

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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Pronounced on: 16.9.2015 .
Reserved on : 11.09.2015

OA. No. 060/01078/14

**CORAM: HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A.AGRAWAL, MEMBER(J)**

Joginder Pal son of Sh. Hari Krishan age 54 years working as
Compositor in the Government Press, Sector 18, Chandigarh.

.....Applicants

BY ADVOCATE: Sh. D.R. Sharma

VERSUS

1. Chandigarh Administration, Chandigarh through its Home Secretary-cum-Secretary, Printing and Stationery Department, UT Secretariat, Sector 9, Chandigarh.
2. The Controller, Printing and Stationery Department, Union Territory, Chandigarh, Sector 18, Chandigarh.

.....Respondents

BY ADVOCATE: Sh. K.K. Thakur

ORDER

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HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking following relief(s):-

- (i) That the impugned order dated 25.11.2013 (Annexure A-1) be quashed and set aside in the interest of justice.
- (ii) That the respondents be directed to promote him to the post of Computer (Technician Grade III) from the due date by accepting his Matriculation qualification as equivalent for all intents and purposes.
- (iii) That it be declared that in the light of Government of India's decision and judgement of the Hon'ble Court, the Matriculation qualification through Prathama Examination of the Hindi Sahitya Sammelan, Allahabad is required to be accepted for the purpose of employment for the posts for which the desired qualification is a pass in Matriculation.
- (iv) That the applicant be held entitled to all consequential benefits/reliefs in the interest of justice.

2. Averment has been made in the OA that the applicant joined the respondents' Printing and Stationery Department as Distributor on compassionate ground on 24.04.1979 and was made Compositor in March, 1990. The next channel of promotion from the post of Compositor is to the post of Computer (Technician Grade III). The applicant sought permission from his department for appearing in the Matriculation Examination of Allahabad Board (U.P.) as a private candidate for the session 2001-2002 and

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acquired the qualification of Matriculation from the Hindi Sahitya Sammelan, Allahabad (Annexures A-2 and A-3 colly.)

3. Under the Rules called the Printing and Stationery Department, UT Chandigarh (Class IV) Industrial Service Rules, 2000 (Annexure A-4), the post of Computer (Technician Grade III) is to be filled up 100% by promotion failing which by direct recruitment and the promotion is to be made from amongst the Compositors having qualification of Matric subject to their having qualified the departmental test. The Government of India, Ministry of Education and Youth Services, New Delhi, vide Circular dated 18.02.1970 addressed to the Education Secretaries of all State Governments/UTs, duly informed that Prathma Examination of Hindi Sahitya Sammelan, Allahabad has been recognized as being equivalent to the Matriculation Examination. Vide Office Memorandum Dated 06.12.2012, the Government of India, Ministry of Human Resources Development has ultimately decided that all those students who are enrolled with the institutions with permanent recognition upto 31.05.2013 would be eligible for consideration in accordance with MHRD Office Memorandum/order in force

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pertaining to their course for equivalence in Central Government jobs. After 31.05.2013, based on the review by the AICTE, a decision on continuation of the certification of equivalence of degree/diploma shall be taken by statutory regulator. The respondent department scheduled the written test for the post of Computer (Technician Grade III) on 30.07.2013 for the applicant (Annexure A-6), but vide order dated 25.11.2013 (Annexure A-1), the applicant was informed that he had not been considered for promotion to the post of Computer (Technician Grade III) since under the Rules, the prescribed qualification was Matriculation and not its equivalent and his qualification certificate Prathama Pariksha is equivalent to Matric issued by the Hindi Sahitya Sammelan, Allahabad. However, one Sh. Raj Pal, Compositor who has the same qualification as applicant was promoted to the post of Computer (Technician Grade III) vide order dated 18.09.2012 subject to administrative decision regarding equivalence of Prathma Examination to Matric and vide order dated 26.12.2013 issued to the applicant, this condition was withdrawn in his case (Annexure A-7). *u* — .

4. It is further stated that in the case of Chandigarh Administration in L.P.A. No. 793 of 1995 decided on 25.01.2006 (Annexure A-8), the Jurisdictional Punjab and Haryana High Court also considered the similar issue and noticed the Circular dated 18.02.1970 of the Government of India, Ministry of Education and Youth Services, New Delhi and held that the order of reversion of the appellant therein could not have been made on the ground that the qualification of Prathma Examination was not equivalent to the Matriculation Standard. Hence this OA.

