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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1412/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 17th day of December, 1999

Veenu Sharma
w/o Sh. Dinesh Kumar Kaushik
r/o 319, Pocket B-5
Sector-8
Roohini
Delhi - 110 085. Applicant

(By Shri Deepak Bhardwaj, Advocate)

vs.

1. Govt. of N.C.T. of Delhi
through its Chief Secretary
5, Sham Nath Marg
Delhi - 54.
2. Director of Education
Directorate of Education
Govt. of NCT of Delhi, behind
Old Sect., Delhi. Respondents

(By Shri Vijay Pandita, Advocate)

O R D E R (Oral)

R.K.Ahooja, Member(A)

The applicant had applied for the post of TGT (Maths) female under the Directorate of Education, Govt. of N.C.T. of Delhi in response to advertisement dated 21/22.1.1997 (copy annexed at Annexure 'A' to the counter). Though the applicant's name figured in the list of successful candidates, she has not been offered appointment on the ground that the educational qualification of M.Sc. and B.Ed obtained from Delhi and Annamalai University respectively are stated to be of the same academic year, which according to the department, is not permissible.

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2. The applicant's case is that she had appeared in the M.Sc. examination from the Delhi University in 1992. She had thereafter in May, 1992 enrolled for the B.Ed course of the Annamalai University and obtained B.Ed degree of that University in 1993. Thus, according to the applicant, there is no overlapping in pursuing the two academic courses. In Para 4.11 of the OA it has also been submitted that the respondents themselves have in the case of one Ms. Upasna Chugh, who had also applied for the post of TGT (Maths) female, was also selected and has been offered appointment even though she was similarly placed as the applicant inasmuch as Ms. Upasna Chugh had done her M.Sc. in 1992 and B.Ed. in 1993 from Delhi and Annamalai University respectively.

3. We have heard the counsel. The learned counsel for the respondents draws our attention to the letter from the Association of Indian Universities to whom the matter was referred. A copy of this letter is annexed at Annexure-C to the reply. It states that the degrees awarded by the University of Delhi and the Annamalai University are recognised degrees. It is however stated that "as a matter of general rule, two courses cannot be pursued simultaneously. The candidate may kindly be asked to clarify the position."

4. The learned counsel for the respondents has also stated that with reference to the case of Ms. Upasna Chugh even if a wrong appointment had been

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made by the respondents in her case, it does not confer a right of appointment on the applicant if it is otherwise not permissible under the Rules.

5. We have considered the matter carefully. Whether a candidate can be allowed by a University to pursue two courses in one academic year simultaneously or whether one University can enroll a candidate even though that candidate may already have taken up an academic course in another University is a matter to be decided in terms of the rules of the concerned Universities. What the Association of Indian Universities have indicated from their afore quoted reply is that as a general rule, this is not permissible. The question of permission relates to the universities in respect of admission to their courses. If a University has allowed such practice and the degrees are obtained after passing the requisite examination, the recruiting agencies cannot ignore those qualifications. However, in the present case, the facts show that even otherwise, the applicant has pursued the two courses separately. The copies of the degree awarded to the applicant show that she had passed the M.Sc. examination in the year 1992; on the other hand the degree awarded by the Annamalai University shows that the examination was held in December, 1992. It is also stated that the practicals for the same were held in January, 1993. It is clear therefore that the B.Ed. degree was obtained in the following academic year after completion of the M.Sc. course. Therefore, it cannot be said that the applicant had obtained both the degrees during the same academic year.

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6. We also notice and the respondents have not denied that they have treated the case of Ms. Upasna Chugh differently. It is true that violation of rules in one case does not create a right for similar treatment in respect of others. Here however there are no specific rules brought to our notice by the respondents prescribing that two degrees obtained in the same academic year would not be recognised for purposes of recruitment. The matter therefore is one of the interpretation and of general practice. If in this situation, the respondents have given the benefit of their interpretation in one case, they should have adopted the same procedure in other cases also. So long as the interpretation does not go contrary to any prescribed rules, all the candidates have to be treated on the same footing.

7. In the light of the above discussion, we allow the OA. The respondents are directed to consider the case of the applicant for appointment as TGT (Maths) female on the basis that the academic qualifications acquired by her are valid. The respondents are further directed to take action in the matter within a period of three months from the date of receipt of a copy of this order. No costs.

R.K.Ahooja
(R.K.Ahooja)
Member(A)

V.Rajagopala Reddy
V.Rajagopala Reddy
Vice Chairman(J)