

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

OA No.1505/2012

Reserved on :19.07.2016
Pronounced on:15.11.2016

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

Manoj Kumar Dhirania,
S/o Shri Ishwar Chandra,
R/o F-59, Street No.6,
Wazirabad, Delhi-110084.

...Applicant.

(By Advocate:Shri Venkita Subhramaniam T.R)

Versus

1. Staff Selection Commission
Through Regional Director (NR)
Block No.12, CGO Complex,
Lodhi Road, New Delhi-110054.

2. Ministry of Defence,
Through its Secretary,
South Block, New Delhi.

3. Union of India,
Through Secretary,
Department of Official Language,
Ministry of Home Affairs,
North Block, New Delhi. ...Respondents.

(By Advocate: Shri S.M.Arif for R-1 &
Shri B.K.Berara for R-2 & R-3)

ORDER

Per Sudhir Kumar, Member (A):

The applicant had first filed the present OA on 04.05.2012, and dasti notices were issued on 07.05.2012. Soon thereafter,

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the applicant filed MA No.1318/2012, praying for amendment of the OA, and seeking permission to add facts at Para 4.20A and Para 5.26, and substitution of the prayer clause and amendment in the Memo of Parties.

2. The said MA was allowed on 11.05.2012, and the amended OA were ordered to be taken on record. Learned counsel for the Respondent No.1 had accepted notice, and notices were issued to Respondent Nos. 2 and 3, and, by way of interim direction, it was ordered that any appointment made to the post of Hindi Translator in the Ministry of Defence, or in the Central Secretariat Official Language Service (CSOLS, in short) to the post of Hindi Translator, shall be subject to the outcome of this OA.

3. Vide order dated 02.05.2013, this OA was ordered to be listed for final hearing, as the pleadings were completed. However, on 24.04.2014, learned counsel for the Respondent No.2 had sought time to file an additional affidavit, indicating the vacancy position (State-wise) for the posts of Junior Translators (CSOLS)/Junior Hindi Translators (in Subordinate Offices) in the Ministry of Defence, and to bring on record as to whether the applicant had applied in the prescribed form. Time was granted to the Respondent No.2 to file such additional affidavit. The applicant, thereafter, changed his counsel on 09.09.2015, and the

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case was finally heard, and reserved for orders on 19.07.2016. Written submissions were submitted on behalf of the applicant one week thereafter, i.e. on 25.07.2016.

4. The Advertisement Notice published in the "Employment News" dated 24/30.09.2011 had invited applications for various posts, including Junior Translators (CSOLSSs)/Junior Hindi Translators (in Subordinate Offices) in the Ministry of Defence and Hindi Pradhyapak (CHTI) etc. Examination 2011. At that time, the applicant was working as a Junior Court Assistant in the Hon'ble Supreme Court, and had applied in response to the said advertisement, through proper channel. In the advertisement itself, the candidates were advised to go through the requirement of educational qualifications prescribed for different posts, and to satisfy themselves that they were eligible for the said posts, and the applicant had satisfied himself about the criteria specified in the advertisement. He was called for appearing at the written examination which he successfully qualified. He was then called for the interview, at which also he performed well. The Respondent No.1-Staff Selection Commission (SSC, in short) thereafter declared the final result for recruitment to various posts on 27.03.2012, through which he learned that 1657 candidates had qualified in Paper-I, and, finally, on the basis of

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total marks in Papers-I and II, 720 candidates had qualified for appearing at the interviews.

5. Since he belonged to the Scheduled Caste reserved category, the applicant has submitted that he was entitled to be considered against the quota for reserved category. In the combined results of the examination as published, the applicant's name was shown at Sl.No.279, along with the marks obtained by him the written papers, as well as in the interview, under the SC category (Category-I). He had scored 96.50 marks in Paper-I, 132 marks in the paper-II, and 40 marks in the interview.

