

Central Administrative Tribunal
Principal Bench

OA No.1511/2002

New Delhi this the 20th day of November, 2002.

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (Admn.)

Mrs. Daksha Sehrawat,
Wife of Sh. Anupam Sehrawat,
R/o WZ-244-B/1, Virendra Nagar,
New Delhi-110058.

-Applicant

(By Advocate Shri S.K. Sawhney)

-Versus-

1. The Chief Secretary,
Govt. of N.C.T. of Delhi,
Delhi Sachivalaya,
I.P. Estate,
New Delhi-110002.

2. The Secretary,
Department of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi-110054.

3. The Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi-110054.

4. The Secretary,
Delhi State Subordinate
Services Selection Board,
U.T.C.S. Building,
Behind Karkardooma Court Complex,
Delhi-110032.

-Respondents

(By Advocate Shri Vijay Pandita)

ORDER (Oral)

Hon'ble Shri Justice V.S. Aggarwal, Chairman

The short controversy in the present application is as to whether the applicant fulfilled the educational qualifications so as to be eligible for the post of Trained Graduate Teacher (English).

2. The undisputed facts are that as per the Recruitment Rules, it is required that candidate must have Bachelor Degree (Pass/Hons) from recognised University ^{aggregate} with English as Elective subject.

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3. Applicant is a graduate from Maharishi Dayanand University, Rohtak. His candidature has been rejected on the pretext that in the Maharishi Dayanand University, English is a compulsory subject and not an elective subject and, therefore, the applicant does not fulfil the qualification prescribed in the Recruitment Rules. Our attention has been drawn towards the letter issued from Maharishi Dayanand University, Rohtak dated 8.10.2002 which reads as follows:-

"Reference your application dated 4.10.2002 on the subject cited above.

In this connection, I am to inform you that English in B.A., including B.A.III, is a compulsory subject in M.D. University, Rohtak and no elective English paper has been prescribed. This compulsory paper includes a study of literature (Novel, Drama and Prose and Poetry) and Grammar and Composition. It is a full subject".

4. Perusal of the same clearly shows that in the said University, there is no elective subject in graduation in the degree in Bachelor of Arts and English is a compulsory subject. The Rules have to be read harmoniously. Once the University does not have any elective subject, necessary consequences would be that the applicant will not be debarred to be an eligible candidate but must be taken to be a candidate holding a degree for Bachelor of Arts with English as one of the subjects. Admittedly, Maharishi Dayanand University, Rohtak is a recognised University and taking stock of the above said fact, it must be deemed

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that the applicant had English as one of the subjects and, therefore, she was eligible for the post so far as educational qualifications are concerned.

5. Consequently, the application is allowed and it is directed that applicant may be considered in accordance with rules for the said post as per the merits.

V.K.Majotra

(V.K. Majotra)
Member (A)

V.S. Aggarwal

(V.S. Aggarwal)
Chairman

cc.