

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.NO.060/00504/2016 Date of order:- 30.5.2018.

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P.Gopinath, Member (A).

Pallav Kumar son of Sh. Raj Kumar, resident of C-88, Brijesh Nagar, Saharanpur (U.P.).

.....Applicant.

(By Advocate :- Mr. K.B.Sharma for Mr. D.R.Sharma)

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Secretary, Railway Board, Ministry of Railways, Northern Railway, Baroda House, New Delhi.
3. The Chairman, Railway Recruitment Board, Jammu-Srinagar, Railway Colony(West), Jammu-180 012.

...Respondents

(By Advocate : Shri Lakhinderbir Singh).

O R D E R

Sanjeev Kaushik, Member (J):

By means of present OA, the applicant has prayed for the following relief(s):-

"i) That the result dated 16.5.2016 (Annexure A-1) be quashed and set-aside, in the interest of justice;

ii) That the action of respondents in ousting the applicant from selection zone in question by not treating his two years diploma from SLIET, Punjab equivalent to the three years Diploma awarded by the various State Boards of

Technical Education in the appropriate field for the purpose of recruitment to the posts and services under the Railways/Central Government be declared arbitrary and illegal and the respondents be directed to treat the two years diploma of applicant equivalent to the diploma awarded by the various State Boards of Technical Education for the purpose of recruitment to the posts and services in terms of Government of India, MHRD notifications dated 8.3.1995 and 10.6.2015 and SLIET's certificates dated 31.10.2011 and 18.7.2013 and recast the selections and merit positions declared vide selection result dated 16.5.2016 and select and appoint the applicant as per merit position obtained by him;

iii) That it be declared that once the recruitment selection to the post(s)notified in the Centralized Employment Notification is to be made strictly as per merit followed by verification of original documents, then the action of respondents in not disclosing the marks of written examination is arbitrary and unsustainable in the eyes of law".

2. Facts of case are that the applicant who belongs to Scheduled caste category passed two years Diploma course in Foundry Technology (equivalent to Diploma in Mechanical Engineering (Specialization in Foundry Technology) in the year 2013. Respondent Railways vide Employment notice dated 20.9.2014 invited ONLINE applications for various posts i.e. Junior Engineer, Depot Material Superintendent, Chemical & Metallurgical Assistant, Senior Section Engineer, Chief Depot Material Superintendent. Applicant being fully eligible for the posts listed at sr.no.43, 45, 46, 50, 51, 53, 57, 59, 61, 62 & 76 in the advertisement applied under RRB unit Jammu and Srinagar. Applicant has stated that in column no.3 under head educational details, he had submitted qualification "Diploma in a combination of any sub stream of basic streams in Mechanical Engineering". Applicant was issued roll no.211402012007218 and appeared in written examination on 4.1.2015. He was declared pass in the written examination and was called for document verification on 11.1.2016 vide letter dated

14.12.2015. Accordingly, applicant reported in the office of Railway Recruitment Board, Jammu on 11.1.2016 for documents verification and genuineness of certificates and submitted the photocopy of the certificates to Deputy Secretary, RRB, Jammu. On the same day, applicant was directed to submit the copy of notification dated 8.3.1995 issued by MHRD, which find mention in college certificates, which was submitted him vide registered post on 18.1.2016.

3. Respondents have finalized the selection and published the same on 16.5.2016 whereby they have shown the roll numbers of empanelled candidates in different categories, but to the utter-shock of the applicant, his name has not been figured in the said list. Applicant contacted the Deputy Secretary of the office of respondent no.2 on 23.5.2016 to know the reason as to why he has not been selected. Deputy Secretary told that he was not found eligible because the applicant is possessing diploma of two years and he was further told not to make any enquiry/correspondence in terms of general instruction no.14.05 given in the advertisement.

