

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/2241/2014

New Delhi, this the 5th day of February, 2020



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Rahila
D/o Shri Qutubuddin
R/o 1632, Gali Andheri
Pahari Bhojla, Chitli Qabar,
Delhi-110006

...Applicant

(Through Shri M. Rais Farooqui, Advocate)

Versus

1. South Delhi Municipal Corporation
Through its Commissioner
Dr. Shyama Prashad Mukahrjee Civic Centre,
Zakir Hussain Marg,
New Delhi-110002
2. Delhi Subordinate Service Selection Board (DSSSB)
Through its Secretary/Chairman,
FC-18, Industrial Area,
Karkardooma, Delhi
3. Govt. of NCT of Delhi
Through its Chief Secretary,
New Secretariat
I.P. Estate, New Delhi
4. Indira Gandhi National Open University,
Through its Registrar,
At Maidan Garhi, New Delhi-110086
5. Maulana Azad National Urdu University,
Directorate of Distance Education
Gachibowli, Hyderabad-500032
Through its Registrar
6. National Council for Teacher Education
Corporate Office at : Hans Bhawan Wing-II
Bahadur Shah Zafar Marg,
New Delhi-110001
Through its Secretary

... Respondents

(Through Ms. Anupama Bansal, for respondent 1

Ms.Purnima Maheshwari, for respondents 2 and 3
 Ms.Harsh Chachra, for respondent 4
 Sh. Karan Sharma and Sh. Mohit Siwach, for respondent 6)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman



The Delhi Subordinate Service Selection Board (DSSSB) – 2nd respondent herein issued a notification on 29.12.2009 inviting applications for various posts in South Delhi Municipal Corporation – 1st respondent herein. One such post is Teacher (Primary-Urdu). The applicant responded to the notification and was issued hall ticket for appearance in the written test. It is stated that in the written test, she secured 105 marks and claimed the status of Other Backward Classes (OBC). The candidature of the applicant was not considered on the ground that the Diploma certificate obtained by her from Maulana Azad National Urdu University (MANUU) – 5th respondent herein is not recognized by the National Council for Teacher Education (NCTE) – 6th respondent herein. At that stage, the applicant filed OA 1126/2014 before this Tribunal. The OA was disposed of on 2.04.2014 directing the respondents to consider the representation of the applicant and to pass a reasoned and speaking order. Accordingly, an order was passed by the 2nd respondent on 20.05.2014, stating that the 6th respondent has informed the 1st respondent that the 5th respondent is not recognized for conducting DPE course

under Distance mode. Citing that reasons, the 2nd respondent rejected the candidature of the applicant.



2. The applicant contends that the 6th respondent has accorded permission to Indira Gandhi National Open University (IGNOU) – 4th respondent herein to conduct the diploma course and the 4th respondent, in turn, has permitted the 5th respondent i.e. MANUU to conduct examination for 100 candidates. The applicant contends that the certificate of Diploma was issued to her by respondents 4 and 5 jointly and the objection raised by the 2nd respondent as to the acceptability of the Diploma certificate is not at all correct.

3. Separate counter affidavits are filed by various respondents. According to them, the Diploma obtained by the applicant was through distance mode and from the 5th respondent, who was not specifically recognized by the 6th respondent. It is also stated that the selection process has been concluded and it is not possible to reopen the same at this length of time.

4. We heard Shri M. Rais Farooqui, for the applicant, Ms. Anupama Bansal, for respondent 1, Ms. Purnima Maheshwari, for respondents 2 and 3, Ms. Harsh Chachra, for respondent 4 and Sh. Karan Sharma with Sh. Mohit Siwach, for respondent 6.



5. The applicant was a candidate for selection to the post of Teacher (Primary-Urdu), which was commenced in the year 2009. In the written test, she secured 105 marks. Though it is stated that the last candidate who was selected in that category secured only 71 marks, we do not take that as a final version.

6. The entire controversy is whether the applicant possessed the prescribed qualification. In the notification, the 2nd respondent prescribed the qualification as under:

“Essential Qualifications : 1. Sr. Secondary (10+2) or Intermediate or its equivalent with 50% marks from a recognized Board.

2. Two years diploma/Certificate course in ETE/JBT or B.El.Ed. from recognized institutions or its equivalent.

3. Must have passed Urdu as a subject at Secondary level.”

7. There is no dispute about the senior secondary certificate possessed by the applicant. The main controversy is about the 2 year diploma/certificate course in ETE/JBT or B.El.Ed. from recognized institutions or its equivalent.

8. The applicant states that she has studied the diploma course in Primary Education Programme jointly conducted by 4th and 5th respondents. The certificate reads as under:

“Provisional Certificate

Sl.No.DPE06074

Enrolment No.1074

This is to certify that Mr./Ms. RAHILA Son/
Daughter of Mr. Qutubuddin passed the Diploma in

Primary Education Program (Jointly offered by IGNOU and MNAUU) in June 2008 and has secured grade 'B'.

Sd/-
Controller of Examinations"



9. The 2nd respondent refused to treat the diploma certificate possessed by the applicant as valid. The basis for such an opinion was that the 6th respondent is said to have taken a view that it did not accord permission to the 5th respondent to conduct any such course.

10. Had it been a case where the 6th respondent alone issued the diploma, things would have been different all together. From the perusal of the certificate, it is evident that it was issued by respondents 4 and 5 jointly. The course was also offered jointly by both of them.

11. The NCTE passed an order dated 1.11.1999 according permission to the 4th respondent to conduct courses for Diploma in Primary Education of two years duration, through distance mode. Similar order was passed on 21.08.2000. However, in the impugned order dated 20.05.2014, this aspect was not taken into account. It was proceeded as though the certificate was issued exclusively by the 5th respondent. Once it has become clear that the 6th respondent accorded permission to the 4th respondent and the latter, in turn, conducted the diploma course in Primary Education Programme in collaboration with 5th respondent,

the view taken by the 2nd respondent cannot be treated as valid.



12. We, therefore, allow the OA and quash and set aside the impugned order dated 20.05.2014. The respondents shall consider the case of the applicant for appointment treating that the diploma studied by her is valid. In case, the applicant is selected on the basis of marks secured, her appointment shall be prospective in nature. The exercise in this behalf shall be completed within a period of two months from the receipt of a certified copy of this order. The applicant has also undertaken not to claim any retrospective benefit in whatever form.

13. We are granting this extraordinary relief only on account of the fact that the applicant approached this Tribunal earlier and the present OA was filed way back in the year 2014. This order shall not be construed as laying any general proposition.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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