

**Central Administrative Tribunal
Principal Bench**

OA No.1460/2014

New Delhi, this the 15th day of October, 2019

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

Sh. Arun Kumar Kaushik, Age 23 years,
Alias Rinku Sharma,
S/o Sh.K.C. Sharma,
R/o 46, Water Works No.1,
Civil Lines, Delhi-54.

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Delhi Subordinate Services Selection Board,
Through its Chairman,
Govt. of NCT of Delhi,
F-18, Karkardooma,
Institutional Area, Delhi-92.
2. South Delhi Municipal Corporation,
Through its Commissioner,
4th Floor, Civic Centre, Minto Road,
New Delhi-2.
3. North Delhi Municipal Corporation,
Through its Commissioner,
4th Floor, Civic Centre, Minto Road,
New Delhi-2.
4. East Delhi Municipal Corporation,
Through its Commissioner,
219, Udyog Sadan, Patparganj,
Industrial Area,
New Delhi-69.

...Respondents

(By Advocate : Shri Amit Anand and Ms. Anupama
Bansal)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The then Municipal Corporation of Delhi, intended to appoint 10 Labour Welfare Superintendents. The selection was entrusted to Delhi Subordinate Services Selection Board (DSSSB), and an advertisement was issued in November, 2009. Five posts were un-reserved and remaining were reserved for various categories. The applicant submitted his application for unreserved post. The process involved conducting of the preliminary test followed by a final test. The applicant was qualified in the preliminary test and participated in the final examination also. However, his result was not declared. He made various efforts to know the reasons for non declaration of his result. Ultimately, he was informed through order dated 04.03.2014 that his non selection was on account of the fact that he did not hold the prescribed qualification. This OA is filed challenging the action of the respondents in not treating the applicant as qualified and for a direction to the respondents to consider his selection/appointment.

2. The applicant contends that he studied M.Com. Course and one of the subjects was Industrial Relations

and that in turn would satisfy the qualifications stipulated in the advertisement and the Recruitment Rules.

3. On behalf of the respondents, separate counter affidavits are filed. According to them, the applicant did not satisfy the qualifications stipulated in the advertisement and thereby his result was not declared. It is stated that the mere study of one subject in the M.Com Course would not be sufficient. It is also submitted that the applicant did not pursue any Post Graduate Degree or Diploma in the subjects indicated in the “allied subjects”.

4. We heard Shri Ajesh Luthra, learned counsel for applicant and Shri Amit Anand and Ms. Anupama Bansal, learned counsel for respondents.

5. The selection process was initiated way back in the year 2009. The qualification prescribed for the post is as under :-

“2 Post – Graduate Degree/Diploma in Social Work or Labour Welfare or Industrial Relations or personal Management or in any other allied

subject of recognized university/institution or equivalent".

6. The requirement, under the advertisement is very clear. Firstly, a candidate must hold his degree from a recognized university. There is no controversy about it. The second requirement is that a candidate must hold the Post Graduate Degree or Post Graduate Diploma in : (a) Social Work; or (b) Labour Welfare; or (c) Industrial Relations; or (d) personal Management; or (e) in any other allied subjects, from a recognized university. Admittedly, the applicant does not hold any Post Graduate Degree or Diploma in any of the four subjects (a) to (d). As a matter of fact, the Post Graduate Degree held by him is M.Com. He intends to bring it under the umbrella of "allied subjects". By no stretch of imagination, Commerce can be treated as subject, allied to the four subjects such as Industrial Relations, Personal Management, Social Welfare or Labour Welfare.

7. If one applies the principle of *ejusdem generis* , the 'allied subject' must be the one, in the company of four subjects, mentioned earlier to that. The Commerce would not at all, be in the company of Industrial

Relations or Labour Welfare. They operate in separate fields altogether.

8. Once the applicant did not hold the prescribed qualifications, the question of his being selected does not arise.

9. We do not find any merit in the OA and the same is, accordingly, dismissed.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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