
(2014) 05 RAJ CK 0248
In the Rajasthan High Court
Case No : Civil Writ Petition No. 18199/2012

Rajendra Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 02-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0248

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Advocate : Rishi Raj Singh, Counsel, Advocate for the Appellant; S.S. Raghav, Assistant Solicitor General, Advocate for the Respondent

Final Decision : Allowed

Judgement

Mohammad Rafiq, J.—Petitioner was issued appointment letter in July, 2012 on the post of Constable/Sweeper pursuant to advertisement issued by the Central Reserve Police Force in 2011-2012, and he joined the training. Thereafter the respondents, vide order dated 19.10.2012, terminated his service on the ground that recognition of Prathma examination, the qualification possessed by him from Hindi Sahitya Sammelan, Allahabad, which was granted up to 26.10.2010, has not been extended further by the Government of India. Reference in this connection is made to the order dated 10.07.2012 passed by the Under Secretary to the Government of India, Ministry of Human Resources Development.

2. Learned counsel for the petitioner has cited the order dated 06.12.2012 passed by the Under Secretary to the Government of India, by which aforesaid order has been modified and it has been decided to extend the recognition to that qualification up to 31.05.2013. It is therefore prayed that the respondents be directed to reinstate him back on the post of Constable (GD) with all consequential benefits.

3. Shri S.S. Raghav, learned Assistant Solicitor General, appearing for

respondents, submitted that at the time when the recruitment was made in 2010, the recognition of Prathma qualification held by petitioner was ceased to exist by order dated 10.07.2012, and therefore subsequent extension may not validate this qualification attached to the petitioner.

4. Perusal of the material on record clearly indicates that the Government of India, vide notification dated 21.11.2006, on recommendation of the High Level Committee, extended the recognition granted to Prathma examination being conducted by Hindi Sahitya Sammelan, and that recommendation continued to be valid up to 26.10.2010. The respondents at the time when they conducted the selection, though found the petitioner to be meritorious and granted him appointment but thereafter terminated his services on the premise that when the applications were invited the qualification held by the petitioner, was not recognized. The petitioner has produced on record copy of the Office Memorandum dated 06.12.2012 passed by the same authority, which passed earlier order dated 10.07.2012. Reading of this office memorandum indicates that all those students enrolled with the Institutions with permanent recognition up to 31.05.2013 would be eligible for consideration in accordance with MHRD office memorandum/order in force pertaining to their course for equivalence in Central Government jobs. However, it has been directed that these concerned orders will cease to have effect from 01.06.2013. The effect of this order would be that qualification acquired by petitioner remained valid up to 31.05.2013 even for the recruitment that are taking place subsequent to the period. By that clause even the qualification was considered valid prior to 10.07.2012 and not extending recognition the same were also liable to be treated valid even if the recruitment were to take place subsequent thereto. However, the respondent have illegally not considered the petitioner eligible.

5. In the result, the writ petition succeeds and the same is allowed. The respondents are directed to reinstate the petitioner in the service with all consequential benefits, within two months from the date petitioner approaching them along-with a copy of this order.