6. The issue involved in this case, however, relates to his possessing the prescribed qualifications. In the advertisement concerned, the essential qualifications were prescribed as follows:

"4.10. That the qualifications for the post of Junior/Senior Translator (in Ministry of Defence) were prescribed in the advertisement dated 24-30.09.2011 as under:

(i) Master's degree of a recognized university in Hindi with English as a compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognized university in English with Hindi as a compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognized university in any subject other than Hindi or English, with Hindi or English medium and English or Hindi as a

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compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognized university in any subject other than Hindi or English, with Hindi or English as a compulsory or elective subject or either of the two medium of examination and the other as a compulsory or elective subject at the degree level; or

(ii) Recognized Diploma or certificate course in translation from Hindi to English and vice versa or two years' experience of translation work from Hindi to English and vice versa in Central or State Govt. Offices, including Govt. of India undertakings.

Note-1: Qualification are relaxable for reasons to be recorded at the discretion of the Staff Selection Commission or competent authority in case of candidates otherwise well qualified.

Note-2: The qualification regarding experience are relaxable at the discretion of the Staff Selection Commission in the case of candidate belonging to the Scheduled Caste or the Scheduled Tribe if, at any stage of selection, the Staff Selection Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

DESIRABLE:

(i) Knowledge at the level of Matriculation (Tenth Standard) of a recognized Board of one of the language other than Hindi mentioned in the 8th Schedule of the Constitution.

(ii) Degree in translation from Hindi to English and vice versa from any recognized University or equivalent."

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7. For the posts of Junior Translator (CSOLs), the qualifications prescribed were as follows:

"I (a) Master's degree of a recognized university or equivalent in Hindi or English with English or Hindi as a compulsory or elective subject or as medium of examination at the degree level

OR

(b) Master's degree of a recognized or equivalent in any subject other than Hindi or English with Hindi or English medium and English or Hindi as a compulsory or elective subject or as a medium of examination at the degree level

OR

(c) Master's degree of a recognized university or equivalent in any subject other than Hindi or English with Hindi or English as a compulsory or elective subject or either of the two as medium of examination and the other as a compulsory or elective at the degree level

AND

II. Recognized Diploma or certificate course in Translation from Hindi to English and vice versa OR Two years experience of translation work from Hindi to English and vice versa in Central or State Government Offices including Government of India undertakings.

DESIRABLE:

(i) Knowledge at the level of Matriculation of a recognized Board of one of the language other than Hindi mentioned in the Eight Schedule of the Constitution.

(ii) Degree in translation from Hindi to English and vice versa from any recognized University.

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Note: For candidates with 55% and above in EQ-I, EQ-II is relaxable at the discretion of the Commission."

8. The applicant has submitted that he could have checked his eligibility only qua the essential and desirable qualifications, as mentioned in the advertisement published in the "Employment News". However, he later came to know that much after the selection process was over, the Respondent No.1-SSC had issued a Corrigendum on 24.03.2012, stating that there was a printing error in the essential qualifications for the posts of Junior/Senior Translators in the Ministry of Defence, a copy of which has been annexed at Annexure A-5, in which it was stated as follows:

"CORRIGENDUM

F. No.3/15/2011P&P(Pt.) candidate may please refer to the Notice published in the Employment News/Rozgar Samachar on 24-30 September, 2011. There was a printing error in the EQ for the post of Senior Translators and Junior Translator in Ministry of Defence in Para 5 of the Notice which may now be read as below:-

For

For junior/Senior Translator
(in Ministry of Defence)

Read

For Senior and Junior Translator
(in Ministry of Defence)

(i) Master's degree of a recognized University in Hindi with English as a compulsory or elective subject or as a medium of examination at the degree level; or

Master's degree or a recognized University in English with Hindi as compulsory or elective subject or as a medium of examination at degree level; or

Master's degree of a recognized University in any subject other than Hindi or English, with Hindi or English medium and English or Hindi as a compulsory or elective subject or as a medium of examination at degree level ; or

Master's degree of a recognised university in any subject other than Hindi or English with Hindi or English as a compulsory or elective subject or either of the two medium of examination and the other as a compulsory or elective subject at degree level; **OR**

(ii) Recognized Diploma or certificate course in translation from Hindi to English and vice versa or two year's experience of translation work from Hindi to English and vice versa in Central or State Govt. Offices, including Govt. of India Undertakings".

