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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4532/2015, CM No.8204/2015**
LONA BHATTACHARYYA

..... Petitioner

Through: Counsel(appearance not given)

versus

ALL INDIA MANAGEMENT ASSOCIATION (AIMA) & ANR

..... Respondent

Through: Mr.Peeyoosh Kalra, ASC with Ms.
Mahua Kalra & Mr. Shiva Sharma,
Adv. for R-1
Mr. K.K. Tyagi, Adv. with Mr.
Anoop Kumar, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **15.07.2016**

1. This petition has been filed by the petitioner with the following prayers:-

“(a) issue a writ of mandamus and/or certiorari or any other appropriate writ(s), order(s) and/or direction(s), directing the respondents herein to allow the petitioner to take part in the interview for the post mentioned as Code 01(Management Trainee-General) in Mini Ratna PSU, the respondent No.2 herein, and accordingly after passing in the said interview to appoint her on the said post;

2. It is noted from the petition that the respondent No.1 had issued an advertisement for recruitment to the post of Management Trainee (General)

in the pay scale of 20600-46500 with the respondent No.2. There is no dispute that the petitioner had qualified the written examination and was to face the interview board. It is submitted by Mr. Tyagi, that at the time of the interview, the eligibility of the candidate is seen. In the case of the petitioner, it is noted that the degree of MBA awarded to the petitioner, assessed the petitioner as 'B' grade. Since the University assessed the petitioner on the basis of 'grade', and not division/class, she was not allowed to face the interview board.

3. The learned counsel for the petitioner has drawn my attention to the certificate issued by the University from which the petitioner had obtained the MBA decree, the following has been mentioned:-

“TO WHOM SO EVER IT MAY CONCERN

This is to certify that Ms. LONA BHATTACHARYYA, bearing Registration Number 1208027439 had successfully completed the Master of Business Administration (MBA) program of Sikkim Manipal University in July 2014 examinations and had obtained “B” grade with 63.78% which is equivalent to FIRST DIVISION.”

4. He states that in view of the certificate, it is clear that the petitioner has first class/first division and could not have been disallowed from appearing in the interview.

5. On the other hand, Mr. K.K. Tyagi, learned counsel appearing for the

respondent No.2, would submit that in terms of the certificate, issued by the University, the 'B' grade, which the petitioner had secured, only certify it to be equivalent to first division. In other words, according to him, 'B' grade shall not necessarily mean that the petitioner has first class/first division to meet the requirement under the advertisement. He also states, different Universities in India, has different grading system/division system. In other words, in certain Universities, the first division can be above 70%. He also states that the petitioner has to face the interview board and cannot be given an appointment without that process.

6. Having heard the learned counsel for the parties, no doubt that the degree of MBA awarded to the petitioner does not specify that the petitioner has first class/first division. The class/division is prescribed by the University concerned from which the candidate has acquired the qualification. In the present case, the University having issued the certificate, there cannot be any doubt that the petitioner being first division does meet the eligibility condition in terms of the advertisement. The candidate cannot be faulted, on the ground, the degree does not show the division/class. The respondent while issuing advertisement should have prescribed either grade or division or class or all of them. It is not the case

of the respondent No.2, that first class is not equivalent to first division. Accordingly, this Court is of the view that as the petitioner has first division, she should be called for interview. Further, it would not preclude the respondent No.2 to make verification, from the University concerned, insofar as the certificate issued by the University dated March 19, 2015 at page 31 of the paper-book is concerned.

7. Subject to verification, the petitioner shall be called for interview and if found successful, the petitioner shall be appointed. It is made clear that the appointment, if given to the petitioner, shall be from the date of the appointment and she will not have any claim for seniority and/or back wages for the past period. The aforesaid process should be carried out by the respondents, including the process of interview and appointment, if any within a period of three months from today. Petition is disposed of. No costs.

V. KAMESWAR RAO, J

JULY 15, 2016/ak