

## IN THE CIVILIAN ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CIVILIAN ADMINISTRATIVE TRIBUNAL

C.A. No. 318/92  
T.A. No.

198

DATE OF DECISION 6.5.1992

Shri B.B. Salve

Petitioner

A.B. Gatne

Advocate for the Petitioner(s)

Versus

Union of India &amp; ors.

Respondent

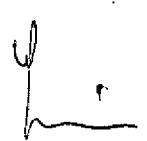
Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. M.Y. PRIOLKAR, MEMBER (A)

P.L.O. BLD. P.L.

1. Whether any of the Judges of the Tribunal attended to see the Judgement? *Y*
2. Whether any of the Judges signed the Judgement? *N*
3. Whether any of the Judges signed the Memorandum of the Judge? *N*
4. Whether any of the Judges signed the Memorandum of the Tribunal? *N*

  
 (M.Y. PRIOLKAR)  
 MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO.318/92

Shri B.B.Salve,  
Telecom Office Asstt.  
in the office of Telecom  
District Manager,  
Nashik Telecom District,  
Canada Corner, Sharanpur Road,  
Nashik - 422002

....APPLICANT

V/s

Union of India  
and two others

....RESPONDENTS

CORAM : HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER(A)

Appearance:

Shri A.B.Gatne, Adv.  
for the applicant.

Mr.A.I.Hirwani, Asstt.Dire.  
in the office of Respondents  
is present.

ORAL JUDGEMENT

(PER : M.Y.PRIOLKAR, M/A)

6TH MAY 1992

The grievance of the applicant in this case is, that although, according to him, he has satisfied all the eligibility conditions, he is not being allowed to appear for the competitive examination being held by Telecommunication Department for recruitment to the post of Junior Telecom Officer.

2. According to the applicant, the respondents had inserted an advertisement in a Marathi Daily 'Gavkari' dated 12.3.1992 regarding this examination, in which one of the essential educational qualifications mentioned is Bachelor of Science (Hons.). The other educational qualification mentioned are 60 per cent marks in B.Sc. or B.E./B.Tech Degree in certain disciplines like Mechanical Engineering, Telecommunication Engineering, Electrical Engineering, Radio Engineering, Computer science

etc. The contention of the learned counsel for the applicant is that the applicant has passed B.Sc.(Hons.) Course and is eligible for appearing the examination since he is also within the age limit prescribed for Departmental candidates.

3. It is, however, seen from the Degree Certificate submitted by the applicant (Ex. C to the application), that he has passed Degree of Bachelor of Science (3 years integrated course), but has passed it with Honours in the Second Class. Evidently, passing B.Sc.(Hons) Course is different from passing Degree of B.Sc. (3 years integrated course) but with (Hons.) in the Second class. The condition prescribed in the advertisement of passing B.Sc. (Hons.) Course would not, therefore, be fulfilled by the applicant. Further, as pointed out by the Respondents, a printed sheet containing general information for candidates was sent to all aspirants for the examination including the applicant alongwith the application form in which, it is made clear, that the essential educational qualification required, apart from B.E./T.Tech Degree is B.Sc. or B.Sc.(Hons.) with atleast 60 per cent marks in aggregate obtained in the examination of the recognised University. It appears that, in the process of translation of the advertisement for publication in the Marathi paper, same ambiguity had crept in the exact educational qualifications prescribed but the position should have been clear to the applicant once he had received the information sheet. In any case, even according to the Marathi advertisement, the applicant does not possess the essential qualification of B.Sc.(Hons) Degree. I do not therefore, see any justification for any

interim order as prayed for by the applicant.

4. It is stated on behalf of the applicant that in case no interim order is made as prayed for, this application will be rendered infructuous. As I see no justification for any interim order for the reasons already stated above, this application is disposed of finally as withdrawn by the applicant as infructuous, with liberty to file a fresh application, if so advised, in accordance with law. There will be no order as to costs.

(M.Y.PRIOLKAR)  
MEMBER (A)