

**Central Administrative Tribunal
Principal Bench: New Delhi**

OA No.1266/2016

Reserved on: 05.04.2016
Pronounced on: 08.04.2016

**Hon'ble Shri Sudhir Kumar, Member (A)
Hon'ble Shri Raj Vir Sharma, Member (J)**

Jai Kant
Aged about 23 years
S/o Shri Lala Ram
R/o Gram-Birsangwas,
Post- Balluwash,
Tehsil- Mundawar,
Distt- Alwar Rajasthan.

-Applicant

(By Advocate: Shri Saahila Lamba)

Versus

1. Union of India, Through the Secretary,
Ministry of Railways
543, Rail Board, Raisina Road,
New Delhi-110001.
2. The Assistant Personnel Officer
Railway Recruitment Cell
Northern Railway
543, Rail Board, Raisina Road,
New Delhi-110001.
3. The Chairman,
Railway Board
543, Rail Board, Raisina Road,
New Delhi-110001.

-Respondents

O R D E R

Per Sudhir Kumar, Member (A)

Heard the learned counsel for the applicant on the point of issuance of notice in the OA.

2. The brief facts of the case are that the applicant had passed in 2007 his District Level Board Class VIIIth Examination 2006-2007 from the District Education and Training Centre (DIET, in short), Alwar, Rajasthan, hiM being a resident of that District in Rajasthan (Annexure A-2 dated 13.04.2007). Thereafter, within one year thereafter, applicant claims to have participated in the ADEEB Examination conducted by an Organization namely, Jamia Urdu, Aligarh, Uttar Pradesh, in the year 2008, and passed the same, as per the Marks Sheet at Annexure A-3, which the applicant claims to be equivalent to Class X Board Examination, prior to withdrawal of its recognition by the Secondary Education Board, Rajasthan. The applicant has termed the action of the respondents in having rejected his candidature on the ground that his ADEEB Examination from Jamia Urdu, Aligarh, is not valid and equivalent to Class X Examination, as being most unfair and arbitrary. He has also submitted that while deciding the Writ Petition No.22797/1995 **Mohd. Istiaque Ansari vs. State of U.P.**, the Hon'ble Allahabad High Court had held that the Adibe-A-Mahir Examination conducted by the same Institution, Jamia Urdu, Aligarh, is valid for the purpose of employment in Central Government, as it has been recognized as equivalent to the Class XII Intermediate standard Examination, as held by the Hon'ble Apex Court in **Syed Ahmed vs. Secretary, Ministry of Health & Family Welfare and Others: (1997) 11 SCC 529**, and as also held by another Bench of the Hon'ble Allahabad High Court in the case of **Saleem Ahamed vs. State of U.P.** in Writ Petition No. 15777/1996 decided on 05.07.2007.

3. The applicant has, therefore, sought quashing of the impugned communication dated 30.12.2015 (Annexure A-1) through which the respondents have held him to be ineligible on account of his educational qualification being from a Board not recognized for appointment in Railways.

4. After having heard the arguments of learned counsel for the applicant, we find that after his having passed his VIIIth Class Examination in 2007 from the State of Rajasthan, he appears to have obtained the qualification of ADEEB 2008 from Jamia Urdu, Aligarh, through the examination conducted in August, 2009, and the one single Marks Sheet dated 26.11.2009, and the Certificate dated 20.03.2013 have been annexed at pages 13 & 14 of the OA at Annexure A-3 (Colly). Thereafter, he obtained a Migration Certificate from the said Jamia Urdu, Aligarh, in the year 2009 (date not clear), and had appeared at the Senior Secondary Examination-2011 of the Board of Secondary Education, Rajasthan, the Marks Sheet of which dated 07.06.2011, and the eligibility certificate for which have been annexed by him at Annexure A-4 (Colly). Thereafter, he went on to compete Rajasthan State Certificate Information Technology (RS-CIT) in the University Examination held in August, 2013 by the Rajasthan Knowledge Corporation Limited as per the Certificate dated 07.09.2013 (Annexure A-5), which appears to have been issued from Vardhaman Mahaveer Open University, Kota. Simultaneously, he has obtained a Bachelor of Arts Degree from the

Rajasthan University, Jaipur at the examination held in the year 2014, through the Degree Certificate dated 15.05.2015 annexed at Annexure A-6.

5. In so far as higher education is concerned, as per the law settled by the Hon'ble Apex Court in the cases of **Prof. Yashpal v. State of Chhattisgarh, (2005) 5 SCC 420, 441, 443: AIR 2005 SC 2026**, relying on **Gujarat University v. Krishna Ramganath Mudholkar, 1963 Supp (1) SCR 112 : AIR 1963 SC 703**, and **Osmania University Teachers' Assn. v. State of A.P. (1987) 4 SCC 671: AIR 1987 SC 2034**, it is the exclusive responsibility of the Central Government to determine the standards for higher education, and the same should not be lowered at the hands of any particular State, as it is of great importance to national process. However, as the Entry No.25 in List III of Schedule VII of the Constitution of India now stands, after the amendment brought about through the 42nd Amendment of the Constitution in the year 1976, education up to the Primary and Secondary Education levels is in the exclusive domain of the State Governments concerned.

6. The applicant has himself submitted that the Rajasthan Board has since withdrawn the recognition which it had earlier granted to the ADEEB Examination conducted by Jamia Urdu, Aligarh, as being equivalent to Class-X Examination of the Rajasthan Board.

7. Therefore, *prima-facie*, it appears that the respondents are right in having concluded that the applicant had passed an Examination which he claims to be equivalent to Class-X Examination of the Board of Secondary Education, Rajasthan, from an Institution, which is not recognized as such by the Rajasthan Board of Secondary Education.

8. It is also seen that the judgment of the Hon'ble Allahabad High Court annexed at Annexure A-11 pertained to a candidate of the State of Uttar Pradesh, and to the next higher level examination of a Adibe-A-Mahir, conducted by the same Institution Jamia Urdu, Aligarh, and that that judgment did not anywhere declare that the ADEEB Examination of the said Institution Jamia Urdu, Aligarh, was in any manner equivalent to Class-X of the Madhyamik Shiksha Board of even the State of Uttar Pradesh. The applicant's case does not relate to Adibe-A-Mahir Examination, but rather relates to ADEEB Examination only, regarding which lower qualification no ratio has been laid down, and no findings have been arrived at by either the Hon'ble Allahabad High Court, or by the Hon'ble Apex Court in **Syed Ahmed** (supra), and in **Saleem Ahmed** (supra).

9. Also, neither from the single marks sheet as annexed by the applicant at page 13 of the paper-book, and nor from the certified English Translation dated 20.03.2013 at page 14 of the paper-book, both at Annexure A-3 Colly, it is clear in any manner whatsoever that the ADEEB 2008 Examination, held in August, 2009, was after studies

spread over two years, which may be equated to Classes IX and X respectively, or as to whether it was a single examination for ADEEB 2008 batch, held in August, 2009, after only one year of studies, when it certainly cannot be equated with two years of studies, for Classes IX and X, as recognized for other secondary level educational institutions by the Board of Secondary Education, Rajasthan. Even the Migration Certificate (date not clear) at page 15 of the paper-book, issued by Jamia Urdu, Aligarh, does not disclose the date of the applicant joining that institution for his studies, or that he had indeed studied for two years with that institution.

10. As a result, we do not find that the present OA has any merit, and, therefore, reject the O.A. *in limine*, at the stage of admission itself.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

cc.