

Darshan Devi Vs. Union of India and Others

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Court : Delhi

Decided On : May-18-2012

Judge : Badar Durrez Ahmed & V.K. Jain

Appeal No. : W.P.(C) 2965 OF 2012

Appellant : Darshan Devi

Respondent : Union of India and Others

Judgement :

BADAR DURREZ AHMED, J.

(ORAL)

CM 6395/2012(exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 2965/2012 and CM 6396/2012(direction)

1. The petitioner is aggrieved by the order dated 23.3.2012 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, in O.A. No. 2510/2011, whereby her said Original Application was rejected. The petitioner had applied for the post of Junior Hindi Translator which had been notified in the Employment

News dated 26.09.2009 by the Staff Selection Commission. The cut-off date for the submission of applications was 27.09.2010. The qualifications which were necessary for persons applying for the post of Junior Hindi Translator (in Subordinate Offices) were as under:-

“For Junior Hindi Translators(in Subordinate Offices)

(i) Master’s Degree of a recognized University or equivalent in English/Hindi with Hindi/English as a compulsory or elective subject at degree level;

(ii) Bachelor’s Degree of a recognized University or equivalent with Hindi and English as main subjects (which includes the term compulsory and elective)

Note :

(i) Those candidates who have passed B.A.(Hons.) in English/Hindi with Hindi/English as subsidiary/MIL subject are eligible for the post of Junior Hindi Translators.

(ii) Candidate must ensure that they have studied English and Hindi as main subjects and not as a paper in all three years of BA Pass course.”

2. Insofar as the first qualification is concerned, that is, with regard to the Master’s Degree, the same does not come into question in the present case inasmuch as the petitioner did not have a Master’s Degree on the cut-off date of 27.09.2010. Her Master’s degree was obtained subsequently. Therefore, the learned counsel for the petitioner is not pressing his case with regard to the first qualification, that is, with regard to the Master’s degree.

3. The entire argument of the learned counsel for the petitioner was focused on the alternate qualification of the applicant possessing a Bachelor’s Degree of a recognized University or equivalent with Hindi and English as main subjects (which includes the term compulsory and elective). There is no dispute that the petitioner possesses the degree of Bachelor of Arts (Hons.), 2004 of the University of Delhi, in the subject of sociology. But, the learned counsel for the petitioner was unable to show us any material whereby it could be said that the petitioner had Hindi and

English as main subjects in her Bachelor's degree course.

4. The learned counsel for the petitioner, however, contended that the expression "with Hindi and English as main subjects" does not relate to the Bachelor's degree but only relates to the "equivalent" qualification and since the petitioner had a Bachelor's Section degree, the requirement of the petitioner having studied Hindi and English as main subjects did not arise. We do not agree with this interpretation at all. The requisite qualification was that the applicant should possess a Bachelor's degree of a recognized University or an equivalent qualification. The expression "with Hindi and English as main subjects" applied both to the Bachelor's degree as also to the "equivalent" qualification. This is also apparent if one considers Note (i) appended to the requisite qualifications. The said note stipulates that those candidates who have passed B.A.(Hons.) in English/Hindi with Hindi/English as the subsidiary/MIL (Modern Indian Language) subject are eligible for the post of Junior Hindi Translators. This indicates that normally even candidates who had a B.A.(Hons.) degree in English or Hindi would have had to have studied Hindi or English, as the case may be, as a main subject. But, in such cases a special relaxation has been granted. It has been clarified that in the case of a candidate having B.A.(Hons.) degree in English or Hindi with Hindi or English, as the case may be, as a subsidiary/MIL subject, such a candidate would be considered eligible for the post of Junior Hindi Translator. It is evident that in the case of B.A.(Hons.) English/Hindi, there is a relaxation to the extent that the other subject, namely, Hindi/English could be a subsidiary/MIL subject. There is no such relaxation in respect of other Honours courses including the course in sociology. Therefore, unless and until, a candidate had a bachelor's degree in which both Hindi and English were main subjects, whether as compulsory or elective subjects, the candidate would not be regarded as qualified and/or eligible for the post of Junior Hindi Translator in sub-ordinate offices. We may also point out that as per the counter-affidavit filed on behalf of the respondents before the Tribunal, the petitioner, in respect of her degree level course [B.A. (Hons.) in sociology], had studied Hindi and English only for one year and that, too, as subsidiary subjects. Therefore, she was clearly ineligible.

5. The learned counsel for the petitioner further submitted that since the petitioner was permitted to take the written examination and was even called for the interview, she could not have been turned out from the interview on the ground that she was ineligible. Consequently, he submitted that a direction should be given to the respondent to conduct the interview and if the petitioner passes, she be appointed. We may point out that the interview letter itself made it clear in paragraph 2 thereof that the candidature was only provisional and that, if at any stage, it was found that the candidate did not fulfil any of the conditions of eligibility as laid down in the notice of the said examination, the candidature would be cancelled. Paragraph 2 of the said interview letter dated 18.03.2011 which was issued to the petitioner is set out hereinbelow:-

“2. Please note that your candidature is purely provisional. If it is found at any stage that you do not fulfil any of the conditions of the eligibility as laid down in the Notice of the above said examination, your candidature will be cancelled and no appeal against such cancellation will be entertained. To avoid inconvenience later on, you are again advised to note carefully the conditions of eligibility such as educational qualifications, age, caste and category etc. as laid down in the notice of examination and its fulfillment by your before coming for interview. You may note that you will be considered for the post of Junior Translator in CSOLS and Junior Hindi Translator in Subordinate Offices based on your merit, option and also eligibility vis--vis recruitment rules for the post.”

(underlining added)

6. Thus, in the light of what has been categorically stated in the said paragraph 2 of the interview letter itself, the contention of the petitioner that once the petitioner was permitted to take the examination and was called for the interview, her interview should have been conducted and if she had passed the same, she ought to have been appointed, is not tenable.

7. In view of the foregoing, we see no reason to interfere with the impugned order passed by the Tribunal, the writ petition is dismissed. There shall be no order as to costs.