

(13)

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.925/2001

Hon'ble Shri M.P.Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Friday, this the 7th day of June, 2002

Ms. Sumitra
d/o Sh. Pratap Singh
r/o Quarter No.108
Police Apartments, A-3
Paschim Vihar
New Delhi.

... Applicant

(By Advocate: Sh. S.K.Sinha)

Vs.

1. Govt. of NCT of Delhi
through the Lt. Governor
Raj Niwas
New Delhi.
2. Principal Secretary
Education
Govt. of NCT of Delhi
New Secretariat Delhi
3. The Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi.
4. Delhi Subordinate Services
UTCS Building,
Vishwas Nagar
Shadhra, Delhi.

... Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard the learned counsel on either side.

2. Applicant impugns action of the respondents whereby she has not been appointed as TGT (Sanskrit) as well as TGT (Social Studies), in view of the qualification acquired by the applicant in additional subject of Political Science in 1993, whereas she has been graduated in the year 1984.

3. The grievance of the applicant is that despite University writing to them with regard to addition of the marks in the additional subject secured by the applicant, the same has not been considered by the respondents. It is stated that she was allowed to appear in the written examination and being successful, not been offered appointment.

4. Learned counsel for applicant drawn our attention to a decision of the Babu Lal Yadav Vs. State of Delhi, 92(2001) DLT 491 wherein similar circumstance regarding issue of appointment of a Teacher, adopting the aforesaid procedure, respondents have been directed to appoint the applicant subject to availability of vacancies. She claims benefit of the aforesaid decision.

5. On the other hand, respondents denied the contentions of the applicant and stated that the applicant who secured only 44.57 marks in her graduation is not eligible to be appointed as per the requirement in the notification issued by them and as regards rounding of marks, it is stated that a decision has been taken by the competent authority not to round off the marks which is uniformly applied to all the candidates. It is also stated that consideration and addition of the marks of the subject, i.e., political science, 9 years after the graduation, cannot be entertained.

6. We have carefully considered the rival contentions of the parties and perused the material on record. It is not disputed that Annexure-A3, dated

16.3.2000, an order passed by the respondents has not been communicated to the applicant wherein regarding recruitment of TGT it has been mentioned as under by the competent authority, M.D.University (Rothak):

"As per admission Brochure 1999-2000, Chapter-I, Clause-IX. The marks obtained by the candidate in an additional subject be considered for calculating the merit percentage for admission, if the candidate is seeking admission after eliminating the lowest marks secured by the candidate in any of the subject. Hence the candidate is eligible for TGT post subject to the consideration by the Directorate of Education, GNCT, Delhi."

7. In so far as the marks of the applicant are concerned, she secured lowest marks in English. The additional subject of the applicant was political science. If the marks obtained in additional subject, i.e., political science had been added, the applicant would have secured minimum marks for her appointment. The aforesaid decision communicated by the M.D.University is applicable to the case of the applicant.

8. The case referred by the applicant, though distinguishable only on the count that the same has been arrived at in the case of Primary Teacher in MCD but the ratio is however applicable, in all fours, to the facts and circumstances of the present case. Though the claim of the applicant was rejected by the respondents but we are of the considered view that ~~it~~ has not been otherwise proved that the respondents have not taken into consideration the decision of M.D.University while rejecting the claim of the applicant.

9. In the interest of justice and having regard to the reasons recorded above, the OA is disposed of with a direction to the respondents to reconsider the case of the applicant for being appointed as TGT (Social Studies) and TGT (Sanskrit) in view of the decision of the High Court in Babu Lal Yadav's case supra as well as M.D.University's letter dated 13.7.1989. The respondents shall pass a detailed and speaking order to this effect within the period of three months from the date of receipt of a copy of this order. In the event claim of the applicant is acceded, she would be offered appointment and in that event she would be entitled for all the consequential benefits. No costs.

S. Raju
(Shanker Raju)
Member(J)

M.P. Singh
(M.P. Singh)
Member(A)

/rao/