

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.1636 of 2015

This the 22st day of February 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

1. Ajay Gupta, Aged-48 years
S/o Sh. S.K. Gupta,
Working as PGT(Math) in
K.V. CRPF Camp, Jharoda Kalan,
New Delhi-72
R/o DG2/137A, Vikaspuri, New Delhi-18
2. D.S. Mahra, Aged-53 Years,
S/o Sh. T.S. Mahra,
Working as PGT(Physics) in
K.V. Gole Market (Ist Shift), New Delhi-01
R/o E-8, Lajpat Nagar, Sahbabad,
Ghaziabad (U.P.).
3. Sanjay Kumar Chauhan, aged 44 years,
s/o Sh. Phool Singh Chuhan,
working as PGT (Physics) in
K.V. Janakpuri, Delhi-58
R/o T-64A, Jagdamba Vihar,
West Sagarpur, New Delhi.
4. Bikash Kumar Murmu, Aged 40 years
S/o late Shri Deewan Murmu,
Working as PGT (Biology) in J.N.V. Dhanbad
r/o Jwahar Navodaya Vidyalaya,
Post Benagoriya, Distt. Dhanbad,
Jharkhand-828205.

....Applicants

(By Advocate : Shri Yogesh Sharma)

VERSUS

1. Union of India through the Secretary,
Ministry of Human Resources Development (HRD),
Govt. of India, Shastri Bhawan, New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shahid Jeet Singh Marg,
New Delhi.

.....Respondents

(By Advocate : Shri J.P. Tiwari and Ms. Sweena Nair for S.
Rajappa for KVS)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA, the applicant is seeking the following reliefs:-

“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of respondents not awarding one mark in question of 12 to the applicant and declaring the applicant non-qualified for interview on the basis of Part-II & III of the papers is illegal, arbitrary and discriminatory and consequently, pass an order directing the respondents to award one mark to the applicants in respect of question No.12 and consequently consider the applicants for the post of Principal as per procedure and norms prescribed for the same.

(ii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.”

3. During the course of hearing, counsel for the parties have not disputed that exactly the similar issue had also been raised in OA No.113/2015 (***Mam Chand vs. Union of India and another***) and this Tribunal dismissed the said OA vide Order dated 5.10.2015, as in this case also the applicants were declared as not qualified in Part-I of the paper with 8 marks, out of 20, as 9 marks were prescribed for qualifying the Part-I paper. When they did not qualify Part-I of the Written Examination for the post of Principal, Post code No.63 in KVS, their performance in Part-II of the Written

Examination was not evaluated and they were not called for interview.

4. The case of the applicants in this case also relates to Question No.12 in Part-I of the Written Examination and according to the applicants 'Parvati' and 'Durga' both are correct answers to the said question. However, they have given answer to the said question as 'Parvati' but they were not awarded any mark for the same and contention of the applicants that the aforesaid answers are synonymous and both are correct answers to the said question No.12, as such they ought to have been awarded 01 marks for the said answer to question no.12 and as a result of which, their total marks in Part-I of the Written Examination ought to have been 09 marks and they ought to have been found qualified in Part-I of the Written Examination and accordingly their performance in Part-II of the written examination would have been evaluated and they would have been permitted to appear in the interview if they were found to have scored enough marks in Part-II of the written examination. In support of the aforesaid contention, the applicants placed reliance on excerpts from a number of Hindi dictionaries in which the meaning of 'Shambhvi' has been stated as 'Parvati' and 'Durga' as well.

5. In the said OA No.113/2015 (***Mam Chand vs. Union of India and another***), this Tribunal observed as under:-

4. Per contra, it is contended by the respondents that the correct answer to Question No.12 of Part I of the written examination is “Durga” only, as opined by the Experts Committee following **‘Manak Hindi Kosh’** and **‘Bhargav Adarsha Hindi Sabdakosh’**. The respondents have filed a report of the Experts Committee stating that the synonym of “Shambvi” is “Durga” and not “Parvati”, and that the correct answer to Question No.12 is “(4) “Durga”.

5. After perusing the materials placed on record, and having given our anxious consideration to the rival contentions of the parties, we have found substantial force in the opinion of the Experts Committee that “Durga” is the synonym of “Parvati”, and that the correct answer to Question No.12 is “(4) “Durga”. In **Durga Saptshati (Markendeya Purana)**, by Rishi Markandeya, **Devi Durga** is known by 108 different names. These 108 names of the Goddess **Durga** include “Shambvi” but do not include “Parvati”. For the purpose of clarity, the 108 sacred names of the Goddess **Durga**, as mentioned in **Durga Saptshati (Markendeya Purana)**, by Rishi Markandeya, are reproduced below:

.....

All those names are well versed in Durga Saptshati by Rishi Markandeya in **which Lord Shiva told Devi Parvati** one-hundred and eight names, by the means of which Durga or Adi Shakti can be pleased. This is same as given above.”

6. This Court is of the considered view that the issue involved in this case is fully covered by the decision of the Coordinate Bench of this Tribunal in OA 113/2015 (supra). This Court further observes that it is a settled law that in academic matters, unless there is a clear violation of statutory provisions, the Regulations or the Notification

issued, the Courts shall keep their hands off since those issues fall within the domain of the expert academic bodies. The Hon'ble Apex Court in ***University of Mysore vs. C.D. Govinda Rao***, AIR 1965 SC 491, ***Tariq Islam vs. Aligarh Muslim University*** (2001) 8 SCC 546; and ***Rajbir Singh Dalal vs. Chaudhary Devi Lal University*** (2008) 9 SCC 284, has taken the view that the Court shall not generally sit in appeal over the opinion expressed by expert academic bodies and normally it is wise and safe for the Courts to leave the decision of academic experts who are more familiar with the problem they face, than the Courts generally are.

7. In view of the above, for the foregoing reasons, this Court does not find any infirmity or illegality in the action of the respondents. Accordingly, the present OA is dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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