(i) Master's degree of recognised University in Hindi with English as a compulsory or elective subject or as medium of examination at the degree level ;Or

Master's degree of a recognised University in English with Hindi as a compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognised university in any subject other than Hindi or English, with Hindi or English medium and English or Hindi as a compulsory or elective subject or as medium of examination at degree level; or

Master's degree of a recognised university in any subject other than Hindi or English with Hindi and English as compulsory or elective subjects or either of the two medium of examination and the other as a compulsory or elective subject at the degree level

AND

(ii) Recognized Diploma or certificate course in translation from Hindi to English and vice-versa or two year' experience of translation work from Hindi to English and vice-versa in Central or State Government offices, including Government of India Undertakings.

9. The applicant has submitted that the Corrigendum, which had been issued by the SSC, was neither in accordance with the qualifications specified in the advertisement, nor was it in accordance with the RRs for the said posts, and by issuing this

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Corrigendum dated 24.03.2012, the respondents had illegally attempted to change the required qualifications for the concerned posts, and had, thereby, affected adversely the interests and rights of the applicant, adversely denied because of which, while he was otherwise declared successful, he has been denied further consideration of his candidature for appointment, because of the change in qualifications for the posts brought about through the above corrigendum.

10. In order to buttress his arguments, the applicant had produced a copy of the RRs for the posts of Junior Translators in the Ministry of Defence at Annexure A-6, in which SRO 59 dated 22.04.2004 prescribes the qualifications for the posts of Junior Translator (English/Hindi). The applicant had pointed out that the requirement in Para-(ii) of the Corrigendum, prescribing as essential qualification of a recognized Diploma or Certificate Course in translation from Hindi to English and vice versa, or two year's experience of translation work from Hindi to English and vice versa, in any Central/State Government Offices, including Government of India Undertakings, was not a part of the RRs 2000, even as per the entries in Column 8, as at Annexure A-6.

11. He has alleged that the Corrigendum advertisement was erroneous, faulty and illegal, as no deviation from the

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qualifications as mentioned in the RRs could have been prescribed, and this corrigendum was issued only to amend the essential qualifications for the posts of Junior Translators in the Ministry of Defence, while no change was effected in the qualifications for the posts of Junior Translators (CSOLs). He has submitted that when the final result of the examination in question was published, the applicant's name and roll number did not figure in the list of selected candidates. Another list of selected candidates was subsequently recommended for appointment was also issued, wherein also the name of the applicant was missing, which the applicant alleged to have happened due to the illegal change in the eligibility qualifications made through the Corrigendum. He has, therefore, alleged that the respondents have selected the candidates in an unfair and illegal manner, and the candidates with lesser marks than him have been selected, while the deserving candidates like him, have been left out. He has, therefore, prayed that he deserves to be appointed against both the posts of Junior Translator in the Ministry of Defence and Junior Translator (CSOLS), with effect from the same date, when a person, who possessed lower marks than him, had been already appointed on the same post.

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12. The applicant has claimed that as per Annexure A-8, when the last selected SC candidate for the post of Junior Translator in the Ministry of Defence has got 234.50 marks, and the Junior Translator in CSOLS has got 237.25 marks, while he has obtained 268.75 marks, he deserves to be appointed against both the posts of Junior Translator in the Ministry of Defence, and Junior Translator in CSOLS, with all consequential benefits, like seniority, pay protection etc. It was submitted that the respondents had committed a grave error in issuing a corrigendum just three days before the declaration of the final result, and that this was done with *malafide* intention to give advantage to their favourite candidates applicants. He has submitted that he is not challenging the selection process as a whole, but he is only seeking his appointment either to the post of Junior Translator in the Ministry of Defence, or to the post of Junior Translator in the CSOLS, since he has scored more marks than the last selected candidates in the open competitive examination, and, therefore, he is fit and eligible, as per the qualifications mentioned in the advertisement, the corrigendum, and the RRs. He has, therefore, submitted that he will suffer irreparable loss, if he is not appointed to the posts in question, because this was the last chance for him to appear at such an examination, as he will thereafter become overage to take such competitive

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examinations. He had represented to the respondents in this regard on 20.04.2012, but got no immediate response from them, and the present OA had been filed on 04.05.2012, soon after his having represented in this regard.

