

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2989/2018

Reserved on 14.12.2018
Pronounced on 19.12.2018

Hon'ble Mr. K.N.Shrivastava, Member (A)

Hon'ble Mr. S.N.Terdal, Member (J)

Manisha Shaw,
D/o Sh. Rajendra Shaw,
Aged about 27 years,
Fresh Appointment,
R/o Girja Para, Near Party Office,
P.O.+ PS- Raniganj,
Dist-Burdwan, West Bengal,
PIN-713347.

... Applicant

(By Advocate: Mr. Ashutosh Thakur)

VERSUS

1. Union of India through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievance &
Pension, North Block, New Delhi-110 001
2. Staff Selection Commission,
Through its Chairman (Head Quarter),
Block No. 12, CGO Complex,
Lodhi Road, New Delhi.
3. Staff Selection Commission,
(Eastern Region),
Through its Regional Director.
Ist MSO Building (8th Floor),
Nizam Palace, 234/4,
A.J.C. Bose Road,
Kolkata-700 020.

... Respondents

(By Advocate: Mr. R.K.Sharma)

ORDER

Hon'ble Mr. S.N.Terdal, Member (J):

Heard Shri Mr. Ashutosh Thakur, counsel for applicant and Mr. R.K.Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- “(a) Quash and set aside the impugned Circular No. F.No.3-3/2017-P&P-II dated 31.05.2018 and Result dated 14.06.2018 both issued by Staff Selection Commission (Headquarter).
- (b) Direct the respondents to issue appointment letter to the applicant on post code No. 'F' in OBC category.
- (c) Direct the respondents to prepare a fresh Merit List of candidates qualified as per the advertisement (initial rule).
- (d) Accord all consequential benefits.
- (e) Award cost of the proceedings.”

3. The relevant facts of the case are that in response to the advertisement of 2017 Post Code no. 'F' issued by the Staff Selection Commission (SSC), the applicant applied for the post of Junior Translator, Junior Hindi Translator. The examination was held on 15.06.2017. The applicant participated in the examination and she was provisionally held eligible and called for document verification. She participated in the document verification also. But, however, as she had not studied Hindi & English as main subject in all the three years, she was not appointed.

4. The contention of the applicant is that she has B.A (Hons). In so far as B.A (Hons.) course is concerned, the optional subject will be studied only for two years not for all the three years. As such, she has not studied both English and Hindi as main subjects in all the three years. Thus basically she has not got essential qualification required for the said post as per the “Note” portion of the advertisement which reads as follows:-

“Candidates must ensure that they have studied English and Hindi as main subject in all the three years of B.A. pass course.”

The further contention of the applicant is that in the past, the respondents have appointed several candidates who have completed B.A (Hons) course and as per the Delhi University, B.A (Hons.) course system, the main subject is taught in all three years and whereas the elective is taught only for two years and as such, candidates who had studied elective subject only for two years have been appointed earlier. The applicant has also stated that when the issue of difficulty faced by the candidates who have undergone B.A. (Hons) course was raised, a Committee was constituted and the said Committee have in their recommendation dated 22.05.2018 recommended that only candidates who have studied English & Hindi as main subjects in all the three years of B.A. (Hons) course or B.A course should be considered. The contention of the counsel for the applicant is that as the B.A (Hons) course does not have the system of teaching elective subject for all the three years, the recommendation itself is faulty.

5. We have perused the essential qualifications required for the said post as per the advertisement. The advertisement clearly states that English and Hindi should have been studied by the candidate in all the three years as main subject. As the said condition regarding the qualification for the said post is applicable to all the candidates, the applicant cannot contend that she has been discriminated or there is any arbitrariness on the part of the respondents. It is also noted that in case if this application is allowed it may amount to discrimination against those candidates who have also passed B.A. (Hons) but as

they had not studied Hindi & English for all the three years had not applied for the post. In the Circumstances, OA is devoid of merit.

6. Accordingly OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(K.N.Shrivastava)
Member (A)

`sk'

.. .

.. .