

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
(CIRCUIT AT PORT BLAIR)

Date of order : 13.4.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

O.A. No. 351/00210/2015
O.A. No. 351/00211/2015

PRABHAT SINGH
SMT. PREETI & ANR.

VS.

A & N Administration (Education)

For the Applicant

Mr. P.C. Das, Counsel
(O.A. 351/00210/2015)
Ms. A. Nag, Counsel
(O.A. 351/00211/2015)

For the Respondents

Mr. S.K. Mandal, Counsel
Mr. S.C. Misra, Counsel

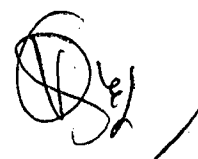
O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

The Ld. Counsel for the applicant has no objection to club these two analogous cases O.A. No. 351/00210/2015 & O.A. No. 351/00211/2015. Hence, they have been clubbed together to be decided as common question of law and facts are involved in these two matters.

2. Heard the ld. Counsel for the petitioner and Ld. Counsel for the respondents who filed the reply today.

3. The Ld. Counsel for the applicant pointed out that recruitment rules holding the field for the present recruitment are known as "Andaman & Nicobar Administration, Department of Education (Group 'B'/Group 'C'/Group 'D' Non-Gazetted/Non-Ministerial Posts in the Directorate of Education), Recruitment Rules, 2008", a copy of which has been annexed with the Original Application as Annexure A-8. The Schedule IV attached with the rules deals with the post of Librarian, Gr.



II. The requisite qualification and other qualifications required for direct recruitment is given in Column No. VIII which is being reproduced below:-

“Essential:

Bachelor Degree in any stream from a recognized University with Bachelor Degree in Library Science.

Desirable:

Master Degree in Library Science from a recognized University/Institution.


OR

Three years professional experience from a recognized institution.”

4. The recruitment of Librarian Gr. II is by two modes (i) 90% by direct recruitment (ii) 10% by promotion failing which by direct recruitment. The applicant is a candidate for the post who appeared in the direct recruitment. He posses the bachelor degree in Library Science along with Masters degree in Library and Information Science. The applicant filed certain certificates of experience claiming to be the experience as required under the recruitment rules.

5. It has been contended by the Ld. Counsel for the applicant that the weightage is being given to some of the candidates who has professional experience in teaching which according to her does not fall within the ambit of recruitment rules.

6. Our attention has been drawn to para 6 of the reply wherein it has been admitted that marks for teaching experience are calculated in a manner that two marks per month for teaching experience in the Government/Recognized School/Government Recognized College on the basis of certificate issued. It was also mentioned therein that experience certificate must have been supported by the appointment letter as required in the notification. The grievance of the applicant is that



teaching experience shall not be counted and shall not be treated at par with the professional experience from a recognized institution.

7. The essential requirement and qualification for the post is bachelors degree in any stream for a recognized university with bachelors degree in Library Science/ Masters degree in Library Science from a recognized institution or may be considered as a education qualification for the post but if the candidate is not possessing such qualification and he has a three years professional experience from an institution he would also be eligible for recruitment. Therefore, the professional experience of three years becomes an essential requirement for the post if the candidates having no education qualification as mentioned in Column VIII, therefore, marking of professional qualification play an important role in the process of recruitment.

8. The Ld. Counsel for the respondents submits that experience of teaching in the Library Science subject would be taken into consideration and the professional experience does not include the teaching experience in any other stream

9. We are not aware whether this process is being adopted by the competent authority or not. However, we are of the view that the aforesaid statement of Learned Counsel for the respondents be brought to the notice of the appointing authority before concluding the process of selection. The Learned Counsel shall ensure to communicate the order to selection committee before conclusion of selection process.

10. With this observation, both these petitions are disposed of. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)