13. He has taken the ground that the respondents have illegally changed the eligibility conditions, including the essential educational qualifications, for the post of Junior Translator in the Ministry of Defence, and that they could not have changed the conditions of essential educational qualifications, as were contained in the advertisement, against which he had applied. He has taken the further ground that the respondents could not have made any changes in the educational qualifications/essential qualifications in violation of the RRs for the said posts, and that he completely meets all the essential qualifications prescribed both for the post of Junior Translator in the Ministry of Defence, and for the posts of Junior Translator in CSOLS, and since he had scored more marks than the last candidate selected in the SC category, he deserves to be appointed on the said posts.

14. He has taken the further ground that he was not at all at fault, as he had applied for the said posts in response to the advertisement, as had been brought out by the respondents, according to which he was fully eligible for the posts mentioned

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therein. He has taken the further ground that no objection had been raised by the respondents at that point of time to the details of his educational qualifications, as mentioned by him, which has application had been scrutinized by the respondents carefully even before issuing the admit card to him for taking the examination. After his having taken the written examination, the answer-sheet had also been checked, and he had been found fit for the interviews held for the said posts, at which interview also his performance was excellent.

15. He has further submitted that even if the corrigendum had contained the same educational qualifications, as had been mentioned in the advertisement, his qualifications still matched the same. He had alleged that the respondents have illegally converted the word "OR" into "AND" in the corrigendum, which was not only in violation of the RRs for the said posts, but also against the qualifications mentioned in the original advertisement against which he had applied, and that the respondents could not have converted "OR" into "AND".

16. He has taken the further ground that by merely changing the word "OR" into "AND", the entire meaning and impact of the required educational qualifications had undergone a change. He has taken the further ground that any change in the RRs, or

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conditions, whether in respect of essential or desirable qualifications, can only take effect prospectively, and it cannot apply for the examination which has already been conducted to fill up the earlier notified vacancies. He has further taken the ground that no prejudice will be caused to anybody else, if the respondents are directed to appoint him to any of the two categories of posts, as he has a right to be so appointed, on the basis of marks obtained by him on his own merit in the open competitive examination, and the interview. He has taken the further ground that denial of his appointment would be unfair, illegal and in violation of the principles of natural justice, and would also violate his fundamental rights to be considered fairly by the State for appointment to a Government post.

17. It was further submitted that the Respondent-Authority is a State, and the State is duty bound to act fairly, and in a transparent manner, and to select the best candidates in respective categories, on the basis of merit alone, and the Recruiting Authorities cannot act in violation of the RRs. He has taken the further ground that the Respondent No.1-SSC is taking a contradictory stand, and on the one hand, a corrigendum has been issued, modifying the qualifications published in the advertisement, and on the other hand, it has been stated that the

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Commission is examining relaxation of qualifications for posts with codes "A" & "E". He has, therefore, submitted that the whole procedure had been conducted with *malafide* intentions, and that the Respondent No.1-SSC should have strongly struck to its conditions, and Academic Qualifications as had been mentioned in the advertisement, and in the RRs. He had claimed that the action of the respondents in not appointing him, even though he had obtained more marks in the open competition examination than the last selected candidate in the SC category, was illegal, and in violation of his fundamental rights. In the result, the applicant had prayed for the following reliefs:

- "(a) The respondents be directed to consider and appoint the applicant to the post of Junior Hindi Translator on the basis of the marks obtained by him and on the basis of essential qualifications as contained in the advertisement.
- (b) The respondents may be directed to ignore the amended essential qualifications to the extent they are in violation of the recruitment rules.
- (b) The respondents may be directed to ignore the amended essential qualifications to the extent they are in violation of the recruitment rules.
- (c) The respondents may be directed to appoint the applicant with all consequential benefits including seniority, pay fixation.
- (d) To allow any other relief this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, and in order to meet the ends of justice.

