



**Central Administrative Tribunal
Principal Bench**

OA No.1332/2018

New Delhi, this the 11th day of February, 2020

Hon'ble Mr. S.N.Terdal, Member (J)

Hon'ble Mr. Mohd. Jamshed, Member (A)

Amit Kumar Jha

Aged 32 years

Post-TGT

S/o Shri Birendra Kumar Jha

R/o KH. No.15/16, Gali No.21

A-1 Block, Kamal Vihar

Komalpur, Sant Nagar

Burari, Delhi-110 084.

.....Applicant

(By Advocate: Shri Vidya Sagar)

Versus

1. Government of National Capital Territory of Delhi
Through, the Chief Secretary
Old Secretariat, Delhi.

2. Delhi Subordinate Services Selection Board
Through Chairman
FC-18, Institutional Area, Karkardooma
Delhi -110 092.

3. Directorate of Education
Through Director
Old Secretariat, Delhi.

4. Indira Gandhi National Open University
Through its Registrar
Maidangarhi, New Delhi – 110 068.

..... Respondents

(By Advocate : Shri Anuj Kumar Sharma)



ORDER (ORAL)

By Hon'ble Mr. S.N. Terdal, Member (J)

Heard Shri Vidya Sagar, counsel for the applicant and Shri Anuj Kumar Sharma, counsel for respondents, perused the pleadings and all the documents.

2. The reliefs prayed for in this OA are as follows :-

- “(a) To set aside the order No.58/TGT/S.Science/Male/DSSSB/2016/3517 dated 22.03.2018 whereby the Respondents have rejected the name of the Applicant for the post case 12/13 in advertisement No.01/2013 on the ground of “B.Ed. after cut-off date” and direct the Respondents to consider the Applicant for appointment to the said post of TGT (Social Science) Male:
- (b) Direct the respondents to grant consequential benefits to the applicant from the date of joining the other candidates selected out of the same advertisement; and
- (c) To pass such other order/orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.”

3. By the impugned speaking order dated 22.03.2018, as the clarification sought by the respondents was not received, the candidature of the applicant was rejected. The relevant paras of the impugned order are extracted below :-

“7. The candidate filed an application in the Hon'ble CAT vide OA No.2433/2017. The Hon'ble CAT vide order dated 25.07.2017 directed the Board as under:-

“In the circumstances, the instant OA is disposed of without going into the merits of the case by directing the respondents to consider the representation Annexure A/8 dated 29.07.2016 and Annexure A/10 dated 06.09.2016 of the applicant by duly keeping in view the B.Ed Degree certificate dated 04.02.2013



(page-51 of the OA) and clarification letter dated 28.07.2016 (page-25 of the OA) of the University and to pass appropriate reasoned and speaking orders thereon within thirty days from the date of receipt of a certified copy of this order, in accordance with law"

8. The Board considered the representation of the applicant alongwith the certificate of clarification issued by Section Officer (Exam-III), Student Evaluation Division, Indira Gandhi National Open University dated 28.07.2016 and sought a clarification from the Indira Gandhi National Open University vide letter No.Misc./TGTs/Result-2013/Int. Cell/DSSSB/2016-17/24521 dated 22.11.2016 to confirm the correctness of the date of declaration of result. Thereafter, a reminder was issued on dated 15.03.2016. More than a year has since passed and the requisite clarification has not been received from Indira Gandhi National Open University till date.

11. As Indira Gandhi National Open University is reluctant to provide the requisite clarification, the DSSSB has no other option but to consider the date printed on the marksheet as well as provisional degree of B-Ed as the date of passing of B.Ed, i.e.06.04.2013, which is well after the closing date of receipt of applications, there is no need for review of the decision already taken regarding rejection of his candidature.

13. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT.

14. Let this order be served upon Shri Amit Kumar Jha."

4. But, however, along with the MA, the applicant has filed a letter issued by the IGNOU dated 02.04.2018 addressed to the respondents clarifying that the applicant completed entire B.Ed Degree Programme by 04.02.2013. The relevant paras of the letter dated 02.04.2018 are extracted below:-

"It is to clarify that the B.Ed. Degree Certificate bearing No.IG27-38151 has been issued to the above student named Amit Kumar Jha bearing Enrolment No.111970343 on 04/02/2013 by this University and same is found genuine. The date of the completion of the entire b.Ed. Programme of above student is already given & printed on the Degree Certificate. This is also to certify that the Mark-Sheet Certificate bearing no.S 0015929/2878 dated 06.04.2013 has been issued to the above student by this University and date mentioned in this certificate as 06.04.2013 is a date on which this Certificate has been got printed. As per our records and the mark-sheet certificate issued to the above student, it is to clarify that the above student has completed his entire B.Ed. Programme in December, 2012



Term-end-Examination and date of declaration of result & completion of his entire B.Ed. Degree is 04.02.2013. The copies of the certificates duly verified by the undersigned are being sent herewith for your information.

In this connection, if any additional information or clarification is required, the same can be sought from the undersigned please."

5. In view of the clarification having come within 10 days of the impugned speaking order, we set aside the speaking order and Rejection Notice No.48 (P-51, Annexure A-7) and direct the respondents to consider the appointment of the applicant in view of the order dated 02.04.2018 and also take consequential action within six weeks from the date of receipt of a certified copy of the order. OA is disposed of. No costs.

(Mohd. Jamshed)
Member (A)

(S.N.Terdal)
Member (J)

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