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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1403/99

New Delhi this the 2nd day of January, 2001.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Jitender Kumar,
R/o H.No. 99,
Block-G27, Sector-3,
Rohini, Delhi-85. Applicant

(Present : None even on second call)

Versus

1. Govt. of NCT of Delhi
through its Secretary(Education),
Old Secretariat,
Delhi-54.
2. The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-54. Respondents

(through Sh. Devesh Singh, Advocate)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicant seeks a direction to offer him appointment to the post of TGT (Maths) w.e.f. the date candidates junior to him were appointed, with all consequential benefits.

2. None appeared on behalf of applicant when this case was called out even on second call, although it was at Serial No. 5 of the regular hearing matters listed today. Sh. Devesh Singh appeared for respondents and has been heard.

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3. In response to an advertisement that appeared in Daily Newspaper on 21.01.97 for recruitment of teachers in different grades/cadres, applicant submitted his application for the post of TGT (Maths). As per applicant's own averment, the selections for these posts, were based upon a Marking Scheme adopted for recruitment of teachers vide Delhi Government Cabinet Resolution No. 93 dated 25.07.94, whereby the post of teachers was to be filled up on the basis of merit by awarding marks to candidates on their academic performance at different levels, namely, 10th standard, 12th standard, Higher Secondary, Graduation, Post Graduation, B.Ed, M.Phil etc. In addition, 05 marks were to be awarded to those who had chosen English as an elective subject at BA/B.Sc level.

4. Again as per applicant's own averments in the O.A., applicant had secured 48 marks as per the aforesaid Marking Scheme, on the basis of his academic performance in 11th class, 12th class, B.Sc and B.Ed. Applicant contends that he should have been awarded the 05 additional marks as English was a compulsory subject in B.Sc, which would have taken his total to 53 marks.

5. In this connection, in the male (general) category, the cut off marks for selection for TGT (Maths) was 48 marks, corresponding to date of birth of 05.07.71. As per approved Marking Scheme if two or more candidates have the same weightage, the candidate who is older in age was given preference.

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6. Applicant's date of birth is 15.08.71 and he was, therefore, not considered for appointment as TGT. (Maths), in terms of the aforesaid 48 marks being the cut off marks, he being younger in age.

7. Applicant contends that if the 05 additional marks for English at B.Sc level were awarded to him, his total would rise to 53 marks, and he will be/would be well within the zone of consideration.

8. We note that as per the approved Scheme, English has to be taken as an elective subject at BA/B.Sc level. In applicant's case, the photo copy of the marksheet (Annexure A-2) reveals that English was not an elective subject, but a compulsory subject. That apart, the compulsory paper carry 50 marks, while respondents in their Cabinet Note dated 19.09.96, a copy of which is taken on record, made it clear that the paper in English which was to be taken as an elective subject, should carry 100 marks, ~~on~~ the basis that, candidates who had passed English as a subject with 100 marks paper at Graduation level, would have ^{good} ~~sought~~ knowledge of English language to impart better education to the students.

9. It may well be argued that there cannot be much difference between a paper carrying 50 marks and a paper carrying 100 marks, but without going into that controversy, it is clear that as per the approved Marking Scheme, English ^{is} ~~was~~ required to be taken as an

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elective subject for the award of 5 additional marks, while in the present case applicant appeared in English as a compulsory paper in B.Sc.

10. In the light of the above, we find no reason to interfere in this O.A., which is accordingly dismissed. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

S.R. Adige
(S.R. Adige)
Vice-Chairman(A)

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