



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00936/2014

Date of order : 22.2.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

N. NEELAVATI & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.A.K.Banerjee, counsel
Mr.P.Sanyal, counsel

For the respondents : Mr.B.L.Gangopadhyay, counsel

O R D E R

This matter ^{is} taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law ~~is~~ ^{is not} involved, and with the consent of both sides.

2. This application has been filed seeking employment assistance on compassionate ground for applicant No.2 and a direction upon the respondents to withdraw the memo dated 14.7.2010 and 27.5.2014. The communication dated 14.7.10 is a communication made by Assistant Welfare Officer (W)/KGP on behalf of Workshop Personnel Officer, Kharagpur whereby and whereunder Sri. N.Kali son of N.Janki Rao has been informed that the competent authority has regretted his case due to "doubtful academic qualification". The communication dated 27.5.14 is a communication made to Smt. N. Neelavati in reference to her application dated 25.4.14 that in regard to her application dated 2.9.11 seeking employment assistance on compassionate ground in favour of her son N.Kali who has acquired qualification of Prathama from Hindi Sahitya Sammelan, Allahabad, that at the material time the qualification of Prathama from Hindi Sahitya Sammelan, Allahabad had no recommendation for the purpose of employment in the Railways to the posts for which prescribed qualification was Matriculation. As a result her appeal in favour of her son could not be considered. It further said that the Railway Authorities

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never asked the applicant to acquire higher qualification for such consideration.

On 4.8.10 the applicant N.Kali requested the Headmaster, Arya Kanya Vidyalaya, Kharagpur for a certificate as an ex-student of the school. Pursuant thereto on 20.11.10 the Headmaster certified that N.Kali son of N.Janki Rao was an ex-student of the school who passed Class VIII in the session 1998-99 and being a genuine student of the school, Headmaster requested the Welfare Personnel Officer to re-consider the case of N.Kali.

3. During the course of hearing the respondents were directed to satisfy that Prathama Examination was not equivalent to Matriculation and was not recognised by the railways for induction of a candidate into the Railways. Ld. Counsel for the respondents submitted two communications dated 20.2.14 and 6.6.15.

The communication dated 20.2.14 was a communication made by Assistant Welfare Officer to one Shri K. Sashi Kumar stating that Controller of Examinations/Hindi Sahitya Sammelan, Allahabad vide his letter dated 18.2.13 has clarified that recognition of Prathama from Hindi Sahitya Sammelan, Allahabad has been granted for recruitment in Railways but not for engagement in ITI or Act Apprentice under Apprentice Act, 1961 and therefore in terms of CPO/GRC's letter dated 19.4.13 persons with qualification of Prathama from Hindi Sahitya Sammelan, Allahabad have not been considered for engagement of Act Apprentices with the approval of the competent authority.

The other communication is that of Hindi Sahitya Sammelan, Allahabad in regard to one Manoj Kumar, the applicant in OA 899/14 which says that :

"As regards the recognition of Prathama it is submitted that on the recommendation of high Level Committee, the Government of India, Ministry of HRD, Department of Education has recognised the Prathama Examination as equivalent of Matriculation for the purpose of employment vide his notification No. 63 No. F.24-4/2001-T.S.III dated 26th July 2001 provisionally for three years.

In continuation the said notification the Govt. of India on 14/ May 2004 has decided to extend the recognition of Prathama for a further period of three years till 27.7.07. The Govt. of India has again accorded the recognition on the recommendation of High Level Committee in its meeting of 16.10.06 granted the recognition for further three years till

26.10.2010. The Ministry of HRD, Department of Education recognition of Prathama has been granted till 31st May 2013 vide its letter of 6.12.2013."

4. Further **RBE 11/2002** was brought to my notice which specified the following :

Recognition of qualification of Prathama Examination
conducted by Hindi Sahitya Sammelan, Allahabad

NOTIFICATION (63)

No.F.24-4/2001-TS.III. On the recommendation of the High Level Committee for recognition of Educational Qualifications, the Government of India have decided to recognize the Prathama Examination being conducted by Hindi Sahitya Sammelan, Allahabad for the purpose of employment under the Central Government for the post for which the desired qualification is a pass in matriculation. The recognition is provisional for a period of 3 years after which the committee will review the recognition granted.

5. The respondents also submitted the inspection report dated 27.6.10 which confirmed that N.Kali, son of N.Janki Rao passed Class VIII from Arya Kanaya Vidyalaya, Kharagpur but it was an un-recognised school.
6. Ld. Counsel for the applicant cited a decision rendered by Hon'ble High Court in WP 3235(W)/2012 which was rendered on a different factual premise and therefore not applicable in present scenario.
7. Therefore the question to be determined ^{was it} is whether the applicant who acquired Prathama qualification from Hindi Sahitya Sammelan, Allahabad ought to be considered for employment assistance on compassionate ground in the Railways.
8. The letters referred to by the respondents would make it clear that Prathama was not to be considered equivalent to Matriculation for the purpose of engagement in ITI or Act Apprentice however, no document surfaced to manifest that for induction into Railways on compassionate ground "Prathama" was not to be recognised.
9. Further RBE 11/02 manifested that "Prathama" was recognised provisionally for a period of three years and the communication of Hindi Sahitya Sammelan, Allahabad itself would further manifest that Govt. of India

continued recommendation till 26.10.10 and Ministry of HRD recognised Prathama till 31.10.13 vide its letter dated 6.12.13. Therefore Prathama was recognisable by HRD when the case of the applicant was being considered by the respondents. Therefore at the material time there was no impediment in considering the case of the applicant for employment assistance on compassionate ground on the basis of the educational qualification of "Prathama". However, it is not apparent whether "Prathama" is recognised till date.

10. In the aforesaid backdrop, the OA is disposed of with a direction upon the respondents to ascertain within one month from the date of communication of this order the present stand of the HRD and if there is no impediment in granting appointment on compassionate ground to the present applicant on the basis of his qualification "Prathama", to consider his case in accordance with law with an appropriate reasoned and speaking order within a further period of three months thereafter.

11. The OA is accordingly disposed of.

12. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (A)

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