

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17842 of 2018

1. The Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The Member (Staff), Railway Board, Rail Bhawan, New Delhi.
3. The Executive Director (Estt.), Ministry of Railway, Rail Bhawan, New Delhi.
4. The Director (Estt.) Railway Board, Rail Bhawan, New Delhi.
5. The Joint Director Estt. Railway Board, Rail Bhawan, New Delhi.
6. The General Manager, North Eastern Railway, Gorakhpur.
7. The General Manager Personnel, Diesel Locomotive Works, Varansi.
8. The Deputy Personnel Officer/HQ, Diesel Locomotive Works, Varanasi.
9. The Sr. Personnel Officer, Diesel Locomotive Works, Varanasi.

... .. Petitioner/s

Versus

Subodh Kumar, son of Basant Prasad, Resident of Village Bariyarpur, P.O. Bariyarpur, P.S. Bariyarpur, Dist. Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijoy Kumar Sinha, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 24-01-2020

Heard learned counsel for the parties.

In the present case, the Railway has challenged the order dated 4.1.2018 passed in O.A./050/00024/2014, whereby and whereunder, the Tribunal has given direction to the respondents (petitioners herein) to consider the candidature of the petitioner (respondent herein) and if there is no any other impediment except



the qualification, which is the reason for refusing to consider the candidature of the respondent, the respondent would be appointed.

The short fact of this case is that an advertisement was published being Employment Notice No. 1/2005 for the post of Apprentice in Diesel Locomotive Works, Varanasi for which the educational qualification required was Matric with ITI. The petitioner has obtained the Matriculation certificate from the Bihar Sanskrit Shiksha Board and has also completed ITI. He was successful in the written test and was selected for the Apprentice Training which he was declared successful in the trade of Beldor. When he was not called for training in Group 'D' post, he made representation on 12.12.2008, in turn, he was informed vide letter dated 7.2.2009 that he cannot be appointed because the certificate from Bihar Sanskrit Shiksha Board is not recognized. But, the Railway administration failed to appreciate that the Bihar Sanskrit Shiksha Board is a validly constituted Board by the State of Bihar and the certificate issued by the Bihar School Examination is binding equally to the Railway.

Learned counsel for the petitioners submits that the certificate was not recognized by the Council of Boards of School Education in India, Delhi (in short COBSE) but, in the present case, the advertisement itself mentions the qualification as



Matriculation or equivalent and, certainly, it cannot be said that the certificate, issued by the Bihar Sanskrit Shiksha Board is not equivalent to the Matriculation and, that too, the Board has been constituted and created by the State of Bihar under the statutory provision and the persons, who have obtained certificate from this Board, they are allowed to pursue higher study in any part of the India and even to the Central University, constituted by the Central Government and further says that in an identical matter, this issue came for consideration before this Court in C.W.J.C. No. 7365 of 2011 (The General Manager & Ors. Vs. Shyam Bihari Paswan & Anr.) in which, vide order dated 6.9.2011, it has been held that the certificate issued by the Sanskrit Shiksha Board is proper and valid degree and is binding in nature and the view taken by the Railway administration is quite misconceived and not sustained and approve the order passed by the Tribunal. Further in another case, C.W.J.C. No. 10345 of 2004, the same view has been taken by this Court. In that view of the matter, in the present case, the Tribunal has rightly passed the order in favour of the respondent.

Learned counsel for the petitioners has brought to the notice of this Court that the competent authority, who was to appoint the respondent, in course of time, has changed as he has



mentioned the same in paragraph no.10 of the present writ application.

The order of the Tribunal is binding on the Railway administration including all the authorities who were at the relevant time competent to appoint or subsequently. So, whosoever be the authority competent to appoint the respondent, it will be binding upon him/them and it is further directed to the authority concerned to act upon in terms of the order passed by the Tribunal within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2020
Transmission Date	

