

13

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1850/2001

This the 11th day of July, 2002

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Balwan Singh
S/o Shri Lehna Singh
R/o C/o 1662/5, Gali No.17,
Govind Puri, Kalkaji,
New Delhi.

-Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

1. Govt. of NCT of Delhi
Through Lt. Governor
Raj Niwas,
Delhi.
2. Director of Education
Directorate of Education
Old Secretariate,
Delhi.
3. Delhi Subordinate Staff Selection Board
Through its Secretary, Institutional Area,
Karkardooma, Delhi-91

-Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

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

Applicant is aggrieved by rejection of his candidature for the post of TGT Physical Education vide Annexure P-I dated 12.12.2000. Learned counsel of the applicant stated that respondents have rejected his candidature on the ground that he did not fulfil the requisite qualification as per the Recruitment Rules. He further stated that ~~while~~ persons junior to him in the merit list have been appointed. The applicant has sought quashing and setting aside of Annexure P-I and direction to respondents to appoint the applicant as TGT in Physical Education.

h

with consequential benefits from the date his juniors were allowed to join.

2. Briefly stated the facts are that respondents advertised 143 posts of TGT in Physical Education (Annexure P-II). The respondents prescribed the following qualifications for the posts:-

"Graduate from a recognised University with diploma in PET from a recognised Institution/University. OR

B.P.Ed. from a recognised University and higher secondary. OR

B.Sc (Physical Education, Health Education and Sports) or its equivalent from a recognised Institution/University".

3. Learned counsel stated that applicant is not only a graduate but M.A. in Physical Education from Maharshi Dayanand University as is clear from his application (Annexure R-I) and documents filed by him. According to the learned counsel, applicant was placed at Sl. No.12 in merit in the written examination and was allotted to North West A (Annexure P-VI).

4. Vide Annexure P-VII dated 20.12.99, applicant was only required to have his documents verified by the respondents as he had been nominated for the post of PET.

5. Learned counsel of the respondents stated that although the applicant is in possession of

h

higher qualification than that prescribed for the post of PET, it cannot be stated that he possessed the specific qualification prescribed for the post.

6. From the documents filed by the applicant, it is clear that applicant has studied all those subjects for his Master Degree in Physical Education which are taught in Bachelor Degree in Physical Education. As such not only he meets the minimum qualification prescribed for the post in question, he has attained even higher qualification than that prescribed. He cannot become disadvantaged to those possessing minimum qualification only. Possessing higher qualification does not mean that the candidate does not possess the minimum prescribed qualification.

7. It is not denied by respondents that applicant had been placed at Sl. No.12 in merit and DSSSB had nominated him for the post of PET.

8. In this view of the matter, the reasoning given by the respondents for rejection of applicant's candidature that he does not fulfil the requisite qualification for the post, is not acceptable.

9. Having regard to the above discussion, O.A. is allowed. Annexure P-I dated 12.12.2000 rejecting applicant's candidature for the post of TGT is quashed and set aside. Respondents are

4

directed to appoint the applicant as TGT Physical Education from the date his junior in merit list was allowed to join, with consequential benefits, provided that documents prescribed in Annexure P-VII dated 20.12.99 are got verified by the applicant at the hands of the respondents. No costs.

S. Raju
(Shanker Raju)
Member (J)

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

cc.