

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Judgment : 05.10.2010

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RSA No.77/2000

MUNICIPAL CORPORATION OF DELHI Appellant
Through: Ms.Saroj Bidawat, Advocate.

Versus

JAGDEEP RAJ SINGH Respondent
Through: Mr.Virender Mehta, Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

INDERMEET KAUR, J. (Oral)

1. This appeal is directed against the impugned judgment and decree dated 5.3.1999 which had endorsed the finding of the Trial Judge dated 31.7.1996. Vide judgment and decree dated 31.7.1996, the suit of the plaintiff Jagdeep Raj Singh was dismissed. The impugned judgment has decreed his suit.

2. The only bone of contention before this Court is as to whether the 'Pratahma Pariksha Certificate' is equivalent to a matriculation or not.

3. Learned counsel for the respondent has placed before this Court two judgments rendered by this Court reported in 2002(65) DRJ 490 Pradeep Kumar Vs. MCD 2003(67) DRJ 238 (DB) Vijay Pal singh Vs. UOI . In both the cases, it has been categorically held that the 'Pratahma Pariksha Certificate' is equivalent to a matriculation degree.

4. Briefly stated the facts of the case are that the plaintiff Jagdeep Raj Singh had passed the Pratahma Pariksha from Hindi Sahitya Sammellan, Prayag with a second division in the academic year 1965-66. He was working as a Medical Record Attendant with the appellant/MCD w.e.f. 2.11.1975. Vide order dated 17.5.1984 of the appellant department the Medical Record Attendants who were matriculate and employed between the period 1972 to 1979 were being offered ad hoc appointments for a period of one year subject to their passing the english type test at a speed of 30 w.p.m.. In May 1984 there were six vacancies of a Medical Record Clerk and for the purpose of filling the said posts Corporation had appointed a Departmental Promotion Committee (DPC). However, in the office order dated 24.7.1984 the name of the plaintiff was missing from the promotion list. He made several representations but no avail. Present suit for injunction was accordingly filed against the department.

5. The Trial Judge had dismissed the suit of the plaintiff. Impugned judgment dated 5.3.1999 had allowed his appeal; suit of the plaintiff was decreed. The impugned judgment had returned a finding that the plaintiff is entitled to a mandatory injunction for appointment to the post of Medical Record Clerk as per the salary and allowances permissible in the pay scale Rs.260-400. This was answered while dealing with issue no.1. The prescribed educational qualification for this post in terms of the circular Ex.PW-1/3 is :

(i) High School or equivalent

(ii) Knowledge in Hindi

6. Court had returned a finding that Pratahma Pariksha

Certificate was equivalent to matriculation. Further another person by the name of Ram Hazoor had also been promoted as a L.D.C. on the same qualification i.e. Pratahma Pariksha Certificate.

7. The grounds of appeal are all bordered around this submission only.

8. After the admission of the appeal, the substantial question of law formulated by this Court which reads as under;

“Whether the courts below were correct in issuing a direction to appoint the respondent to a particular post, which is contrary to the rules and regulations?

9. This controversy has now been set at rest in view of the judgments relied upon by the learned counsel for the respondent as aforesaid. Pratahma Pariksha Certificate is equivalent to a matriculation degree. The appointment of the respondent could not be challenged. There is no merit in the appeal; it is dismissed.

INDERMEET KAUR, J.

OCTOBER 05, 2010
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