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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

OA No.46/93

Date of order: 11.7.1996

Arun Kumar Sharma

: Applicant

Vs.

Union of India and others

: Respondents

Mr. P. N. Mathur, counsel for the applicant
Mr. K. N. Sherimal, counsel for the respondents

CORAM:

HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN
HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)

O R D E R

(PER HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN)

The applicant Arun Kumar Sharma in this application under Section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:-

"i) The applicant prays that by an appropriate order or direction the Hon'ble Tribunal may quash the memo dated 5.7.91 and the order dated 21.1.92 as well as the rejection order dated 24.2.92.

ii) Declare the examinations passed by the applicant as sufficient for the purpose of appointment on the post of LDC in the department and being equivalent to Secondary Examination.

iii) Direct the respondents/non-applicants to give applicant benefit of exemption from the paper of Hindi for the purpose of declaring him passed in the departmental examination conducted for the post of UDC and give him all consequential benefits thereof."

2. We have heard the learned counsel for the ~~Civilian~~ parties and have carefully perused the records.

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3. The applicant was appointed as a Lower Division Clerk in the Customs and Central Excise Department, Collectorate, Jaipur on compassionate grounds. He joined the post on 25.1.1985. The contention of the applicant is that he has passed the Prathma Examination with English as an additional subject conducted by the Hindi Sahitya Sammelan, Prayag, (Hindi University) and he claims that it is equivalent to 10th Class. There is a communication at Annexure A-9 dated 26.2.1986 by which the Deputy Collector, Central Excise, Jaipur informed the applicant that the examination passed by him was considered equivalent to High School pass by the Ministry of Education, Press Notification No.F.7-50/6H dated 18.2.1970. However, subsequently the respondents took a stand that the aforesaid Prathma Examination has not been recognised as equivalent to Secondary Examination and by Annexure A-1 dated 21.2.1992 the applicant was asked to acquire the requisite qualification of Secondary School Examination pass within a period of two years and to produce a certificate to this effect. However, the applicant is still continuing on the post of L.D.C. ever since his appointment.

4. In the circumstances, we dispose of this OA with a direction to the respondents to allow the applicant to acquire the qualification of 10th pass (Secondary School Examination pass) within a period of two years from the date of this order. No order as to costs.

(O.P. Sharma)
Member (A)

G.K.N.
(Gopal Krishna)
Vice Chairman