



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1278/2019

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New Delhi, this the 19th day of February, 2020

**Hon'ble Mr. Ashish Kalia, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ms. Ankita Verma, aged 32 years, 'B',
(Fresh appointment), Primary Teacher,
D/o Sh. O.P. Verma,
R/o H. No. 83-B, Pitampura,
New Delhi.

...Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Govt. of NCTD through,
The Chief Secretary,
Delhi Secretariat,
New Delhi.
2. The Secretary,
Delhi Subordinate Services Selection Board,
GNCT of Delhi, F-18, Institutional Area,
Karkardooma, New Delhi.
3. South Delhi Municipal Corporation (SDMC),
Through the Commissioner,
13th Floor, SPM Civic Center,
Minto Road, New Delhi.

...Respondents

(By Advocate: Mr. Gyanendra Singh and Mr. Anuj Kr. Sharma and Ms. Esha Mazumdar)

O R D E R (ORAL)

Ashish Kalia, Member (J):-

This application is taken up for hearing as the reply is not much needed. Similar issue raised in



the present OA has been dealt with by Co-ordinating Bench of this Tribunal in OA No. 2998/2019 decided on 10.10.2019. Para 07, 08 and 13 of the said judgment, read as under:-

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“7. The Delhi Administration has framed the RRs for various posts of teachers. It is not the case of the applicants that the qualifications, which are stipulated in the Advertisement, do not accord with those in the RRs. Their grievance is that a qualification, which is stipulated by the NCTE through its notification dated 28.06.2018, is not included in the Advertisement, or for that matter, the RRs. The qualification, which is suggested by the NCTE in the said notification, reads as under:-

“(I) In the said notification, in para I in sub-para (i), in clause (a) after the words and brackets “Graduation and two year Diploma in Elementary Education (by whatever name known), the following shall be inserted, namely:-

OR

“Graduation with at least 50% marks and Bachelor of Education (B.Ed.)”

2. In the said notification in para 3, for sub-para (a), the following sub-para shall be substituted namely:-

“(a) who has acquired the qualification of Bachelor of Education from any NCTE recognized institution shall be considered for appointment as a teacher in classes I to V provided the person so appointed as a teacher shall mandatorily undergo a six month Bridge Course in Elementary Education recognized by the NCTE, within two years of such appointment as primary teacher.”



8. It may be true that a graduation with at least 50% marks and B.Ed. is treated as a qualification for appointment to the post of teacher of a particular category. The fact, however, remains that it is for the concerned State Governments to adopt the same in their RRs.

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13. Reliance is placed upon the judgment of Hon'ble High Court of Delhi in **Annu & others v. Govt. of NCT of Delhi & others** (W.P. (C) No.11328/2017) decided on 11.01.2018. That was a case in which the candidates were required to clear CTET examination. The contention advanced therein was that without amending the RRs, the said qualification was stipulated. The Hon'ble High Court took the view that if the qualification is stipulated by the NCTE, it can be taken into account by the concerned Government and it is not necessary that the RRs should have been amended. It is different from saying that any norms stipulated by the NCTE would automatically become enforceable”

2. While going through the judgment of Co-ordinating Bench in OA No. 2998/2019, we are of the view that an identical issue is raised in this present application wherein the qualification which is stipulated by NCTE has not been incorporated in the advertisement.

3. In this regard, the Hon'ble Apex Court, in various judgments, also held that the rule of the game cannot be changed in the midway of the selection process.



4. In view of this, we find that there is no merit in the present OA and the same is, accordingly, dismissed. No costs.

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(Mohd. Jamshed)
Member (A)

(Ashish Kalia)
Member (J)

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