is made by the respondents for compliance with the recruitment rules, the denial was not on the basis of recruitment rules. Our attention was drawn to essential requirements which include passing of matriculation with relevant knowledge of Konkani as one of the subject as made in the instructions.

It is apparent that the applicant had not passed matriculation with Konkani as a subject. Our attention is drawn to a certificate issued to one of the candidates that she had completed the course in Konkani teaching in January 1993. But it was not equivalent to the subject of Konkani at the matriculation examination. It is apparent that even the applicant had the knowledge that the essential requirement was passing of matriculation with Konkani as a subject, applicant states that when she passed the matriculation examination, Konkani was not

a subject taught. If the appointment was denied to the applicants that they had not passed matriculation with Konkani as a subject, respondents cannot be said to have committed guilty of wilful dis-obedience of the orders passed by this Tribunal.

However, Shri Masand contended that there were four posts of Production Assistant which are to be filled and all of them should have the knowledge of Konkani. Learned counsel for the respondents states that all the Doordarshan programmes in Goa are in Konkani and the Production Assistant must have the knowledge of Konkani. In these circumstances we find that no exception can be taken to the denial of the posts to the applicants.

C.P. 10/93 is dismissed. We further make it clear that the order we have passed will not prejudice the applicants if they wish to file an O.A. on the basis of the requirements which have been set out by the respondents for filling up the posts. M.P. stands disposed of.

(USHA SAVARA)
MEMBER (A)

(M.S.DESHPANDE)
VICE CHAIRMAN

NS