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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.190/99

New Delhi: this the 26th day of October, 1999.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Smt. Anupama Taneja,
W/o Sh. Dinesh Taneja,
9/2, Ashok Nagar,
Near Tilak Nagar,
New Delhi-18

.... Applicant.

(By Advocate: Shri Deepak Bhardwaj)

Versus

Govt. of NCT of Delhi
through Chief Secretary,
5, Sham Nath Marg,
Delhi.

2. Director of Education,
Directorate of Education,
Govt. of NCT of Delhi,
Old Sec-retariat,
Delhi.

3. Deputy Director of Education,
District West,
Govt. of NCT of Delhi,
New Moti Nagar,
New Delhi-15,

4. Administrative Officer (ADVN),
In the Office of Deputy Director of Education,
Distt. West.,
New Moti Nagar,
New Delhi-15

..... Respondents.

(By Advocate: Shri Ajesh Luthra)

ORDER

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 28.12.98 (Annexure-A/1) rejecting her nomination for the post of Lecturer (Home Science) on the ground that she had failed to produce a valid employment exchange card

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2. Heard both sides.

3. Admittedly respondents notified the vacancies to the employment exchange on 27.5.97 and received a list of candidates sponsored by the Employment Exchange which included applicant's name. It is also admitted that applicant was selected on merit from amongst the names sponsored by the Employment Exchange, but later on her nomination was cancelled because according to respondents her employment registration card was no longer valid having expired.

4. Applicant denies that her Employment Registration Card was not valid on the relevant date. She states that she was initially registered with the Employment Exchange R.K.Puram on 25.4.94. On 9.4.97 she applied for renewal of her registration by post under certificate of posting (Annexure-A4) as she was unable to move during that period on 23.9.97. She was asked by respondents to fill up certain forms along with copies of mark sheets etc. and also to bring with her the original of all documents which she produced before the authorities. Again on 19.6.98 she states that respondents had intimated to her that she had been selected for appointment, and on 6.7.98 she was asked to appear with the required certificates. She contends that if the validity of the Employment Registration Card was doubted why was her name sponsored by the Employment Exchange, in the first place.



5. We have considered the matter carefully. Admittedly applicant's name was registered with the Employment Exchange who sponsored her name, and she was selected on merit, In the case of Excise Superintendent Malkapatnam Krishna Dt. A.P. Vs.K.S.N. Visheshwara Rao & Ors. dated 22.10.96 and reported in J.T.1996(9) SC 638 it has been held that equality of opportunity should be available to all eligible candidates, and in addition to names called for from the Employment Exchange, the department should call for names by publication in newspapers and wide publicity through display on notice boards and through Radio/TV. From this it is clear that names of eligible candidates are not to be restricted only to those sponsored through the Employment Exchange. Respondents have themselves issues a Circular dated 18.5.98 (Ann.-R1) on the above lines, but this circular states that it would come into effect from the date of its issue and would not apply to cases when the process of recruitment through Employment Exchange/open advertisement had been initiated before that date.
6. Respondents' counsel has contended that because in the present case the process of recruitment had been initiated prior to 18.5.98 applicant cannot get the benefit of this circular.
7. Respondents had notified the vacancies to the Employment Exchange and had thus initiated the process of recruitment on 27.5.97. The judgment in Excise Superintendent Malkapatnam's case (supra) had been pronounced on 22.10.96, that is well before the process of recruitment was initiated. Admittedly

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applicant was eligible, and indeed has been selected on merit, after being sponsored by the EE. In the facts and circumstances of this particular case therefore we hold that she cannot be denied the benefit of the aforesaid ruling of the Hon'ble Supreme Court.

8. This OA therefore succeeds and is allowed. Respondents should issue the appointment letter to applicant for the post of Lecturer (Home Science) if her claim is otherwise in order. These directions should be implemented within one month from the date of receipt of a copy of this order. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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