

1 UNITED STATES COURT OF APPEALS  
2 FOR THE SECOND CIRCUIT  
3

4 SUMMARY ORDER

5  
6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL  
7 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO  
8 THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION  
9 OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS  
10 CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF  
11 COLLATERAL ESTOPPEL OR RES JUDICATA.  
12

13 At a stated term of the United States Court of Appeals  
14 for the Second Circuit, held at the Thurgood Marshall United  
15 States Courthouse, at Foley Square, in the City of New York,  
16 on the 7th day of September, two thousand and four.  
17

18  
19 PRESENT: HON. DENNIS JACOBS,  
20 HON. ROSEMARY S. POOLER,  
21 HON. SONIA SOTOMAYOR,  
22 Circuit Judges.  
23

24 - - - - -X  
25 GAJINDER SINGH,

26  
27 Plaintiff-Appellant,

28  
29 -v.-

03-7185

30  
31 NEW YORK CITY DEPARTMENT OF  
32 EDUCATION

33 Defendant-Appellee.  
34

35 - - - - -X  
36  
37 APPEARING FOR PLAINTIFF-  
38 APPELLANT:

GAJINDER SINGH, Pro Se,  
Jamaica, NY.

39  
40 APPEARING FOR DEFENDANT-  
41 APPELLEE:

EDWARD F.X. HART, New York,  
42 NY (Michael A. Cardozo,  
43 Corporation Counsel of the

1 City of New York, on the  
2 brief).

3  
4 Appeal from the United States District Court for the  
5 Eastern District of New York (Amon, J.).

6  
7 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED**  
8 **AND DECREED** that the appeal from the judgment of the  
9 district court be **AFFIRMED**.

10  
11 In 1999 Plaintiff Gajinder Singh, pro se, received a  
12 letter from the New York City Board of Education ("BOE")  
13 requesting that he report for an interview for the position  
14 of school secretary. Singh, then 63 years of age, arrived  
15 along with two other candidates for the position. Although  
16 he waited for hours, he was never interviewed; he was told  
17 to fill out an application and that he would receive a  
18 telephone call. The BOE never contacted Singh and  
19 ultimately hired the two other candidates, one age 54 and  
20 the other age 50.

21  
22 Believing that he was discriminated against on the  
23 basis of his age, Singh complained to the Equal Employment  
24 Opportunity Commission ("EEOC"), which was unable to  
25 conclude that Singh had established a violation of the Age  
26 Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C.  
27 §§ 621-634 (2000). Singh nevertheless filed a claim in  
28 September 2000 in the United States District Court for the  
29 Eastern District of New York (Amon, J.).

30  
31 Based on the recommendation of the magistrate judge,  
32 the district court granted summary judgment in favor of the  
33 BOE, ruling that Singh had failed to allege facts that  
34 established a prima facie case for discrimination under the  
35 ADEA. Moreover, the district court noted that the BOE had  
36 established a legitimate nondiscriminatory reason for not  
37 hiring Singh as a legal secretary--that Singh had not passed  
38 the licensing examination required for the position. We see  
39 no error in either of these rulings by the district court.

40  
41 For substantially the same reasons as those stated by the  
42 district court, Singh's appeal from the judgment of the  
43 district court is hereby **AFFIRMED**.

1  
2  
3  
4  
5  
6  
7

FOR THE COURT:  
ROSEANN B. MACKECHNIE, CLERK  
By:

\_\_\_\_\_  
Lucille Carr, Deputy Clerk