

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20169 of 2010

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Suk Deo Tiwari @ Suekdeo Tiwari, S/o Late Deevananth Tiwari @ Deenanath Tiwari, R/o Qtr. No. 545-A, Langra Bagan, Katihar.

.... Petitioner/s

Versus

1. The Union of India Through General Manager N.F. Railway, P.O.- Maligaon, Distt.- Kamrup, Assam.
2. The Divisional Railway Manager, N.F. Railway, Katihar.
3. The Divisional Railway Manager (Personnel), N.F. Railway, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, No.1 Mr. S. Alam.
For the Respondent/s	:	Mr. Anil Kumar Sinha Mr. Abhimanyu Deo.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 26-06-2015

The present writ application is directed against the order dated 15.05.2008 passed by the Central Administrative Tribunal, Patna Bench in Original Application No. 279 of 2007 as well as order dated 05.03.2010 passed by the Tribunal in R.A. No. 22 of 2008, wherein the Tribunal has refused to interfere with the order of the respondents dated 26.08.2005, which rejected the claim of the petitioner for his promotion to the post of Junior Engineer (Electrical) Grade-II.

The solitary ground on which the petitioner was



held disentitled to the said promotion was that he did not have the requisite educational qualification, which was required. In other words, what was held was that the educational qualification of 'Praveshika' from Hindi Vidyapith, Deoghar was not granted equivalence to matriculation by the Central Government, which guides the Railways and as such, petitioner lacking valid matriculation qualification could not be considered for the said promotion.

We have heard the learned counsel for the petitioner and learned counsel for the respondents and perused the records.

We are of the considered opinion that the solitary issue which was brought for consideration was whether the 'Praveshika' Certificate granted by the Hindi Vidyapith, Deoghar could be considered as equivalent to matriculation by the Railways for the purposes of the said promotion which was the basic eligibility criterion. We may first notice the admitted position that Hindi Vidyapith, Deoghar is neither a statutory body nor a statutory authority nor a State Body or authority imparting education. The certificates granted by it, thus, would not be by itself recognized as equivalent to matriculation or other formal degree. Equivalence is not to be assumed. Authorities have to take



a conscious decision in the matter and grant or recognize equivalence, in absence whereof, no recognition can be given to the said certificate. The recognition or equivalence has to be granted by the authority, who has to use that equivalence for any purpose or permit its use for any purpose. Reliance is being placed on the judgment of the Hon'ble Apex Court in the case of ***STATE OF RAJASTHAN AND OTHERS Versus LATA ARUN reported in 2002(6) SCC, page 252*** wherein a similar issue in relation to Madhyama Certificate issued by Hindi Vidyapith Sahitya Sammelan, Allahabad was there for consideration. The State of Rajasthan did not grant or recognize its equivalence as a degree. The contention was that other States and organizations had granted equivalence and as such, it should be treated as competent and equivalent. The Hon'ble Apex Court did not accept the contention and held that it was a matter of policy, which is to be decided by the authorities and it cannot be assumed.

In the written statement filed by the Railways before the Tribunal and the counter affidavit filed before us, it is categorically stated that Railways being bound by the decision of the Central Government, the Central Government not having granted equivalence to 'Praveshika' from Hindi Vidyapith, Deoghar to matriculation, Railways could not consider the same.



This has not been countered by the petitioner. Petitioner has brought on record that the State of Bihar has granted equivalence therein as matriculation for the purposes of recruitment under the State. Even this Court has granted equivalence to matriculation for the purposes of recruitment of Class-III Employees in the Civil Courts subordinate to this Court. Petitioner mentioned that even Bar Council of India has recognized the equivalence but that is by those authorities for the purposes related to them. Neither by analogy nor by any reasoning, it can be extended to Central Government unless the Central Government or for that matter the Railway takes a conscious decision in that regards.

However, before concluding we would like to observe that with permission of the Railways petitioner had then completed his Intermediate from the Utter Pradesh Intermediate Board. There is a circular of the Central Government, which speaks of such contingencies where a person has done his matriculation from a Board or an organization, the equivalence of which has not been recognized by the Central Government but has subsequently done the next higher level of education from a regularly recognized Board or Authority, in such eventuality, the non-equivalence would be of no consequence. We have taken note of this only for the purposes that if in future, petitioner seeks

promotion then he cannot be denied the same now on the ground that he has not done matriculation or that ‘Praveshika’ has not been granted equivalence by the Central Government or the Railways with matriculation.

In that view of the matter, we see no infirmity in the order of the Tribunal. This writ petition is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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