18. The Respondent No.3 had first filed a short reply on 20.07.2012. It was submitted therein that the Department of Official Language –Respondent No.3 is the Cadre Controlling Authority for appointment of Junior Hindi Translators under CSOLS, and had intimated a number of vacancies to the Respondent No.1-SSC, which holds a joint examination in respect of Junior Hindi Translators and Senior Hindi Translators for (i) CSOLS Cadre being managed by the Department of Official Language, under which Junior Hindi Translators are posted in different Ministeries/Departments, and their attached offices; (ii) Subordinate Offices; and (iii) Ministry of Defence, for its various organizations. It was further submitted that though the examination is held jointly for all the categories of posts, the qualifications and other conditions in respect of those posts may vary, as per the concerned RRs. The Respondent No.3 had no information about the applicant taking the examination, and the marks obtained by him, and the reasons the Respondent No.1-SSC for not declaring him successful, and had submitted that if the Respondent No.1-SSC had declared him successful, they would have considered his name for appointment as Junior Hindi Translator.

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19. The counter reply on behalf of the Respondent No.1 had been filed on 11.03.2013. It was submitted therein that though the applicant had applied for the said posts, he was not finally selected for any of the posts, as he was having lesser marks than the last recommended candidate, except in reference to his preference "B", in which the posts were notified for the States of Maharashtra, and Tamilnadu. It was pointed out that the applicant had not at all opted for the said States.

20. It was also submitted that the applicant was not having the requisite essential/desirable qualifications, as per the Notice of the Examination issued by the Respondent No.1. They had admitted regarding issuance of Corrigendum, vide which, an earlier printing error in the educational qualifications for the posts of Senior Translator and Junior Translator in the Ministry of Defence in Para-5 of the Notice had been corrected, as per the table already reproduced above.

21. It was thereafter submitted that as per the Corrigendum issued in respect of the educational qualifications, since the present applicant did not possess Diploma or Certificate Course in Translation from Hindi to English, and vice versa, or two years, experience of translation work from Hindi to English, and vice versa, in any Central /State Government Offices, including

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Government of India Undertakings, therefore, he was held to be not eligible for the Post Preferences - A, C & D. It was further submitted that he was not even eligible for the Post Preference E, as he did not possess two years' experience of teaching Hindi at Senior Secondary Level, and there was no mention regarding EQ for the Post Preference - F. However, it was submitted that the applicant was only eligible for the Post Preference B, i.e., Junior Hindi Translator in the Subordinate Offices, that too in the States of Maharashtra & Tamil Nadu, for which States he had not opted at all.

22. It was submitted that though he was eligible for the Post Preference -B, his name could not be included in the final select list also because he had scored lesser marks than the last selected candidates for his other opted States, i.e. 294.50 marks. A copy of the final result had been produced by the respondent at R-III, which was the same as Annexure A-8 produced by the applicant, in which the distribution of posts of Junior Translators (Subordinate Offices) Preference - B had been indicated State-wise, for the States of Andhra Pradesh, Delhi Goa, Gujarat, Kerala, Madhya Pradesh, Maharashtra and Tamil Nadu. It was further submitted that there was no vacancy under Post Preference "F", and the applicant also did

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not possess the qualifications in respect of that Post Preference "F".

23. It was, therefore, submitted that as per the Notice of the Examination, since the applicant did not possess the requisite qualifications prescribed in the Notification, i.e., Diploma or Certificate Course in Translation from Hindi to English, and vice versa, in any Central or State Government Offices, including Government of India Undertakings, as per the Notice of the Examination, he was not found eligible for the post of Junior Hindi Translator in the Ministry of Defence (Preference D) also, and he was not eligible for the Post Preference "E", as he did not possess two years' experience in teaching Hindi at the Senior Secondary Level.

