

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**OA NO.2123/2016
&
OA NO.2126/2016**

New Delhi this the 9th day of December, 2016

**HON'BLE MR V.N. GAUR, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)**

OA NO.2123/2016

Ms. Manju Rani, age about 31 years,
D/o Shri Bhoop Singh (Roll No.69000059),
R/o Vill. Pochanpur, P.O Dhulsiras,
Dwarka Sec.23,
New Delhi-110077. ...Applicant

(By Advocate: Mr. B.K. Berera)

VERSUS

1. Govt. of NCT of Delhi
through the Chief Secretary,
Delhi Secretariat, Players Building,
New Delhi.
2. The Secretary,
Delhi Subordinate Service Selection Board,
Govt. of NCT of Delhi,
FC-18, Institutional Area, Karkardoma,
Delhi-110092.
3. The Secretary,
Directorate of Education,
Old Sectt., Govt. of NCT of Delhi,
Delhi -110054. ...Respondents

(By Advocate: Ms. Sumedha Sharma)

OA NO.2126/2016

Ms. Usha Rani, aged about 31 years,

D/o Shri Braham Dev (Roll No.69004081),
 R/o H.No.15, Nawada Village,
 Near Govt. Dispensary, Uttam Nagar,
 New Delhi-110059. ...Applicant

(By Advocate: Mr. B.K. Berera)

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 Delhi -110054. ...Respondents

(By Advocate: Ms. Sangeeta Tomar)

ORDER (Oral)

DR BRAHM AVTAR AGRAWAL, MEMBER (J):

The applicants in the above two OAs had applied in the OBC category for the post of 'Librarian' in the Directorate of Education, vide the Advertisement No.01/13 [Post Code:02/13; No. of Vacancies : 113] (Annexure A-3). They qualified the written examination held on 31.08.2014 by securing 95.75 and 87.50 marks, respectively, as against the cut-off of 73 marks. However, they were not selected because they did not allegedly fulfill all the essential qualifications prescribed under the RRs.

1.2 The RRs (Annexure A-7) lay down the following essential qualifications:

- "(i) Degree from a recognized university or equivalent.
- (ii) Bachelor's degree or equivalent diploma in Library Science from a recognized university/institute or equivalent.
- (iii) Experience of two years in a Library/Computerisation of a Library or one year certificate in Computer application from a recognized institute or equivalent."

1.3 Notes below the above quote read as under:-

"Note 1 :- Qualifications are relaxable at the discretion of the S.S.C. in case of candidates otherwise well qualified.

Note 2 :- The qualification(s) regarding experience is/are relaxable at the discretion of the S.S.C. in case of candidates belonging to Scheduled Caste or Scheduled Tribes. If at any stage of selection the S.S.C. 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 posts reserved for them."

1.4 The controversy concerns the last part of the afore-quoted essential qualifications, i.e., "one year certificate in Computer application from a recognized Institute or equivalent". It is pleaded and argued that the two applicants satisfy the said part, on the basis of the following:

"Applicant has studied Information Technology; Basic as one of the paper in the Bachelor's Degree in Library and Information Science and two paper in Master's Degree in Library and Information Science i.e. Fundamentals of Information Communication Technologies and Information Communication Technologies; Application, the courses which are much higher than the one year certificate course in computer Application. This fact has already been admitted by the respondents in number of cases. The said qualification is '**equivalent**' to the certificate in computer application."

(sic)

2. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

3. Strong reliance has been placed by the learned counsel for the applicants on this Tribunal's order dated 09.01.2012 in the OA No.2638/2011 [Rajeev Kumar Tomar Vs. Govt. of NCT of Delhi & Ors.] with OAs Nos.2641/2011, 2645/2011, 2650/2011 and 2958/2011 (Annexure A-10), wherein, in a similar controversy, the following was observed and directed:

"After detailed hearing, the only issue which has emerged is whether the certificates in respect of Computer application filed by or, two years experience in Library/Computerization of Library as set forth under essential qualification in the advertisement has to be issued by a recognized Institute; if so, what is a recognized Institute in this behalf. The matter was referred by the respondent to All India Council for Technical Education. The Council replied on 28.06.2010 (page-98) that the verification of certificates issued by different Institutes does not come under the purview of their responsibility. They have suggested that this matter may be enquired from the Institute concerned which had issued the certificate. Further, the authenticity of the Institute may be verified by the State Government itself. Admittedly, no steps have been taken by the respondent government thereafter. In the background of the aforesaid factual matrix, the following aspects need to be highlighted:-

- (i) ...
- (ii) The applicants in OA-2641/2011, OA-2645/2011, OA-2650/2011 had obtained Master's Degree in Library and Information Science and the applicant in OA-2638/2011 had not only obtained Master's Degree in Library and Information Science but also in Arts and the applicant in OA-2958/2011 had also obtained Master's Degree in Arts. This issue of equivalence was taken into consideration by the Committee set up to consider the cases of the applicant and the others and the Committee after comparing the syllabus of BA and MA degrees in Library and Information Science specifically recommended that the education requirement could be relaxed in terms of Notes-1 & 2 of the relevant RRs.

(iii) There is no system of according recognition to Institutes which are giving certificates relating to computer application; neither the State Government has so far come out with such a list of recognized Institutes.

(iv) In this context, the observations of the Hon'ble High Court as well as this Tribunal on the subject of obtaining certificates from non-recognized Institutes acquire significance.

(v) The RRs themselves provide for grant of such relaxation in case of candidates who are otherwise well qualified, more so in respect of candidates who belong to reserved category of SC/ST.

(vi) All the candidates had fairly high position in the merit list.

(vii) Although the respondent Commission had rejected the recommendation of the Committee for according relaxation in favour of the applicants, earlier they had recommended the cases of the applicants to the respondent Government for appointment subject to scrutiny of their eligibility in terms of RRs. Since the Rules provide for grant of such relaxation and the Committee set up by the respondent Government had after taking into consideration all facts including the curriculum studied by the applicants either at the Bachelor or Master's Degree level in the subject of Library and Information Science made a specific recommendation, the final call in the matter should be taken by the respondent Government.

(viii) ...

9. Taking these facts into consideration the order dated 28.07.2011 of the respondents is set aside and the matter is remitted to the respondent government to take a final view about the eligibility of the applicants in respect of the post for which they had applied and otherwise selected.

10. The respondent authorities are, therefore, directed to re-examine the issue in the light of the observations made in the preceding paragraph and take a final decision on the eligibility of the candidates keeping in view the provisions of the RRs, the observations made by the Hon'ble High Court in WP(C) No.1996/2004 and this Tribunal in OA-1388/2010 and the factors highlighted in the preceding paragraph."

4. We see substance in the submission of the learned counsel for the applicants that the instant OAs may also be disposed of in line with the aforesaid order of the coordinate Bench.

5. Therefore, the respondents are directed to re-examine the matter as to eligibility of the applicants along the same lines. This shall be done within three months from the date of receipt of a copy of this Order. Our interim order dated 21.06.2016 (directing to keep one post of Librarian unfilled, in each case) will ensure to the benefit of the applicants till a final view has been taken.

6. The OAs are disposed of accordingly. No order as to costs.

(DR B.A. AGRAWAL)
MEMBER (J)

(V.N. GAUR)
MEMBER (A)

/JK/