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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2305/2002

This the 24th day of July, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Yogesh Kumar Gupta S/O D.S.Gupta,
R/O B-41 Prashant Vihar, Rohini,
Delhi-54.

... Applicant

(By Ms. Monica Kapoor, Advocate)

-versus-

1. Union of India through
Ministry of Human Resources Development
(Department of Education).
Shastri Bhawan, New Delhi.
2. Director,
Navodaya Vidyalaya Samiti,
IGI Stadium, ITO,
New Delhi.
3. Director,
Navodaya Vidyalaya Samiti,
Regional Office,
B-10 Sector-C, Aliganj,
Lucknow (UP).
4. Principal,
Jawahar Navodaya Vidyalaya,
Sardhana,
Meerut (UP).

... Respondents

(By Shri S.Rajappa, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has been a candidate for the post of Trained Graduate Teacher (TGT) (Social Studies) in response to an advertisement published for recruitment for the post of Teachers 2000-2001 in the Employment News of 18-24 March, 2000. Applicant's case is that he fulfils all eligibility conditions for the post. On being found eligible he appeared in the interview

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whereafter he was empanelled under the physically handicapped (blind) quota and appointed as TGT (SS) in Jawahar Navodaya Vidyalaya, District Meerut. However, later on vide Annexure A-1 dated 11.6.2002 his services were terminated stating that he did not fulfil the eligibility conditions.

2. As per Annexure A-2 advertisement, the qualifications prescribed for the post of TGT (SS) are as follows :

"Essential

1) Bachelor's degree from a recognised university with 50% marks or above in aggregate as well as in the concerned subjects/language with B.Ed. or equivalent.

2) Competence to teach through the concerned Regional Language except in case of TGT-English and TGT-Hindi.

Desirable

1) Experience of working in a Residential School.

NOTE :

a) Four years integrated course from Regional College of Education, NCERT in the concerned subject would be treated as equivalent to bachelor degree with B.Ed.

b) The candidate should also have the following combination of subjects at Graduation level with 50% marks or above individually in the following subjects: ...
... For TGT (Social Studies) : History & Geography OR History/Geography and Economics/Pol. Science."

3. According to applicant, he is BA (Honours) and MA (Political Science) with History at the graduation level. He has done B.Ed. as well. He had also offered prescribed combination of History and Political Science

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and obtained more than 50% marks at graduation level individually in History and Pol. Science.

4. The learned counsel of respondents stated that applicant has graduated with Pol. Science as the main subject and History as subsidiary subject for one year only. As he has not offered the subject of History in all the three years of graduation, in respondents' view, he does not have the requisite qualification for the advertised post. The learned counsel has also relied on order dated 4.4.2003 in OA No.417/2002 : Kendra Pal Singh v. Union of India in which the applicant therein was held not to have the prescribed qualifications.

5. From the copies of certificates attached in the OA, it is seen that applicant had taken BA (Hon.) Part-I examination in 1996 with Pol. Science as the main subject and History and English as subsidiary subjects. In BA (Hon.) Part-II examination, 1997 he had offered Pol. Science as the main subject and History as subsidiary subject. He had obtained more than 50% marks in History. In BA (Hon.) Part-III examination he had offered Pol. Science as the main subject. The total marks obtained by him were 466/900 in all the three Parts taken together. While applicant had offered History in BA (Hon.) Part-II examination with more than 50% marks, he had obtained more than 50% marks in aggregate in BA (Hon.) (Parts-I, II, and III taken together). The learned counsel of respondents contended that the import of Note (b) of the advertisement is that History should also have been offered in all the three parts at

graduation level and as applicant had not done so, he does not possess the requisite qualification.

6. We have gone through the qualifications prescribed in the advertisement. We do not agree with the contention of the learned counsel of respondents. He has the prescribed combination of subjects at the graduation level with 50% marks individually in the subjects of History and Pol. Science. The learned counsel of respondents stated that it is clear in the rules that applicant should have offered History subject in all the three years. In our view, such a view was not clear to respondents themselves. They had examined the case of applicant at various levels. Applicant was held to be eligible and was called at the interview. Then also, all his testimonials were scrutinised. Ultimately, an offer of appointment was made to him. Respondents contended that the rules contained in the advertisement are clear to the effect that a candidate has to offer subjects of Pol. Science and History in all three parts of the graduation. While we do not dispute the right of respondents to examine the aspect of qualification of applicant even after he had been issued the offer of appointment, in our view rules contained in the advertisement do not envisage that a candidate has to offer History in all the three parts of graduation to be qualified for the post of TGT (Social Studies). The facts of the case of Kendra Pal (supra) are different from those of the present and as such the ratio therein is not applicable to the present case.



7. If one has regard to the reasons described above, applicant has to be held to be fulfilling the eligibility criteria for the post of TGT (Social Studies). Annexure A-1 is, therefore, quashed and set aside. Respondents are directed to reinstate applicant forthwith with all benefits from the date his services were terminated.

8. The OA is allowed in the above terms. No costs.

S. Raju
(Shanker Raju)
Member (J)

V. K. Majotra
(V. K. Majotra)
Member (A)

/as/