24. It was, therefore, submitted that thus the applicant was not eligible to be considered against any of the posts under Preferences "A" to "F", and his name was not included in the final select list against any of the vacancies. The same aspect had been repeated in regard to para-wise replies also, and it was submitted that it had been already clearly notified that the SSC does not undertake any detailed scrutiny of the applications, for considering the eligibility and other aspects, at

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the time of issuance of Hall Tickets for the written examination, and, therefore, all the applications are always accepted only provisionally, though the supporting documents should, however, be sent along with the applications, and, when the scrutiny of documents is undertaken, if any claim made in the application is not found substantiated, the candidature of such candidates will be cancelled, and the Commission's decision will be final.

25. It was, therefore, submitted that the claim of the applicant that his application had been scrutinized, and only after that he was allowed to appear in the examination, was incorrect, and that his application was not scrutinized before, and all the candidates were admitted to take the examination only provisional basis, throughout the selection process.

26. It was further submitted that the Respondent No.1-SSC had issued a corrigendum stating that a typographical error had occurred at the time of Publication of Notice of the Examination, and it was done before issuing the final results. It was, therefore, submitted that the applicant has no case, and he is not entitled to any indulgence of this Tribunal, and the interim order granted on 11.05.2012 ought to be vacated. It was,

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therefore, further submitted that the OA is liable to be dismissed.

27. A copy of the Instructions to the candidates had been filed through Annexure R-I, and a copy of the Corrigendum had also been filed through Annexure R-II, and a copy of Annexure A-8 was again annexed at Annexure R-III.

28. The applicant filed his rejoinder on 01.05.2013, more or less reiterating his contentions, as already made out in the O.A., and alleged that the respondents could not have issued a Corrigendum after two years of the advertisement, by replacing the word "OR" with "AND", and that later on in 2013 also, they had committed the same mistake. It was denied that the applicant was eligible only for the Post Preference "B", i.e. Junior Hindi Translator in the Subordinate Offices. It was reiterated that the advertisement for the posts of Junior Hindi Translators in CSOLS mentioned the educational qualifications which are against the RRs for the said post. It was submitted that initially the advertisement had reflected the essential qualifications correctly for the post of Junior Hindi Translator in the Ministry of Defence. But later on, just three days prior to declaration of the final result, the impugned corrigendum was issued, whereby the respondents have committed an illegality,

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and changed the educational qualifications materially, which has resulted in eligible candidates becoming ineligible, and vice versa.

29. It was submitted that the respondents could not have replaced the word "OR" with "AND" in their own whimsical manner, as they have done, and introduction of the word "OR" with "AND" through a corrigendum had changed the entire criteria for determining the eligibility of all candidates. It was admitted that the applicant possessed the qualifications, as published in the original advertisement, and did not possess the qualifications, as mentioned in the corrigendum.

30. It was submitted that since he had otherwise made the grade by obtaining more marks than the last selected candidate, he expected his selection, which was, however, denied to him because of the corrigendum issued belatedly. It was submitted that the scrutiny of the applications should have been done in advance strictly, as per the terms of the advertisement, which had correctly reflected the terms of eligibility, and if respondents were to conduct scrutiny on any other changed parameter, the candidates had to be put to reasonable notice, which had not been done in the instant case,

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as that should have been done before the last date of submission of application forms, so that a candidate could see before applying as to whether he is eligible or not.

31. It was submitted that if as per the changed criteria a candidate could have determined his eligibility, he would have been chosen either to apply or not. It was submitted that in the instant case, the corrigendum had been issued after preparation of the results, but before its declaration, which amounts to each candidate having paid certain amount of prescribed fee, and if the respondents were to harass the candidates in such a manner, then it would have been better that the respondents ought to have cancelled the examination, and advertised the posts afresh.

