

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 150 of 2004

Jabalpur, this the 16th day of December, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Roshan Singh Bundela, Son of Rammat Singh
Bundela, aged about 40 years, R/o. Village
Barmamanjh, Post-Barmadang, District-
Tikamgarh (Madhya Pradesh).

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, Government of India,
through - Secretary, Ministry of
Human Resources Development, Department
of School Education, Shastri Bhawan,
New Delhi.
2. Commissioner, Navodaya Vidyalaya
Samiti, Indira Gandhi Indoor
Stadium, Indraprasth Estate, Near
ITO, New Delhi.
3. Joint Director, Academic, (Shri V.
Ramarao), Indira Gandhi Indoor Stadium,
Indraprasth Estate, Near ITO,
New Delhi.
4. Deputy Director, (Personnel),
Shri V.K. Sharma, Indira Gandhi Indoor
Stadium, Indraprasth Estate, Near ITO,
New Delhi.
5. Deputy Director, Navodaya Vidyalaya
Samiti, Regional, 160, M.P. Nagar,
Zone-II, Bhopal.

... Respondents

(By Advocate - Shri O.P. Namdeo)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has
claimed the following main reliefs :

"(ii) that the examination conducted on 1.2.2004
for the post of Principal be quashed and cancelled being
violative of Article 14, 16 and 343(1) of the Constitu-
tion of India, or in the alternative, the applicant and
similarly situated persons be permitted to appear in the
examination in Biolinguual language of Hindi and English,

(iii) that, the question paper of 40% marks in Hindi
language as that of English language be also conducted
giving equal importance to Hindi language as given to
English language."



2. The brief facts of the case are that the applicant is a MA, M.Ed since 1.8.1990 and is serving as a Principal in Bundeli Higher Secondary School, Ramnagar. He has experience of more than 12 years as a Principal. The Navodaya Vidyalaya Samiti issued a notification for appointment of Principals by way of direct recruitment under the Special Recruitment Drive for SC/ST/OBC, wherein there were 12 posts for SC, 21 for ST and 38 for OBC. Similarly on 6/12th September, 2003, 35 posts under unreserved category for appointment of Principals as direct recruits were issued. Both the advertisements were in Hindi. As the applicant fulfilled all the requisite conditions for the post applied for the post under the unreserved category. He received a call letter for written examination on 10th January, 2004. In the said call letter nothing has been mentioned about the medium of the examination i.e. whether it would be in English or in Hindi or Bilingual. The applicant appeared in the examination and he was shocked to see that the question paper was in English only, although letter of instructions was both in Hindi and English. Since the questions were only in English, it was difficult and it took time to answer the same. The applicant is aggrieved of the afore-said action and manner in which the examination has been conducted, thereby indirectly short-listing the candidates who are not well versed in English but are from Hindi speaking belt i.e. northern part of the country. Hence, this Original Application.

3. None for the applicant. We propose to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the pleadings and records.

4. The learned counsel for the respondents argued that the applicant has questioned the validity of the written



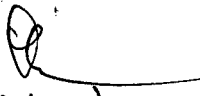
examination conducted by the respondents on 1st February, 2004 for shortlisting of candidates for recruitment to the post of Principal in the respondents' organisation. The respondents further argued that most of the students are taught through the medium of mother tongue upto class VIII and during which time intensive teaching of Hindi and English both as language subjects and co-media are undertaken, so that switching over to Hindi/English after class VII/VIII brings no difficulty to the students. No illegality or infirmity is committed by the respondents while conducting the examination. The notification for appointment to the post of Principal on direct recruitment was issued both in English as well as in Hindi in accordance with the provisions of Official Language Act. The applicant while referring to the advertisement issued in Hindi is deliberately concealing the fact that the same was also issued in English in the relevant issue of the Employment News. The recruitment to the alleged post is made on All India basis, through an open advertisement. The written test is purely of objective type designed to assess the knowledge of candidates in the area of (i) reasoning ability (ii) general awareness (iii) general English and (iv) School administration. There is no constitutional obligation that such an examination conducted for shortlisting of eligible candidates must be bilingual. Hence, the respondents have not committed any fault in conducting the examination. Thus, the OA deserves to be dismissed.

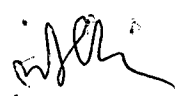
5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, we find that the respondents have advertised the post of Principals in both languages i.e. in Hindi as well as in English, in Rozgar Samachar and Employment News respectively. The post of Principal in Navodaya Vidyalaya Samiti



is a Group-A post and the persons appointed on this post has to ~~service~~ ^{serve} through out the Country. The question paper supplied during the examination is perfectly in accordance with the rules of the respondents. We also find that the written test is purely of objective type designed to assess the knowledge of the candidates in the area of (i) reasoning ability (ii) general awareness (iii) general English and (iv) School administration. There was also no constitutional obligations to the respondents that such an examination for shortlisting of eligible candidates is to be conducted bilingual. The applicant has concealed the fact that the advertisement to the post of Principal was also issued in English in Employment News paper. The applicant has not been able to show us any violation of the statutory rules by the respondents, while conducting the written examination for the post of Principals which is a Group-A post. It is a settled legal proposition that once a candidate appeared in an examination and later failed in the same, cannot challenge the validity of the said examination, on any technical grounds.

6. In view of the aforesaid discussions, we are of the considered opinion that the applicant has failed to prove his case and the present Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. There shall be no order as to costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman