

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A/350/1328/2013

Date of Order: 03.09.2019

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

Rajeev Kumar Ranjan, son of Laxman Sharma, presently residing at T6/A, Railway Quarter, Bamungachi, P.O Salkia, P.S. Liluah, District - Howrah, Pin No. 711106 and permanently residing at Village - Gopali Tola, Post Office - Bindadiara P.S - Bariarpur, District - Munger, Bihar - 811211.

--Applicant.

Versus

1. Union of India, service through the Secretary, Ministry of Railway, Government of India, Rail Bhavan, Raisina Road, New Delhi - 1.
2. Additional Secretary, Government of India, Secretariat of Ministry (Personnel Department), New Delhi - 1.
3. General Manager, Eastern Railway, having office at 17, Netaji Subhas Road, Kolkata - 700001.
4. Chief Personnel Officer, Eastern Railway, office at 17, Netaji Subhas Road, Kolkata - 700001.
5. Assistant Personnel Officer, Eastern Railway, Jamalpur, Munger, Bihar, Pin - 811211.
6. Chief Factory Manager, Eastern Railway, Jamalpur, Munger, Bihar, Pin - 811211.
7. Bihar Sanskrit Shiksha Board, Patna, service through the Secretary, 414F, Govindayan, East Boarding Canal Road, Patna - 800001.

--Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel

For The Respondent(s): Mr. S. K. Das, counsel

O R D E R (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

The applicant in this OA has assailed the order dated 16.08.2013, issued by Assistant Personnel officer, E. R. Jamalpur, and memo dated 11.08.2011, issued by CPO and the direction upon the respondents to absorb the applicant to the post of badli Group-D in Jamalpur Workshop. The order impugned in the present O.A, (Annexure A-9), reads as under:

"0007401 Eastern Railway by Registered Post
No. - P/Per/Per off/Estb-4/BTC/Badli Group D/2006/Rent II

Jamalpur Dated 16.08.2013.

Shri Rajeev Kumar Ranjan
Success Act Apprentice
Kanchrapara
Village- Gopali Tola
P.O Bindadyara
P.S Bariyarpur
Dist: Munger, State- Bihar,
Pin code No. 811211.

Subject: With regard to absorption of successful apprentice in the post of Badli Group - D in phases.

Reference : Letter No. CPO/S.C/R.E.C. T.T/X/AP/P/ R.A Volume-VX dated 11.08.2011 of Ch. Per Officer and letter No. M.E.370/Act. A.P.P . R/J.M.P/Refd/RKR dated: 23rd July 2013.

In the light of aforesaid subject matter and the letter under reference, prior to absorbing you in the post of Badli Group D all formalities were supposed to have been duly fulfilled. From the certificates of your academic qualifications and technical qualification it was found that you have passed Madhyamik Exams from Bihar Sanskrit Shiksha Board Patna. On this basis you acquired training from I.T.I in Welder Trade. You were selected for taking training in Act Apprentice under Chief Factory Manager Kanchrapara. In course of enquiry it was found that under the No. 153/2005 of the Chief Per. Officer Kolkata, Bihar Sanskrit Shiksha Board Patna is not a recognised Board and certificate granted by it is also not valid and recognised for appointment/promotion in Central Government.

Hence as per the order of the appropriate authority the matter relating to your absorption in the post of Badli Group -D workers in phases was sent of Head Office Kolkata for clarification.

The clarification received from the appropriate Officer Head Office Kolkata is as follows:

Since the candidates does not fulfil eligibility offers as per notification, question of further consideration does not arise.

In the light of the aforesaid clarification by Head Office Kolkata, you cannot be absorbed in the post of Badli Group 'D' staff in phases.

Sent for information

*Sd. Illegible
Assistant Personnel officer
Eastern Railway, Jamalpur,
Sent for Information for*

Copy: Letter No. M.E-370/Act. APPR/J.M.P/Refd/RKR dated: 23rd July 2013 of Ch. Per Officer, Eastern Railway,

For Chief Factory Munger,

Eastern Railway, Jamalpur."

A bare perusal of the said impugned order demonstrates and exemplifies that, the applicant has been denied absorption to the post of Badli Group 'D' Workshop on the ground that, he acquired Madhyamik qualification from the Bihar Sanskrit Shiksha Board Patna, which is not a recognised Board.

2. In support of their contention, respondents have relied upon a Railway Board's letter dated 16.11.2005 (RBE 195/2005), annexed at Annexure R-1 of their reply, which reads as under: (extracted with supplied emphasis for clarity)

"Copy of Railway Board's letter No. E(NG) II/2005/RR-1/14 dated 16.11.2005 (RBE No. 195/2005) addressed to GMs, All Indian Railway and others.

Sub: Recognition of certificate of Madhyama/Prathama pass from Bihar Sanskrit Shiksha Board Patna for the purpose of recruitment on the railways.

A number of Zonal Railway and Railway Recruitment Boards' have sought clarification as to whether the certificate of Madhyama/Prathama pass awarded by Bihar Sanskrit Shiksha Board Patna is recognised for the purpose of recruitment on the Railways.

The matter has been examined in consultation with Department of Personnel & Training and it is clarified that Bihar Sanskrit Shiksha Board Patna is not a recognised Institution and aforesaid certificates awarded by them are also not recognised for the purpose of appointment/promotion in the Central Government."

