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

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+ **W.P.(C) 13595/2018 & CM APPLs. 52989/2018, 14060/2019**

UNION OF INDIA AND ORS

.... Petitioners

Through: Mr. R.V. Sinha, Mr Amit Sinha, Mr
satendra Kumar and Mr Sharanya
Sinha, Advocates.

versus

RAVI KUMAR AND ORS.

..... Respondents

Through: Ms. Rani Chhabra, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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06.02.2020

1.The Department of Posts, through the Postmaster General, Agra Region ('PMG, Agra') and other officers of its Mathura Division and Sub-Division, have filed the present petition, challenging an order dated 25th July, 2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('CAT'), allowing OA No.2871/2015, filed by the Respondents herein praying for the quashing of an order dated 28th April, 2015, cancelling their engagement as Gramin Dak Sewak Mail Deliverer ('GDSMD'), under various sub-divisions of the Petitioner since 2013.

2. Admittedly, the Respondents qualified in the 'Adeeb' examination conducted by the Jamia Urdu, Aligarh ('JUA'). On the strength of an Office Memorandum ('OM') dated 28th June 1978, issued by the Department of Personnel and Administrative Reforms, Government of India, in the Ministry of Home Affairs ('MHA'), recognizing the courses offered by the

JUA for the purposes of recruitment under the Central Government, the Respondents were engaged as GDSMD, since 2013.

3. Subsequently, on 22nd April, 2015, a communication was received by the Senior Superintendent of Post Office, Mathura Division, from the PMG, Agra, that the said certificates of ‘Adeeb’ were not valid for appointment to the post of GDSMD. Consequently, all the engagements of the Respondents were cancelled by the impugned orders dated 28th April, 2015.

4. Relying on two decisions, viz., *Syed Ahmad v. Secretary, Ministry of Health & Family Welfare (1997) 11 SCC 529*, and a judgment of the Allahabad High Court in *State of U.P. v Mohammad Ishtiaque Ansari* dated 11th March, 2014 in Special Appeal Defective No.268/2014, the CAT by the impugned order, held that ‘Adeeb’ examination of the JUA is equivalent to knowledge of Urdu of High School/Matriculation or BA examination standard. Reliance was also placed on the aforementioned OM dated 28th June, 1978. On that basis, the orders dated 28th April, 2015, cancelling the engagements of the Respondents were quashed.

5. This Court has heard the submissions of Mr R.V. Sinha, learned counsel appearing for the Petitioners and Ms Rani Chhabra, learned counsel appearing for the Respondents.

6. In the first place, it requires to be noticed that in the advertisement issued for recruitment of GDSMD, the requisite qualification was that “the applicant must be class-8 examination passed. High School pass shall be given preference. Applicants holding higher qualification will not be

ineligible, but no benefit shall be given for higher qualification”. What is significant is that as part of the essential qualification, it was not necessary for the applicant to have knowledge of Urdu. This has some significance for the issue that arises in the present case.

7. As far as the OM dated 28th June, 1978 is concerned, although it does recognise the equivalence of the courses offered by JUA, for the purposes of employment in the Central Government, in the column “nature of recognition”, it clearly states that such examination is “recognized for the purposes of employment to the post which requires knowledge of Urdu of High School/Matriculation”. In other words, the question of recognition only arises where the post for which the employment is sought, mandates knowledge of Urdu. It is for this reason that the ‘Adeeb’ examinations offered by the JUA are recognized as ‘equivalent’, either to high school/matriculation or where applicable to Urdu of intermediate standard or of BA standard, depending upon the post for which the application is made.

8. Now turning to the two decisions relied upon by the Respondents, and which have also been referred to by the CAT, in the impugned order. The first decision is of the Supreme Court in ***Syed Ahmad v. Secretary, Ministry of Health & Family Welfare*** (*supra*). The facts of this case, as set out in para 3 of the decision, reveals that the requisite qualification for the post of Pharmacist (Unani), for which an advertisement was issued on 2nd June, 1984 was “matriculation with proficiency in Urdu or equivalent oriental qualification in Urdu/Arabic/Persian”. In other words, the post itself required proficiency in Urdu. It is in this context that the Supreme Court

discussed whether the ‘Adib-e-Mahir’ qualification that the Petitioner (Appellant in that case) possessed was equivalent to the intermediate standard. Referring to the aforementioned OM dated 28th June, 1978, it was held that “it cannot, therefore, be said that ‘Adib-e-Mahir’ is not a qualification equivalent to matriculation with proficiency in Urdu and it must be held that the Appellant was wrongly denied consideration for appointment on the post of Pharmacist (Unani)”.

9. The above decision is of no assistance to the Respondents for the simple reason that the post of GDSMD, for which the Respondents applied and were engaged, did not require knowledge of Urdu, whereas in the aforementioned case, for the post of Pharmacist (Unani), being proficient in Urdu was an essential qualification.

10. The same is the position, as far as the decision of the Allahabad High Court in *State of U.P. v Mohammad Ishtiaque Ansari (supra)*. There again, the post concerned was that of Urdu Translator/Junior Clerk. Undoubtedly, knowledge of Urdu was one of the prerequisites for such post. It is in that context that it was held that a candidate must pass the ‘Adeeb’ examination conducted by JUA, to be eligible for the said post, as it had been recognized by the Government of U.P., as equivalent to the intermediate examination conducted by UP Secondary Education Board.

11. Consequently, neither of the decisions can have any application to the facts of the present case, where knowledge of Urdu was not one of the essential requirements, as far as qualification for the posts of GDSMDs are concerned.

12. For all of the aforementioned reasons, this Court is unable to concur with the CAT that the cancellation of the engagement of the Respondents by the Petitioners was erroneous in law.

13. The impugned judgment of the CAT is hereby set aside.

14. The petition is allowed in the above terms. The pending applications are also disposed of. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 06, 2020

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