4. The applicant has relied upon the decision dated 13.11.2014 passed by the coordinate Bench of the Tribunal in O.A.No.060/0053/2014 (**Sandeep Goyal versus B.S.N.L.& Ors.**) wherein the Tribunal has held that the validity and applicability of MHRD notifications concerning the granting equivalence to certificate course of the SLIET as equivalent to 10+2 qualification and the diploma course as equivalent to Diploma awarded by various State Boards of Technical Education in the appropriate fields for the purpose of recruitment to the posts services under the Central

Government. The applicant has further alleged that in terms of various notifications issued by the Government of India, MHRD, two years diploma course of applicant in Foundry Technology is equivalent to three years diploma in a combination of sub-stream of basic streams of Mechanical awarded by the State Technical Education Board. Applicant has also alleged discrimination on the ground that one candidate namely Ankit Verma, who had also passed two years diploma from same SLIET, Punjab was appointed on the post of Junior Engineer, RCF, Kapurthala, in view of advertisement issued in 2012 through RRB, Jammu & Kashmir. Hence the OA.

5. Pursuant to notice, the respondents have contested the claim of the applicant by filing written statement, wherein they have stated that they have admitted that the applicant applied for various posts in order of his preference. He was provisionally found eligible issued admit card to appear in written examination as per particulars filled up during On Line application. Accordingly, the applicant appeared in the written examination for the post of Junior Engineer on 4.1.2015 against Roll NO.21140201207218, result of which was declared on 14.12.2015 and the applicant was called for document verification on 11.1.2016. During the course of document verification, it was noticed that the applicant has obtained 2 years diploma course in 2012 in Foundry Technology from Sant Longowal Institute of Engineer & Technology (SLIET) Punjab, whereas the requisite technical qualification notified in the employment notification is 3 years diploma in the relevant field. They have further stated that as per clause 1.02(d) of the centralized employment notification stipulates that before applying for any post, the candidate should

satisfy themselves that they fulfill all the eligibility norms including educational qualifications. The candidate should ensure that they have requisite educational/technical qualification from recognized Board/University/Institute as on date of submission of application. Mere issue of call letter/admit card to a candidate will not imply that his/her candidature has been finally accepted. Railway Recruitment Board conducts verification of eligibility conditions with reference to original documents only after the candidates have qualified in all stages of the examination. In case the candidate is not fulfilling the requisite criteria and the same is detected at any stage of the recruitment process, the candidature of the applicant is liable to be rejected. As the applicant was having a diploma of two years duration, which is not in conformity with the minimum educational qualification, his candidature was rightly rejected.

6. No rejoinder has been filed by the applicant.
7. We have heard the learned counsel for the parties and have perused the material placed on record.
8. During the course of arguments, learned counsel for the applicant has shown us a copy of order dated 16.7.2015 passed by the Principal Bench in the case of **Shri Sanjay Kumar Gami versus Ministry of Railways & Another** decided on 16.7.2015 wherein similar issue has been set at rest as the applicant therein has also a certificate from Sant Longowal Institute of Engineering & Technology on the subject of equivalence of two years diploma with three years diploma awarded by other State Boards of Technical Education. Learned counsel for the applicant has also shown a letter dated 29.9.2016 issued by the Government of India, Ministry of Railway, Railway Board, wherein it has been decided that "henceforth

Diploma/degree in Engineering obtained from Sant Longowal Institute of Engineering & Technology, Sangrur (Punjab) shall also be recognized for the purpose of recruitment in the Railways. On the basis of order dated 16.7.2015 passed by the Principal Bench and letter dated 29.9.2016, learned counsel for the applicant prayed that respondents be directed to treat the applicant as eligible for the post in question and the respondents be further directed to issue appointment letter to the applicant forthwith as he is fully eligible and was declared pass in the written examination.

9. Learned counsel for the respondents is not in a position to rebut the arguments raised by the learned counsel for the applicant.

10. In view of above discussion, we are of the firm view that the applicant is fully eligible and the action of the respondents in treating the applicant as ineligible is invalidated. Accordingly, the respondents are directed to consider the candidature of the applicant for the post of JE and if he otherwise fully eligible, he be given appointment within a period of two months from the date of receipt of certified copy of this order. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)**

**(P.GOPINATH)
MEMBER (A).**

Dated:- May 30 , 2018.
Kks