CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.170/00030/2018

IN

ORIGINAL APPLICATION NO.170/00073/2017

DATED THIS THE 09TH DAY OF OCTOBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

1. The Comptroller and Audit General of India,
Pocket-9, Deen Dayal Upadhyay Marg,
New Delhi – 110 124.

2. The Principal Accountant General (A&E)
In Karnataka,
Park House Road,
Bangalore – 560 001.

3. The Deputy Accountant General (A&E)
O/o the Principal Accountant General in
Karnataka (A&E),
Park House Road,
Bangalore – 560 001. ….Applicants in RA/Respondents in OA

(By Shri M.V. Rao, Senior Panel Counsel)

Vs.

Sri Somashekar L,
S/o Lingaiah C
Aged about 38 years,
Working as Multi Tasking Force (MTS),
Indian Audit & Accounts Department,
O/o the Principal Accountant General in
Karnataka (A&E), Park House Road,
Bangalore – 560 001. …..Respondent in RA/Applicant in OA

(By Advocate M/s Subbarao & Co.)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The matter in issue is very small. We were earlier lead to believe that the Bridge Course conducted by the Karnataka State Open University was recognized by the Government and, as primary and secondary education is the responsibility of the State Government, we believed on the submission of the learned counsel that this is a recognized course.

2. Now the original respondents produces Annexure-RA8 and we quote from it:

> *"Subject: Regarding clarification about Degree Bridge Course.*
> *Reference: Your letter No. Pr.AG(G&SSA)/Admin.1/2015-16/458 dated 10.09.2015*
>
> *With reference to the above subject, Deputy Accountant General/Admn, Indian Audit and Accounts Department Bengaluru in his letter requested to confirm the authenticity of the Degree Bridge Course Certificate and also requested to intiate whether the certificate is equivalent to pre-university examination conducted by PU Board Karnataka but Degree Bridge courses were offered by Academic Collaborative Institutions of KSOU. The students who have completed these courses are eligible to take admission from Karnataka State Open University and some other Universities. But it is not recognized by the Government. Hence from this academic year this course is completely stopped.*
>
> *Dean (Academic)"*

It clearly stipulates that this course has no recognition from the Government at any point of time.

3. The original respondents also produces Annexure-RA9 which we quote:

> *"Subject: Regarding recognition of KSOU degrees.*
> *Reference: Your letter No. Pr.AG(G&SSA)/Admin.1/A5/2015-16/83 dated 28-12-2015*

With reference to the above subject and reference your office requested to clarify about the recognition of certificate course in Kannada. But all the programmes of Karnataka State Open University (KSOU) was recognized by Distance Education Council (DEC), New Delhi upto 2013 (Copy enclosed). KSOU is awaiting for further approval from University Grants Commission (DEB). For other queries get information from Registrar (Evaluation) Section and Admission Section, KSOU Mysuru."

4. It is clear from these that this course has not been recognized by the Government of Karnataka. The respondents also relies on Annexure-RA11 which is issued by Government of Karnataka themselves. They have made it very clear that the 10+2 examination conducted by open universities shall not be considered for appointment. We quote from it:

Government of Karnataka

No. DPAR 147 SeAne 2014

Karnataka Govt. Secretariat
Vidhana Soudha
Dated: 27.01.2015

CIRCULAR

Sub: Appointment on compassionate grounds – information regarding courses equivalent to P.U.C.
Ref: Notification No. DPAR 147 SeAne 2013 dated 13.12.2013

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In the aforesaid notification a corrigendum has been issued to the effect that for direct recruitment to the post of Junior Assistant Second Division Assistant 'Pre-university examination or its equivalent educational qualification'. Many departments have expressed doubts regarding the educational courses which are equivalent to Pre-University examination in respect of direct recruitment to the post of Junior Assistant Second Division Assistants.

2. It is clarified that I.T.I. and other three year Diploma Courses obtained after S.S.L.C. may be considered as equivalent to Pre-university course for direct appointment. ***It is hereby clarified that 10+2 examination conducted by Open Universities shall not be considered for appointment.***

3. All authorities who are empowered to make appointment on compassionate grounds shall keep this in mind.

Sd-
(Dr. Mangala G.S)
Under Secretary to Government
Dept. of Personnel and Admn. Reforms
(Service Rules – 1)"

5. At this point the learned counsel for the original applicant seeks to rely on the order of the Hon'ble High Court in Writ Petition No. 17758-17759/2014 dated 12.01.2015. We quote from it:

"ORDER

The petitioners have applied for the post of drivers in response to the second respondent's advertisement notification, dated 15.7.2013 (Annexure-A). It is their grievance that their case for employment is not being considered, as they have done their Bridge Course from Karnataka State Open University ('KSOU' for short).