5. In the written statement filed on behalf of the respondents, it has been stated that the applicant acquired the qualification of Prathma (equivalent to Matric from the Hindi Sahitya Sammelan, Allahabad) and not matriculation qualification. Moreover, the applicant has himself stated that he sought the permission to appear in the Matriculation Examination to be held in March, 2002 by Allahabad Board (U.P.) vide orders dated 08.01.2002 issued vide Endorsement No. 11(50/2002/A&A/ECIII/12247-56) dated 9.1.2002 (Annexure R-4) but he has not appeared in the said Board and appeared in the Hindi Sahitya Sammelan, Allahabad which is not a recognized

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Education Board. As such, he has not acquired the qualification of Matric. He has acquired only Prathma (Equivalent to Matric) qualification which cannot be considered as Matric according to the Recruitment Rules where requisite qualification is only Matric and not its equivalent. Since the applicant possessed only Prathma (Equivalent to Matric) qualification he is not eligible for promotion to the post of Computer (Technician Grade III) for which requisite qualification is Matric only. The qualification of Prathma is equivalent to Matric but it cannot be considered Matriculation where the qualification of Matric only and not equivalent to Matric is required.

6. It has further been stated that Sh. Raj Pal, Compositor was promoted to the post of Computer (Technician Grade III) vide order dated 18.09.2012 on the basis of his qualification as Matric from Haryana School Education Board and not having the Prathma qualification, but due to pendency of this case regarding Prathma Priksha with the Secretary, Printing and Stationery, a condition was imposed in his promotion order regarding subject to administrative decision. On the rejection of the case vide order dated 23.10.2013 the condition with the decision was withdrawn. Reference has also

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been made to the judgement dated 18.11.2008 in LPA No. 409 of 2008 titled **Kamlesh Kanta Vs. Chief Secretary, Government of NCT of Delhi and Anr.** (Annexure R-6) in which the Hon'ble Court had held that it is for the authorities concerned and not the court to decide whether there is equivalence or not. It is not proper for the Court to encroach into the executive domain. The judiciary must exercise restraint in this connection (Annexure R-6).

7. No rejoinder has been filed on behalf of the applicant.

8. Arguments advanced by the learned counsel for the parties were heard when learned counsel for the applicant stated that the qualification of the applicant was equivalent to Matric. He referred to judgement dated 25.1.2006 in LPA No. 793 of 1995 titled **Dewan Singh Vs. UOI** (Annexure A-8), to support his contention that since the applicant had the qualification of Pratham and the same was equivalent to Matriculation, the applicant could not be denied consideration for promotion as Computer (Technician Grade III).

9. Learned counsel for the respondents stated that the applicant was allowed to appear in the Matriculation examination to be held in March, 2002 by Allahabad Board, UP as a private

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candidate for the Session 2001-02 (Annexure R-4). However, the applicant chose to appear for the Pratham examination of Hindi Sahitya Sammelan, Allahabad. He stated that Hindi Sahitya Sammelan, Allahabad was not a recognized Board and the qualification of Pratham was not Matriculation, even if it was treated to be equivalent to the Matriculation. As per the Recruitment Rules for the post of Computer (Technician Grade III), the educational qualification required was Matriculate and not qualification of Matric. Learned counsel further stated that it was clear from the written statement filed on behalf of the respondents that Sh. Raj Pal whose case has been cited by the applicant had the requisite qualification for promotion as Computer (Technician Grade III) and there was no irregularity regarding this promotion.

10. We have given our thoughtful consideration to the matter. The Recruitment Rules for the post of Computer (Technician Grade III), prescribe the qualification of Matriculation while the applicant had the qualification of Pratham from the Hindi Sahitya Sammelan, Allahabad. Hence, the respondent department has rightly held that the applicant was not eligible for the post of Computer (Technician Grade III) as he did not possess

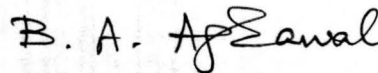
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the qualification of Matriculation. Therefore, there is no good reason for judicial interference in the impugned order dated 25.11.2012 (Annexure A-1). The OA is rejected. No costs.



(RAJWANT SANDHU)
MEMBER(A)



(DR. BRAHM A.AGRawal)
MEMBER(J)

Dated: 16.9.2015 .
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