

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA**  
CIRCUIT COURT AT PORT BLAIR, A & N ISLANDS

OA No. 72/AN/2013

Date 10-10-2015

**PRESENT:**

**THE HON'BLE MR JUSTICE G. RAJASURIA, JUDICIAL MEMBER  
THE HON'BLE MS JAYA DAS GUPTA, ADMINISTRATIVE MEMBER**

Shri Bijoy Krishna Sardar, Aged about 30 years, S/o Sri  
Jasobanta Sardar, Residing at Collinpur Village, P.O.  
Harbartabad, South Andaman.

.....Applicant

For the Applicant :Mr.G.B. Kumar, Counsel

-Versus-

1. The Union of India, through the Secretary to the Govt. of India, Ministry of Home Affairs, North Block, New Delhi-110001.
2. The University Grants Commission, (UGC), Bahadur Shah Zafar Marg, New Delhi - 110001.
3. The lieutenant Governor, Andaman and Nicobar Administration, Secretariat Building, Port Blair-744 101.
4. The Chief Secretary, Andaman & Nicobar Administration, Secretariat Building, Port Blair-744 101.
5. The Secretary (Personnel) A&N Administration, Port Blair-744 101.
6. The Director of Health Services, A&N Administration, Port Blair-744 101.
7. The Asstt. Secretary (Personnel) A&N Administration, Port Blair-744 101.

.....Respondents

For the Respondents:M/s. S.K.Mondal & S.C.Mishra,  
Counsel



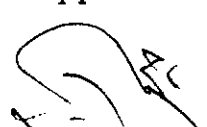
## ORDER

JUSTICE G. RAJASURIA, JM

Heard both. This O.A has been filed seeking the following reliefs :

- a) an order/orders directing the respondent authorities to appoint the applicant to the post of Junior Radiographer-cum-Receptionist for which the authorities have conducted the selection.
- b) An order/orders quashing the order dated 11.03.2013 issued by the Director of Health Services, Andaman & Nicobar Administration, Port Blair to the effect that JRN, Rajasthan Vidhyapeet Deemed University is not a recognized institution.
- c) An order/orders directing the respondent authority to recognize the diploma in Medical Radiology Technology from JRN Rajasthan Vidhyapeet Deemed University.
- d) An order/orders directing the respondent authorities to grant all consequential benefits after appointing the applicant to the post of Junior Radiographer-cum-Receptionist.
- e) An order/orders directing the respondent authorities to grant all the consequential and monitory benefit to the applicant.
- f) An order directing the respondent authorities to act in accordance with law.
- g) An order to issue directing the respondents to produce the records of the case before this Hon'ble tribunal so that consciosable justice may be done.

2. Learned counsel for the applicant would echo the hurt burns of his client that he was selected for the post of Junior Radiographer-cum-Receptionist by the Andaman & Nicobar Administration. However, at the time of documents verification on seeing the Annexure A-1 certificate issued by the Janardan Rai Nager Rajasthan Vidyapeeth, the Andaman & Nicobar Administration raised a doubt that it was not a recognized educational certificate. Whereupon, the applicant tried his level



best to explain by placing reliance on the communication dated 09.02.2007 sent by the JRN Rajasthan Vidhyapeet which is a Deemed University to the effect that certificate as contained in Annexure A-1 is genuine certificate issued by the aforesaid University and as such the learned counsel for the applicant would submit that all those documents satisfy the requirement of the rules pertaining to the said post.

3. Per contra, the learned counsel for the respondents would submit that this certificate issued under the Distance Education Mode cannot be accepted by the Andaman & Nicobar Administration and further those certificates cannot be equated to the regular diplomas issued after conducting regular classes.

4. An excerpt from W.P.C.T.No.282/2009 dated 15.02.2011 of the Hon'ble High Court, Calcutta would run thus:

"It seems that the controversy in the writ application cannot be resolved if the University Grants Commission is called upon to confirm whether the writ petitioner institute is a Distance Education Centre or a part of JRN Rajasthan Vidyapeeth. If it is determined that they are a part of the said university then, in my opinion, the qualification obtained by the students of that institute admitted till July, 2005 is to be recognized by the respondent authorities.

In the circumstances, I dispose of this writ application by directing the University Grants Commission to consider whether the writ petitioner institute is a Distance Education Centre or a part of the JRN Rajasthan Vidyapeeth by hearing the petitioner, A&N Administration as well as JRN Rajasthan Vidyapeeth and to come to a reasoned decision within a period of twelve weeks from the date of service of this order. If the University Grants Commission decides that the writ petitioner institute is a part of the said University, the respondent Administration will recognize such diploma of the writ petitioner institute as an eligible qualification for



consideration for appointment to the post of Laboratory Assistants."

5. An excerpt from W.P.C.T.No.165/2015 dated 9<sup>th</sup> June, 2015 of the Hon'ble High Court, Calcutta would run thus:

"The doubt in this case appears to have arisen because the applicant was conferred the degree in the year 200, at which point of time, the institute did not have recognition. But, by virtue of post facto institutional recognition to the institute, contention of the applicant is that he became eligible for the post in question having obtained the degree in the year 2005. The Tribunal has in its order, primarily directed the University Grants Commission to clarify as to whether the applicant had obtained valid degree or not from the said institute. We do not think this order calls for any interference.

Had the University Grants Commission appeared before us after notice, we might have had finally concluded the dispute. But, in the absence of representation from the University Grants Commission, we do not think interest of the applicant or the administration would be served in keeping the matter pending further. The query which the Tribunal had directed University Grants Commission to respond to, once available would finally settle the dispute. In such circumstances, we affirm the order of the Tribunal but, extend the time for response of the University Grants Commission by a further period of one month from the date of communication of this order.


Till response is received from the University Grants Commission, at least one post of Junior Radiographer should be kept vacant by the Administration, and on receiving the response, which shall be given to the applicant as well as the Administration by the University Grants Commission, appropriate steps shall be taken by the Administration for filling up the vacancy on the basis of the response of the Commission."

6. The point for consideration is as to -

- (i) Whether the copy of the certificate as found set out in Annexure-A/1 reflects the true state of Educational Qualification of the applicant so as to make him eligible to the post of Junior Radiographer-cum-Receptionist as per RRs.

7. At the out set, we would like to point out that we are not the authority in the field concerned, to assess the certificate produced by the Applicant as his educational qualification and for that matter, the UGC has to give its opinion. On balance, we are of the considered view that this issue can only be resolved by the A&N Administration referring the matter to the UGC for getting appropriate opinion from it on the admissibility and validity of the certificate, as contained in Annexure-A/1 for giving appointment to the post under the RRs of A&N Administration. Hence, the following direction is given:

Within a period of fifteen days, from the date of receipt of a copy of this order, the Applicant shall give a representation to the A&N Administration; whereupon, the A&N Administration shall forward the documents concerned, with their comments, seeking clarification from the UGC and on receipt of the reply from it, the A&N Administration shall act as per Law within a period of three months there from.

8. This OA is accordingly disposed of. No costs. 

(Ms. Jaya Das Gupta)  
Admn. Member

(Justice G. Rajasuria)  
Judicial Member