3. The applicant, on the contrary, in order to contend that Madhyama Certificate is recognised by Council of Board of School Education in India (COBSE), has relied upon a letter dated 05.10.2012 issued by the Council, addressed to the Chairman, Bihar Sanskrit Shiksha Board Patna, in regard to grant of COBSE membership to the said Board of Patna. The letter reads as under:

*"Council of Boards of School Education in India
6H Bigjo's Tower, A-8, Netaji Subhash Place, Ring Road, Delhi 110034.*

Ref. No. COBSE/c.49/2012

05 October 2012

Dear Prof. Prasad.

Subject: Grant of COBSE membership to Bihar Sanksrit Shiksha Board, Patna.

With reference to your Letter No. 1440 dated 18.05.2012 on the above subject, I hereby convey approval of the Executive Committee COBSE to grant of membership of COBSE to Bihar Sanksrit Shiksha Board, Govindaya, East Boring Canal Road, Patna – 800001.

Council of Boards of School Education in India (COBSE) is responsible for verifying genuineness/recognition of school education boards in India. It grants membership to boards, institutions that are set up by an Act of parliament or State Legislature or by an Executive Order of the Central/State government, and should be following the National Curriculum Framework 2005 CBSE.

Accordingly, on the grant of COBSE membership to Bihar Sanksrit Shiksha Board (BSSB), the Madhyama certificates issued by BSSB, Patna would have equivalence to secondary (matriculation) certificates of other member boards across the country.

With regards,

Yours sincerely

(D. V. Sharma)

*Prof. Ramdev Prasad
Chairman,
Bihar Sanksrit Shiksha Board
East: Boring Canal Road
Patna : 800001."*

Citing the aforesaid letter, ld. counsel for the applicant would vociferously submit that the applicant having admittedly acquired Madhyama Qualification from Bihar Sanksrit Shiksha Board which is recognised by Council of Boards of School Education in India (COBSE), as evident from the letter dated 05.10.2012, extracted supra, the respondents ought not to have rejected his claim.

Ld. counsel would further place an office memo issued by the Government of India, Secretariat of Ministry (Personnel Dept.), dated 18th July, 1972, extracted here under for clarity:

"No. 6/12/71-Estb.(a)
 Govt. of India
 Secretariat of Ministry (Personnel Dept.)
 New Delhi -1

Dated 18th July 1972.

Office Memo

Subject: Granting equivalent recognition like various academic qualification under usual curriculum of education for appointment to service under the Govt. of India to examinations to be taken by National cultural organisation, new Delhi.

I have been directed to say that Govt. of India with the advice of Union Public Service Commission has been taking for granting equivalent recognition like various academic eligibilities under usual educational curriculum of education mentioned beside each of the following for appoint and recruitment in service under Govt. of India to the following examinations to be conducted and taken by cultural organisation, New Delhi.

<i>Name of Examination</i>	<i>Equivalent to Examination</i>
1. <u>Prathama</u>	<u>Middle School</u>
2. <u>Madhyama</u>	<u>Higher Secondary</u>
3. <u>Shastri</u>	<u>B.A.</u>
4. <u>Acharya</u>	<u>M.A.</u>
5. <u>Siksha Varidhi</u>	<u>B.Ed.</u>
6. <u>Vidya Varidhi</u>	<u>P.H.D</u>
7. <u>Vachasparti</u>	<u>D. Let</u>

<i>1. Prathama</i>	<i>Middle School</i>
<i>2. Madhyama</i>	<i>Higher Secondary</i>
<i>3. Shastri</i>	<i>B.A.</i>
<i>4. Acharya</i>	<i>M.A.</i>
<i>5. Siksha Varidhi</i>	<i>B.Ed.</i>
<i>6. Vidya Varidhi</i>	<i>P.H.D</i>
<i>7. Vachasparti</i>	<i>D. Let</i>

As far as the appointments and recruitments under the Accounts Department and Accounts Examination under Govt. of India is concerned this order has been issued on the advice of the Controller and Auditor, General of India.

Sd/

*(K. Ramaiyya)
 Additional Secretary.
 Govt. of India*

To

All Ministries under Government of India."

4. Ld. counsel for the applicant would submit that Madhyama certificate is equivalent to Higher secondary, the rejection of his prayer for absorption was bad and, therefore, the authorities should be directed to reconsider on the basis of the memo dated 18th July, 1972 office memo(supra).

Ld. counsel for the respondents would defend the action of the respondents as according to him, Madhayama is not a qualification recognised for the purpose of appointment or absorption in Railways.

5. Ld. counsels were heard and the materials on records were perused.

6. Having noted the contents of the letter dated 05.10.2012 issued by the Council of Boards of School Education in India (COBSE) and having noted that on the basis of his qualification, the applicant has already acquired training from ITI in Welder Trade, we are of the considered opinion that the respondents should reconsider the matter in terms of the latest position of the Railway Board and letter dated 05.10.2012 of Council of Boards of School Education in India (COBSE), granting recognition to Bihar Sanksrit Shiksha Board and the OM dated 18.7.72 that a Madhyama is equivalent to Higher secondary certificate of other member boards across the country.

7. Accordingly, we dispose of the O.A with a direction upon the Railway authorities to refer the matter to the Railway Board to obtain necessary clarifications in regard to the qualification certificate of the applicant and

decide whether to grant absorption in terms of letter dated 05.10.2012 of Council of Boards of School Education in India (COBSE) to the Bihar Sanksrit Shiksha Board keeping in view his ITI Certificate in the particular trade.

8. Let appropriate orders be issued within 3 months from the date of receipt of a copy of this order. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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