

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

113.

OA 1987/2021 with MA 3603/2022

Sep Raj Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
22.08.2024

OA 1987/2021

Having heard learned counsel for the parties, we find that the applicant's claim for re-mustering as a Soldier (General Duty) to Soldier Clerk (Staff) has been rejected on the ground that the applicant does not meet the high qualification of having passed the Senior Secondary School Examination, i.e. 12th Class. Respondents rely upon a mark sheet issued by the National Institute of Open Schooling vide Annexure R-3 wherein the applicant is shown to have appeared in the examination conducted in April 2011 and in the mark sheet issued on 09.06.2011, which bears the signature of the applicant, he appeared in the following subjects viz. Hindi, Word Processing, Painting, Geography, Political Science and English. However, in English he had failed as he had obtained only 26 marks, which is

the requirement in the QR that the person concerned has to pass in all the subjects with minimum 33% marks. The applicant has produced a mark sheet vide Annexure A3 at page 18 which is also a photo copy of the mark sheet issued by the National Institute of Open Schooling in the name of the applicant. It has been issued on 28.09.2011 and it speaks about the applicant having passed the Senior Secondary Examination held in April 2011. However in this certificate the applicant seems to have appeared only in five subjects viz. Hindi, Word Processing, Painting, Geography and Political Science. At page 21 is another mark sheet for the same examination conducted in April 2011 and issued on 07.05.2021 wherein also the applicant is seem to have passed only in five subjects which does not include English. Further the applicant has filed a document as Annexure R-6 being a communication made by the Sr. Record Officer, OIC Records, Defence Security Corps Records on 23.08.2021 seeking verification of the educational qualification certificate of the applicant. There is no reply to the same available on record.)

2. Taking note of all these circumstances, we direct the respondents to forward a copy of this order to the competent authority in the National Institute of Open Schooling along with the documents, viz., Annexure R-3, the mark sheet dated 09.06.2011, the communication dated 23.08.2021 Annexure R-6 and the mark sheet at Page 21 issued on 07.05.2021. All the aforesaid mark sheets be forwarded to the NIOS with a request to verify the same and issue a certificate as to whether the applicant

appeared in the Secondary School Examination conducted by NIOS in April 2011. If so what was the subjects in which he appeared and the marks obtained by him.

3. Let all this information be collected and submitted to this Tribunal by the respondents within six weeks.
4. That apart, the original file of the applicant with regard to the issue in question be also kept present on the next date for the perusal of this Tribunal.
5. List again on 17.10.2024.
6. Part Heard.
7. A copy of this order be provided **Dasti** to learned counsel for both the parties.

MA 3603/2022

This is an early hearing application.

For the reasons stated in this application, the same is allowed.

MA stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**