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Central Administrative Tribunal
Principal Bench

O.A. No. 228 of 1999

New Delhi, dated this the 23rd February, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Krishan Chander,
S/o Shri Chander Singh,
R/o 106, Gali No.1A,
Swatantar Nagar,
Narela,
Delhi-110040.

.. Applicant

(By Advocate: Shri Bhaskar Bhardwaj)

Versus

1. Govt. of NCT of Delhi through
the Chief Secretary,
5, Shammath Marg, Delhi.

2. Director of Education,
Directorate of Education,
Old Secretariat,
Delhi.

.. Respondents

(By Advocate: Shri Ram Kanwar)

ORDER (Oral)

HON'BLE MR. S.R. ADIGE

Applicant seeks a direction to treat him as having passed the Higher Secondary Examination by securing more than 50% marks and for further direction to treat him as having secured 50% marks in B.A. Examination.

2. Heard both sides.

3. The matter refers to recruitment of TGTs (English) under the ex-Servicemen category. The Directorate of Education, Delhi Administration had informed SREO Employment Exchange, Delhi Cantt. to sponsor the names of eligible ex-Servicemen for

2

appointment to various posts of TGTs/LTs. After verification of documents of the candidates, marks as per marking scheme were awarded to all candidates.

4. Applicant was one of the candidates who had applied for the post of TGT (English) under Ex-Serviceman category and his name was sponsored by the Employment Exchange.

5. It is not denied that Respondents treated the certificate issued by the I.A.F. under the IAF Education Test (Annexure A-3) as equivalent to Higher Secondary Certificate, but on the basis of the marking scheme Respondents have granted applicant only six marks for the aforesaid test, contending that he had secured 3rd division in that test.

6. The aforesaid certificate states that applicant has passed the trade test, and in the note 3 of the notes, on the reverse of the certificate, which fact is not disputed by Respondents, it is stated that Under Scheme 'A' which applies to airmen who are matriculates or above, the pass standard is 50% marks in each subject.

7. It is not disputed that applicant is an airman who was matriculate and if applicant has secured the above certificate it must be held that he has passed the examination with at least 50% marks in each subject.

8. In the Higher Secondary Examination those who secured 50% marks and above are deemed to have passed in the 2nd division and as Respondents themselves have treated the aforesaid certificate issue by IAF Education Test as equivalent to Higher Secondary, applicant must be deemed to have passed the same in second division, and in that context would be entitled to 8 marks under the marking scheme and not six marks.

9. Applicant's counsel Shri Bhardwaj has also pointed out that Respondents have not treated him as having passed the B.A. Examination with 50% marks. He states that University authorities themselves have granted applicant six grace marks, as a result of which they declared him to have passed in the 2nd division and Respondents cannot of their own hold that applicant had secured anything less than 50% marks.

10. Respondents' counsel on the other hand has contended that a uniform policy was adopted by the Respondents to disregard the grace marks given to any candidate.

11. In so far as the question of grace marks in the B.A. Examination is concerned, Respondents are directed to follow whatever policy they have adopted in regard to all the other applicants, but in so far as the applicant's claim to be treated as having passed the equivalent of the Higher Secondary


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Examination by securing at least 50% marks is concerned, we hold that the same cannot be denied to applicant.

12. Respondents has also raised the point that this O.A. is barred by limitation, but we have been informed that applicant had been submitting representations from time to time, and in the particular facts and circumstances of the case applicant's claim for employment which is essential for his livelihood cannot be denied to him even if the filing of the O.A. was slightly delayed by about three months and seven days as contended by Respondents' counsel himself.

13. Under the circumstances, the O.A. succeeds and is allowed to the extent that Respondents are directed to issue appointment letter to applicant if he is otherwise eligible. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.


(Kuldip Singh)
Member (J)


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

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