

**(2013) 11 BOM CK 0135**  
**In the Bombay High Court**  
**Case No : Writ Petition No. 5184 of 2013**

Vijay Rai

APPELLANT

Vs

Maharashtra State Road Transport Corporation

RESPONDENT

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**Date of Decision :** 12-11-2013

**Acts Referred:**

**Citation :** (2014) 141 FLR 107

**Hon'ble Judges :** B.P. Dharmadhikari, J;A.S. Chandurkar, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

B.P. Dharmadhikari and A.S. Chandurkar, JJ.—Heard the learned Counsel appearing for the parties.

Submission is, qualification of "Sahitya Sudhakar" awarded to the petitioner by Bambai Hindi Vidyapeeth is equivalent to the graduation i.e. B.A. and, hence, the refusal of the respondent to treat the petitioner as qualified by impugned communication dated 17.9.2013 must be set aside.

Our attention has been invited to the Government Resolutions dated 5.4.2003 and 14.6.1999. The order passed by this Court on 26.3.2013 in Writ Petition No. 233 of 2013 is also placed on record to show that once the equivalence is given by the Competent Authority, the respondent cannot avoid and refuse to recognize it. Shri Wankhede, the learned Counsel, by filing reply/affidavit states that every resolution passed by the State Government is not binding on the respondent/Corporation, unless it is adopted by the Board of Directors in their meeting.

2. We have perused the Government Resolution dated 5.4.2003. We find that it is, a corrigendum issued on 5.4.2003 by the Higher and Technical Education Department, State of Maharashtra. It refers to the earlier two Government Resolutions dated 1.11.1971 and 14.6.1999. & specifically mentioned that the degree awarded by Bambai Hindi Vidyapeeth has been recognized as equivalent

to B.A., but inadvertently, the said qualification and degree was not included in the consolidated order issued for the said purpose. Hence, in the Government Resolution dated 14.6.1999 after entry No. 46, entry No. 47 has been inserted & the name of Bambai Hindi Vidyapeeth, Bambai with degree of "Sahitya Sudhakar" has been added. Thus, this corrigendum by itself is not the grant of equivalence or recognition.

3. Perusal of Government Resolution dated 14.6.1999, more particularly Clause 3(A) thereof shows that the equivalence granted is only for the purposes of subject Hindi and it has been expressly added that it is not equivalent to entire graduate examination. It is also stated that this equivalence should be accepted while appointing the incumbent on the post of Hindi teachers. It is not necessary for this Court, to go into this Resolution in more details. The petitioner before this Court has applied to the respondent/Maharashtra State Road Transport Corporation, Nagpur for job in Clerical cadre. The respondent rightly did not consider his qualification i.e. "Sahitya Sudhakar" as equivalent to the B.A. degree issued by any statutory university.

No case is, therefore, made out. The petition is rejected.

No costs