

OA No.2302/2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

(By Advocate: Shri Samdarshi Sanjay)

(By Advocate: None)

Justice L. Narasimha Reddy:-

The applicant is working as General Manager in the BSNL since 2012. On a requisition made by the BSNL, the Department of Personnel and Training (DOP&T) issued a Notification dated 18.04.2018

inviting applications for the post of Director (Finance). The educational qualification stipulated for that post are a Chartered Accountant or Cost Accountant or a Full Time MBA/PGDM course with good academic record from a recognized University/Institution. Departmental candidates were also permitted to apply and they were granted relaxation to the extent of one year in the context of length of service required in the eligible scale/rank/level. The applicant states that he obtained MBA degree from the University of Navarra, Spain and that the same is equivalent to MBA recognized by UGC and AICTE. His grievance is that the respondents are not considering his case.

2. We heard Shri Samdarshi Sanjay, learned counsel for the applicant. There is no representation for the respondents.

3. The Notification was issued one year ago and no interim order was passed in the OA. By this time, the selection process may have progressed to a substantial extent.

4. Once the respondents stipulated a particular educational qualification, the Tribunal cannot sit as an appellate authority. Further, for the post of Director (Finance), it is essential that a qualification which is relevant for the financial aspect is stipulated.

5. In the recent past, the private Universities and educational Institutions have mushroomed in India and they are issuing degrees on the basis of correspondence course in professional courses also. The Hon'ble Supreme Court has taken serious note of this and recently held that the degrees obtained through correspondence courses, cannot be recognized at all for the purpose of public employment. Whatever may have been the importance of the degree, obtained by the applicant, once it is not the one which fits into the Notification, the same cannot be taken into consideration.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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