

**(2010) 07 UK CK 0165**  
**In the Uttarakhand High Court**

Mohd. Afzal

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 02-07-2010

**Acts Referred:**

Uttar Pradesh Urdu Translator-cum-Junior Clerk Service Rules, 1994 — Rule 11

**Citation :** (2010) 07 UK CK 0165

**Hon'ble Judges :** J.S. Khehar, C.J.;Sudhanshu Dhulia, J

**Bench :** Division Bench

**Final Decision :** Allowed

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**Judgement**

J.S. Khehar, C.J.

CLMA No. 3007 of 2010

1. Learned Counsel for the respondents state that in so far as the instant Special Appeal is concerned, they have no objection, if the Delay Condonation Application is allowed in view of the factual position depicted in the affidavit filed by the applicant/appellant.

2. In view of the above, Delay Condonation Application is allowed. Delay in filing the instant Special Appeal is condoned.

SPA No. 56 of 2010

3. Learned Counsel for the appellant has asserted, that his appointment as Urdu Translator-cum-Junior Clerk had been made under the Uttar Pradesh Urdu Translator-cum-Junior Clerk Service Rules, 1994 (hereinafter referred to as the 1994 Rules). It is also pointed out, that Rule 11 of the aforesaid Rules prescribes the qualification of appointment to the post of Urdu Translator-cum-Junior Clerk. Rule 11 relied upon by the learned Counsel for the appellant is being extracted hereunder:

11. A candidate for direct recruitment must have passed:

(i) the intermediate examination with Urdu as one of the subjects of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognized by the Government as equivalent thereto.

or

(ii) any higher examination recognized by the Government with Urdu as one of the subjects.

Based on the aforesaid Rule, it is the vehement contention of the learned Counsel for the appellant, that on account of the fact that the appellant possessed the qualification of Adeeb-e-Mahir, which is equivalent to Intermediate Examination with Urdu as one of the subjects of the Board of High School and Intermediate Education, Uttar Pradesh, he must be deemed to be qualified for the post against which he was appointed under Rule 11(i) extracted hereinabove. Additionally, it is his submission, that the appellant also possessed the qualification of Adeeb-e-Quamil, with Urdu as one of the subjects which is a higher qualification than the Intermediate Examination and is also recognized by the Government, and as such, he must be deemed to be eligible for the post of Urdu Translator-cum-Junior Clerk even under Rule 11(ii) extracted hereinabove.

4. Learned Counsel for the respondents seek an adjournment so as to enable them to determine whether Adeeb-e-Mahir and Adeeb-e-Quamil qualifications possessed by the appellant were recognized by the State Government.

5. Prayer is allowed. Adjourned to 9.7.2010. Be shown in the daily cause list.

6. Instructions in this behalf be positively obtained in the meantime.