

(Reserved on 12.12.2018)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

Original Application No. 330/00511/2016

This the *14th* day of *December, 2018*

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

Mahesh Kashyap, son of Rajaram, Resident of Village Shahpur Tigri,
Tehsil and District – Moradabad. Present address – H. No. 495,
Khusalpur Bank Colony, Moradabad.**Applicant**

By Advocate: Shri Dharmendra Tiwari

Versus

1. Union of India through General House Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
3. Senior Divisional Personal Officer, Northern Railway, Moradabad Division, Moradabad.
4. Divisional Personal Officer (Second), D.R.M. Office, Northern Railway, Moradabad Division, Moradabad.

.....**Respondents**

By Advocate : Shri M.K. Yadav

ORDER

DELIVERED BY:-

HON'BLE MS. AJANTA DAYALAN, (MEMBER-A)

This OA has been filed by the applicant M.K. Kashyap feeling aggrieved by the order dated 21.03.2016 (Annexure-1 to the OA) vide which he has been communicated that the recognition earlier granted to Gurukul Vishwavidyalaya, Vrindavan, Mathura by the Madhyamik Shiksha Parishad, Uttar Pradesh till 2008 has been completely nullified and, accordingly his name has been removed from the panel for recruitment for the year 2014-15. The applicant has also sought direction

to the respondents' department to select him in Group 'D' against Scouts and Guides Quota for the year 2014-15.

2. The case of the applicant is that pursuant to the advertisement dated 03.06.2014 (Annexure -2 to the OA), he applied for appointment in Group 'D' under Scouts and Guides Quota for the year 2014-15. He appeared in the written examination and later in interview and he was selected. However, his selection was cancelled due to his mark-sheet being from Gurukul Vishwavidhyalaya, Vrindavan, which is not recognized. It is stated by the counsel for the applicant that this Vishwavidhyalaya was recognized by the Madhyamik Shiksha Parishad, Uttar Pradesh till 2008 and his certificate for 10th class is of 2004. In support of this, learned counsel for the applicant produced High School certificate (Annexure-3 to the OA) as well as letter dated 03.09.2000 (Annexure A-6 to the OA) from the Secretary, Madhyamik Shiksha Parishad, Uttar Pradesh stating that the students who have cleared High School examination in 2008 or prior to that will be considered equivalent to High School of the Parishad. This reference goes on to state that only examination conducted after year 2008 will be un-recognized. Accordingly, the applicant having cleared examination in the year 2004 was eligible and should not be denied his right.

3. The respondents have claimed that the matter was reconsidered by the Madhyamik Shiksha Parishad, Uttar Pradesh. They have placed reliance on the letter dated 15.03.2016 (Annexure SCR-3) issued by the

Secretary, Madhyamik Shiksha Parishad, Uttar Pradesh whereby it has been stated that in compliance of the order dated 30.11.2011 passed by the Hon'ble High Court in Special Appeal No. 1998/2011 –Indrawati Vs. State of U.P & ors directing that the degrees of Gurukul Vishwavidhyalaya, Vrindavan are not valid and necessary action needs to be taken in this regard, the Examination Committee of the Parishad observed that the Gurukul Vishwavidhyalaya, Vrindavan having been declared as fake university by the University Grant Commission, examinations conducted by it till year 2008 also need to be treated as cancelled. Accordingly, the State Government vide its letter No. 500/15-7-2013-1 (139)/2008 dated 09.04.2013 has completely cancelled the equivalence of the examinations held by this University. This has also been notified in the official Gazette on 18.05.2013 (Annexure SCR-2). Learned counsel for the respondents submitted that in view of the above decision of the Government, there is no possibility to consider the certificate of the 10th class produced by the applicant as valid and hence, the claim of the applicant is liable to be rejected.

4. We have heard Shri D. Tiwari, learned counsel for the applicant and Shri M.K. Yadav, learned counsel for respondents and have also gone through the pleadings of the case.

5. It is true that the recognition of the certificate issued by the Gurukul Vishwavidhyalaya, Vrindavan has been cancelled retrospectively by the Government in 2013. This decision specifically for the examinations

prior to 2008 may have affect number of students, who passed during that period, adversely. However, it is also equally true that this decision of the Government is in compliance of the order of the Hon'ble High Court order dated 30.11.2011 wherein it was held that the degrees and certificates issued by the Gurukul Vishwavidyalaya are not valid and necessary action needs to be taken in this regard. Further, it is noted that fresh decision of the administration de-recognising Gurukul Vishwavidyalaya even prior to 2008 has been notified in the official Gazette on 18.05.2013. The applicant applied for the post in question in response to the advertisement dated 03.06.2014 i.e. after the decision of the Government as well as after the Government notification. It is also true that the certificate of such fake university should not be accepted as this will be detrimental to other candidates, who may have cleared the examinations from the recognized universities and may be more qualified and eligible than the ones getting their certificates from fake university. We note that the decision of the Government should have been in the knowledge of the applicant after gazette notification on 18.05.2013 and he could have cleared the high school examination from a recognized institute, which he did not do.

6. In view of the above, we do not find much merit in the prayer of the applicant and dismiss the OA. No costs.

(RAKESH SAGAR JAIN)
MEMBER-J

(AJANTA DAYALAN)
MEMBER-A

Anand...