



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/411/2014
M.A.350/333/2014

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member**

Sri Sujit Kumar Ghorui,
Son of Sri Basudev Ghorui,
Residing at Teghori,
Via Tarakeswar,
Distt. Hooghly, PIN : 712410.

.... Applicant.

Versus

1. Union of India,
through the Secretary,
Department of Post,
Dak Tar Bhawan,
New Delhi – 110 001.
2. Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
Kolkata – 700 012.
3. Sr. Superintendent Post Offices,
South Hooghly Division,
Serampore – 712201.
4. Secretary,
Board of Secondary Education
Madhya Bharat Gwalior (M.P),
Santi Niketan, Satyadev Nagar Gandhi Road,
Gwalior (M.P).

..... Respondents.

For the applicant : Mr.B.R. Das, counsel
Mr. T.K. Biswas, counsel

For the respondents : Mr. P.N. Sharma, counsel

Heard on : 06.12.2018

Order on : 2.1.19

ORDER**Bidisha Banerjee, Judicial Member**

By this O.A. the applicant has sought for quashing of the order dated 26.11.2013 as contained in Annexure A/1 to the O.A. whereby and whereunder his candidature for the post of GDSBPM, Teghori Branch Office under Tarakeswar Sub-Post Office has been cancelled by the Senior Superintendent of Post Offices, South Hooghly Division, Serampore. The applicant has also sought for a direction to allow the him to join the post.

2. The applicant has filed M.A.No.350/333/2014 seeking interim relief.
3. The order impugned in the present O.A. is extracted verbatim hereunder for clarity:-

"To
 Shri Sujit Kumar Ghorui,
 S/o Basudev Ghorui
 Vill – Teghori Via – Tarakeswar

No:- A-1/GDS/BPM/Recruitment/Teghori B.O./13-14 dated at Serampore the 26.11.13

Sub:- Cancellation of candidature for the Post of GDSBPM, Teghori B.O.

Ref:- your letter no nil dated 4.11.13

In this office letter of even no dated 19.07.2013, you were provisionally offered for selection to the post of GDSBPM, Teghori B.O. But as per verification report, it revealed that the Board of Secondary Education, Madhya Bharat Gwallior from where certificate issued to you to have passed high school (class-10) neither appears in the list of member-boards of Council of Boards of School Education in India who is responsible for verifying genuineness/recognition of school education boards in india vide Ministry of HRD letter no- OM No-2-35/2011-Sch 3 dated 07.09.2012 and OM no- 14021/1/2012-Estt.D dated 06.03.2013 of the Ministry of Personnel, PG&Pensions, DOPT nor in the list of recognized boards of the

Ministry of HRD. Therefore, the certificates issued by the Board of Secondary Education Madhya Bharat, Gwallior cannot be given equivalence for employment in Central/State government organizations as observed by the Council of Boards of School Education in India in its communication dated COBSE/C.99/2013 dated 12.11.2013.

As such your candidature for the Post of GDSBPM, Teghori B.O. is being cancelled.

If you have anything to say against the decision you may submit your response within (3) three days from the date of receipt of this letter otherwise your candidature will be cancelled straightway, no further claim will be entertained."

The order adequately speaks for itself the reason for which the candidature of the applicant was cancelled.

4. The respondents have categorically stated in their reply that the selected person, Izaz Sarkar declined to join the post vide his declaration dated 19.07.2013 and the applicant being the next candidate in terms of merit was called for and had submitted residential certificate and marksheets issued by the Board of Secondary Education, Madhya Bharat, Gwallior, M.P. to the authorities. It was reported by the Deputy Secretary, Board of Secondary Education, Madhya Bharat, Gwallior(M.P) that the applicant Sri Sujit Kumar Ghorui qualified 10th standard examination and his date of birth was 12th April, 1984. A letter was sent to the Chairman, Council of Boards of Secondary Education, Madhya Bharat, Gwallior, Madhya Pradesh to verify the genuineness of the educational certificate submitted by the applicant. The General Secretary, Council of Boards of School Education in India reported by his letter dated 12.11.2013 that, "On verification of records maintained in COBSE office, we find that the name of the Board of Secondary Education, Madhya Bharat, Gwallior neither appears in the list of member-boards of COBSE nor in the list of recognised boards of the Ministry of

HRD. Therefore, the certificates issued by Board of Secondary Education, Madhya Bharat, Gwallior cannot be given equivalence for employment in Central/State Government organisations or for pursuing higher studies." Accordingly the respondents had to cancel the candidature of the applicant for the post.

5. The applicant has rejoined to state that the Board of Secondary Education, Madhya Bharat, Gwallior, M.P. has been recognised as equivalent to Board of High School and Intermediate Education of U.P., Allahabad and the name of the Board is appearing in the Schedule appended to the Regulations under Chapter-XIV of Regulations framed under the U.P. Intermediate Education Act, 1921, so, the certificate issued by the Board of Secondary Education, Madhya Bharat, Gwallior(M.P.) is valid for recruitment in Government organisation. It is further stated that a judgment and an order dated 02.03.2012 was passed in Writ-A No.73146/2011 (Santosh Kumar Vs. State of U.P.) wherein it has been categorically held that the degree obtained from the Board of Secondary Education, Madhya Bharat, Gwallior, Madhya Pradesh could not be disqualified as the said Board is recognised by the Board of High School and the Intermediate Education, U.P. Allahabad, therefore, certificates issued by the Board of Secondary Education, Madhya Bharat, Gwallior(M.P.) should be treated as valid.

The fact has not been disputed by the respondents by filing any supplementary reply.

6. At hearing, Id. counsel for the applicant would submit a list of recognised and non-recognised Boards of Secondary and Senior Secondary Education which manifests that against Code No.1001 and 1002 the names of Madhya Pradesh Board of Secondary Education, Bhopal and Madhya Pradesh State Open School,

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Bhopal respectively are enlisted as recognised Boards in the State of Madhya Pradesh.

7. Since it appears to be an extract of prospectus of 2013-2014 of an institution under National Institute of Open Schooling and the respondents could not be afforded the opportunity to deal with it, the present O.A. is disposed of with a direction upon the respondent authorities to give a personal hearing to the present applicant within a period of 4 weeks to ascertain whether the certificates obtained from the Board of Secondary Education, Madhya Bharat, Gwallior is in fact equivalent to high school and intermediate education, Allahabad. The respondents are directed to pass appropriate orders based upon their revelations for appointment of applicant against the post concerned, within a period of two months thereafter.

8. Accordingly both the O.A. and M.A. stand disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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