32. It was denied that the candidature of the applicant was provisional even till the last date, and that it was subject to arbitrary, whimsical and unfair decisions of the respondents. It was reiterated that the applicant possessed the requisite qualifications, as per the RRs for the post of Junior Hindi Translator in CSOLS Preference "A", and that he was well within the cut-off marks, and that he was also eligible for inclusion of his name in the Select List for the post of Junior Hindi Translator in the Ministry of Defence under Preference "C" & "D", as he

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fulfilled all the requisite qualifications, and that the amended qualifications mentioned in the corrigendum were illegal, bad and not in accordance with the RRs. It was denied that it was a merely printing mistake, since the respondents had even issued a subsequent advertisement, exactly as contained in the un-amended initial advertisement. It was, therefore, submitted that the applicant is fully eligible for the post of Junior Hindi Translator in CSOLS, and also in the Ministry of Defence under Preferences "A" & "D", and, therefore, he cannot be denied selection and appointment on the ground of any error, which may have crept in while issuing the initial advertisement. It was, therefore, prayed that the reliefs sought in the O.A. may be granted.

33. A short reply was filed on behalf of the Respondent No.2 on 09.10.2014, denying the averments made by the applicant in the OA. It was submitted that the entire basis of the OA was that there had been a violation of the RRs, which is flawed, since the applicant has quoted SRO 59 dated 22.04.2004, being applicable to the Ministry of Defence, Armed Forces Headquarters and Inter Service Organization, Junior Translator (English/Hindi) Recruitment (Amendment) Rules, 2004. It was submitted that the said corrigendum, issued by the SSC, was

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actually based upon the SRO 96 dated 15.12.2008 applicable to the Armed Forces Headquarters, Official Language Service (Group 'A' and 'B' posts) Recruitment Rules 2008. It was submitted that the minimum educational qualifications, experience and age limit for direct recruitment for the posts of Junior Translator (English or Hindi) of the Armed Forces Headquarters, Official Language Service (Group 'B' Posts) were given in Schedule VI of the said Rules dated 15.12.2008, and the Corrigendum was correctly issued. A copy of the said SRO 96 dated 15.12.2008 had been produced through this counter reply. It was further submitted that though a joint examination was held by the SSC for both the posts, the qualifications and other conditions may vary, as per their RRs, and that the respondent-Ministry of Defence could have considered the name of the applicant for appointment as Junior Hindi Translator only if he had been declared as a successful candidate after fulfilment of eligibility conditions, prescribed in the RRs, vide SRO 96 dated 15.12.2008.

34. Heard. It is seen from page 140 of the Paper Book of the OA that in respect of Junior Hindi Translator (English or Hindi) in Schedule IV under 5th Pay Commission in the pay scale of

Rs.5500-175-9000, the method of recruitment had been prescribed as follows:

“6. Junior Translator (English or Hindi Rs.5500-175-9000)	Direct Recruitment Not applicable Note-I: vacancies caused by the Incumbent being away on deputation or long illness or study leave or or other circumstances or a duration of one year or more may be filled on deputation basis from other officers of Central Government.
	<p>(a) (i) Holding analogous Post on regular basis in the Parent cadre or department; or.</p> <p>(ii) having three years service in the grade rendered after appointment thereto on regular basis in the scale of Rs.5000-8000/- or equivalent in the parent cadre or department;</p> <p>(iii) having ten years service in the grade rendered after appointment thereto on regular basis in the scale of Rs.4000-6000/- or equivalent in the parent cadre or department; and</p> <p>(iv) possessing educational Qualifications and experience Prescribed for direct Recruitment as laid down in Schedule-VI.</p>

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35. It is further seen from Schedule VI annexed with the short reply filed by Respondent No.2, that the word "and" did occur at the appropriate place with effect from 15.12.2008, since the minimum educational qualifications, other qualifications and experience, including Note-I and Note-II, were prescribed as follows:

