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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/1272/2019

Date of Order: 23.09.2019

Coram: Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Mr. N. Neihsial, Administrative Member

Anu Shree Raw, daughter of Surendra Kumar Raw, aged about 32 years, by occupation Unemployed, residing at Multipurpose Hall Gurudwara near Nepali Mandir, Burnpur, Asansol, Post Office Burnpur, District Paschim Bardhaman, Pin 713325, West Bengal.

---Applicant

Versus

1. Union of India, through the General Manager, Eastern Railway, Fairlie's Place, 17, N.S Road, Kolkata - 700001.
2. The Chairman, Railway Recruitment Board, Kolkata Metro Railway, A.V. Complex, Chitpur, R.G. Kar Road, Kolkata - 700037.

---Respondents

For the Applicant(s): Mr. S. K. Datta, counsel
Mr. B. Chatterjee, counsel

For the Respondent(s): Mr. B. P. Manna, counsel

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

Heard Mr. S. K. Datta, leading Mr. B. Chatterjee, ld. counsel for the applicant. Mr. B. P. Manna, ld. counsel appearing on behalf of the respondents is also present and heard.

2. At hearing, Mr. B. P. Manna, ld. counsel for the respondents submits that the applicant has been asked to appear before the authorities for document verification by 23.09.2019/24.09.2019, and thereafter for medical examination. However, he submits that he has no instructions regarding the acceptance of the matriculation certificate of the applicant.

3. Mr. S. K. Datta, Id. counsel for the applicant draws our attention to Annexure A/10 Page 46 of the O.A, i.e a communication dated 17.11.1983 of Bihar Intermediate Education Council, Patna by which the Academic Officer, intimated that the Vidya Vinodini of 1946 and subsequent years of Prayag Mahila Viadyapith Allahabad are recognised one and in view of the said order the applicant matriculation is a valid one and is accordingly entitled to appear for examination proceedings for the recruitment of Assistant Loco Pilot & Technicians, Railway Recruitment Boards.

In similar issue, the coordinate Bench of C.A.T, Guwahati Bench vide order dated 07/11/2013 in O.A.361/2012 relying upon the order passed by the Patna Bench of the Tribunal held that, since the Bihar Sanskrit Board is a creation of Bihar Legislative Assembly, a degree issued by the said Board cannot be refused recognition by the Railway Board or the Union of India. The said order of the Patna Bench of this Tribunal was subsequently affirmed by the Hon'ble Patna High Court and the SLP assailing the judgement of the Hon'ble Patna High Court has been dismissed by the Hon'ble Apex Court. Besides vide letter dated 08.10.2013, it has been clarified to all the General Manager (P) of all Zonal Railways/Production Units that the certificates issued by Bihar Sanskrit Shiksha Board, Patna shall be treated as valid for employment in the railways and for pursuing higher studies.

In the similar issues also dealt by Guwahati Bench, where the Bench was of the considered view that rejecting the candidature of the applicant on the ground that Madhyama examination cleared by the applicant is not tenable in the eyes of law and accordingly hold that the applicant is eligible to be appointed in Group D post in railways having possessed the Madhyama examination.



In the present case also, the Bihar Bihar Intermediate Education Council, Patna hold that the Vidya Vinodini of 1946 and subsequent years of Prayag Mahila Viadyapith Allahabad are recognised one. On the pretext of non-recognition, the show cause notice dated 28.08.2019 is not tenable.

4. Taking note of the ratio as well as the document of the Bihar Intermediate Education Council, Patna, we hold that the Matriculation Certificate submitted by the applicant is a valid one. Accordingly, the show cause notice dated 28.08.2019 is hereby set aside. O.A is allowed to the said extent indicated above. There shall be no order as to cost.

(N. Neihsial)
Member (A)

(Manjula Das)
Member (J)

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