2. Sri M. Jai Prakash Reddy, the learned counsel for the petitioners brings to my notice clause I(ಅ) of the advertisement notification. It reads as follows:

I. ಶೈಕ್ಷಣಿಕ ವಿದ್ಯಾರ್ಹತೆ:

ಅ) ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ ವಿದ್ಯಾರ್ಹತೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾಗಿರಬೇಕು (ಮುಕ್ತ ವಿದ್ಯಾಲಯದಿಂದ ಪಡೆದ 500 ಅಂಕಗಳ ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ ವಿದ್ಯಾರ್ಹತೆಯ ಅಂಕಪಟ್ಟಿಯನ್ನು ಪರಿಗಣಿಸಲಾಗುವುದಿಲ್ಲ).

3. He submits that the petitioners were tested for 625 marks in the sense that the maximum marks prescribed for the Bridge Course are 625.

4. Smt.H.R.Renuka, the learned counsel for the respondent No.2 first submits that the petitioners cannot be considered for the employment in question, as they do not meet the eligibility criteria. Without prejudice to this contention, she submits that the petitioners' application for appointment and any representations thereto would be considered in accordance with law.

5. Sri I.Taranath Poojari, the learned Additional Government Advocate appearing for the respondent No.1 submits that the Bridge

Course is not being treated as equivalent to S.S.L.C., as its examining authority KSOU is not recognized by C.O.B.S.E.

6. The submissions of the learned counsel have received my thoughtful consideration. It is not in dispute that S.S.L.C. is the minimum educational qualification prescribed for the post of a driver in the second respondent Corporation. ***The only question that falls for my consideration is whether the Bridge Course done by the petitioners is equivalent to S.S.L.C. This is a question to be answered only by the academicians/educationalists. The courts do not venture to declare one course as equivalent to another course. The equivalence has to be determined by Association of Indian Universities, University Grants Association or some Committee appointed for the specific purpose.***

7. The court notices with concern that the statement of marks issued to the petitioners on their doing the Bridge Course itself states that it is equivalent to S.S.L.C. KSOU is obviously not a private University. It is a Government controlled University. It is not known why the Government has not raised objection to the KSOU showing the Bridge Course as equivalent to S.S.L.C. in the statement of marks. The possibility of KSOU holding out that the Bridge Course is equivalent to S.S.L.C. even in the brochure, prospectus, etc. cannot be ruled out in view of what is specified in the statement of marks. It is necessary that the Government and the KSOU must immediately clarify the position as to whether or not the Bridge Course is equivalent to S.S.L.C. and give wide publicity to its decision. Otherwise many students may join the Bridge Course which may not lead them anywhere.

8. As far as the petitioners are concerned, their applications for appointment have to be strictly considered in accordance with the terms and conditions set out in the advertisement notification, dated 15.7.2013 (Annexure-A). The perusal of clause I(C) extracted hereinabove does not leave anybody in doubt that the products of KSOU are eligible to take part in the recruitment process in question subject to their being tested for a minimum of 500 marks. The statement of marks of the petitioners (Annexures-B and B1) clearly indicate that they were tested for 625 marks. Therefore, on the ground of their being the products of KSOU, their applications for appointment cannot be rejected.

9. In the result, these petitions are allowed with a direction to the respondent No.2 to consider the case of the petitioners for employment subject to their meeting all other eligibility criteria. Their applications shall not be rejected on the ground that they are the Bridge Course-holders".

6. But what the Hon'ble High Court had said is that whether the Bridge Course done by the petitioners is equivalent or not is a question to be answered by academicians and educationalists. Since the Government has already answered this question that this course is not recognized at all, then it will not come to the aid of the original applicant. Therefore the RA succeeds. The original order in the OA is recalled.

7. The RA is allowed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in RA No.170/00030/2018

Annexure RA-1: Copy of the order dated 22.11.2017 in O.A. No. 73/2017

Annexure RA-2: Copy of the Memorandum dated 08.07.2013

Annexure RA-3: Copy of the order dated 17.02.2014 passed in O.A. No. 1056/2013

Annexure RA-4: Copy of the order in Writ Petition No. 47621/2014 c/w Writ Petition No. 47622-624/2014 (S-CAT)

Annexure RA-5: Copy of the order dated 23.07.2015

Annexure RA-6: Copy of the office order dated 29.06.2016

Annexure RA-7: Copy of the termination notice dated 09.02.2017

Annexure RA-8: Copy of the letter dated 11.09.2015

Annexure RA-9: Copy of the letter dated 01.02.2016

Annexure RA-10: Copy of the letter dated 19.02.2018

Annexure RA-11: Copy of the circular dated 27.01.2015

Annexure RA-12: Copy of the letter dated 13.03.2018

Annexures with reply statement:

Annexure R-1: True copy of order dated 12.01.2015 in Writ Petition No. 17758-59/2014

Annexure R-2: True copy of order dated 24.04.2017 in O.A. No. 1069/2017

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