"4.10. That the qualifications for the post of Junior/Senior Translator (in Ministry of Defence) were prescribed in the advertisement dated 24-30.09.2011 as under:

(i) Master's degree of a recognized university in Hindi with English as a compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognized university in English with Hindi as a compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognized university in any subject other than Hindi or English, with Hindi or English medium and English or Hindi as a compulsory or elective subject or as medium of examination at the degree level; or

Master's degree of a recognized university in any subject other than Hindi or English, with Hindi or English as a compulsory or elective subject or either of the two medium of examination and the other as a compulsory or elective subject at the degree level; and

(ii) Recognized Diploma or certificate course in translation from Hindi to English and vice versa or two years' experience of translation work from Hindi to English and vice versa in Central or State Govt. Offices, including Govt. of India undertakings.

Note-1: Qualification are relaxable for reasons to be recorded at the discretion of the Staff Selection

Commission or competent authority in case of candidates otherwise well qualified.

Note-2: The qualification regarding experience are relaxable at the discretion of the Staff Selection Commission in the case of candidate belonging to the Scheduled Caste or the Scheduled Tribe if, at any stage of selection, the Staff Selection Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

DESIRABLE:

- (i) Knowledge at the level of Matriculation (Tenth Standard) of a recognized Board of one of the language other than Hindi mentioned in the 8th Schedule of the Constitution.
- (ii) Degree in translation from Hindi to English and vice versa from any recognized University or equivalent."

36. Learned counsel for the applicant had submitted his written arguments in advance on 19.08.2014, trying to take shelter behind the RRs for the post of Junior Hindi Translator notified on 22.04.2004 of the Ministry of Defence, at Annexure A-6, in which SRO 59 dated 22.04.2004 prescribes the qualification for the post of Junior Translator (English/Hindi).

37. After the arguments had been completed, the new counsel for the applicant had also filed another set of written submissions on 25.07.2016, which have also been gone through by us. It is seen that the entire case of the applicant rests on his understanding of the RRs concerned, which had been

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wrongly notified in the "Employment News" dated September 2011, as those RRs were applicable to the posts of Junior Translators, as they had been prescribed through DoP&T OM dated 31.12.2010 at Annexure A-6, giving details of the SRO, and the RRs for the post of Junior Hindi Translator, and in respect of Senior Hindi Translator, as produced by him at running pages 64-66 of the OA.

38. It is seen that these RRs, on which the applicant has placed reliance, were applicable to the General Central Service, Group "C", Non-Gazetted, Non-Ministerial Posts of Junior Hindi Translators and Senior Hindi Translators. Even during his arguments, the learned counsel for the applicant could not deny the submission of the respondents that the Ministry of Defence's Notification SRO 96 dated 15.12.2008, issued in exercise of the powers conferred by the proviso to Article 309 of the Constitution, and the Rules called the Armed Forces Headquarters, Official Language Service (Group 'A' and 'B' posts) Recruitment Rules 2008, were not applicable to the relevant recruitment.

39. When the applicant was seeking appointment to the Armed Forces Headquarters Official Language Service, the constitution

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of which had been given under Rule 3 of the said Rules dated 15.12.2008, and the required qualifications for various grades of posts under which were prescribed through Schedule IV under rule 7(i) and Schedule VI issued, as reproduced above, we find that the respondents were fully within their rights to correct the clerical mistake which had crept in while inviting applications for the posts concerned, and that the RRs Notified through SRO 96 dated 15.12.2008 were fully applicable to the posts concerned, which included the word "AND". Therefore, the applicant cannot be allowed to submit that the Corrigendum had been issued by the respondents in a *malafide* manner, and that the RRs did not exist in that form earlier, when the word "AND" was very much present in the Schedule VI of the relevant RRs dated 15.12.2008. It is settled law that in case of a conflict in between the RRs and the Advertisement as brought out for recruitments to any posts, the RRs must prevail.

40. In the result, we find no merit in the OA, and it is dismissed, but there shall be no order as to costs.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/

