

Central Administrative Tribunal
Principal Bench
New Delhi

O.A. No. 2426 of 1999

New Delhi, dated this the 9th October, 2001

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

Anita Kumari
W/O Sh. Vijay Pal Singh
R/O RZ B-2/36,
Vijay Enclave
Dabri-Palam Road
New Delhi 1100 45. petitioner
(By Advocate: Shri Shyam Babu)
V/s

1. Government of NCT Delhi
through its Chief Secretary
5, Sham Nath Marg
Delhi.
2. Director of Education
Directorate of Education
Old Secretariat
Delhi.
3. Delhi Subordinate Services
Selection Board
UTCS Bhawan
Behind Karkardoma Court
Institution Area
Vishwas Nagar
Shahdara, Delhi 1100 32 Respondent
(By Advocate: Shri Vijay Pandita)

ORDER

S. R. ADIGE, VC (A)

Applicant challenges her non-selection for
the post of Librarian in Directorate of Education,
Delhi. *✓*

2. Respondents advertised certain posts of Librarian in Directorate of Education in Rozgar Sngraha, Agra on 12-18th March, 1999. The Educational Qualifications and experience mentioned in the advertisement for the aforesaid posts were

"Graduate from a recognised University with Diploma in Library Science or Bachelor in Library Science".

3. The last date for submission of applications was 25.3.99.

4. Applicant who passed her matric in 1985-86 (Ann. A); her 10+2 Exam. as a private candidate in 1989 (Ann. B); got a diploma in Library Science (2 years) from State Board of Technical Education (Haryana) in 1989 (Ann. C Colly.) and completed her graduation as a private candidate from Delhi University in 1994 (Ann. Colly.) applied for the aforesaid post, well within the last date prescribed.

5. The selection for the aforesaid posts were by way of examination etc. and applicant avers that according to her reasonable belief she was within the first 15 candidates in the merit list prepared by respondents in the unreserved category, but she did not find her roll number in the result published in the newspaper on 31.10.99 (Ann. E). Applicant states that upon inquiry she was informed that she had done her diploma first and graduation

later, she had been declared unqualified, and not selected, which she contends is illegal, arbitrary, and violative of Articles 14 and 16 of the Constitution.

6. Respondents in their reply challenge the O.A. They state in Para 4 (d) of their reply that the Board had advertised the Recruitment Rules as provided by the user Department (i.e) "Graduation from a recognised University with Diploma in Library Science or Bachelor in Library Science" and later the user Dept. i.e. Dte. of Education sent a clarification that only those diplomas in Library Science be treated at par with B. Lib. for which the essential qualification for admission is B.A., and those candidates who had acquired more than one academic and professional qualification (partly or fully) in the same year were not eligible to take the benefit of them. In this connection it is asserted that applicant had passed 10+2 as a private candidate from CBSE and also did her Diploma in Library Science in 1989 and was, therefore, declared unqualified.

7. We have considered the matter carefully.

8. Respondents themselves state in their reply to Para 4(d) of the O.A. that the Board had advertised the Recruitment Rules as provided by the user Department (i.e. Directorate of Education) i.e. "Graduation from a recognised University with Diploma

in Library Science or Bachelor in Library Science". A plain reading of the same would imply that a graduate with a diploma in Library Science was eligible as per the Recruitment Rules.

Nothing in these RRs requires that only those diplomas in Library Science be treated at par with Bachelor in Library Science for which the essential qualification for admission is B.A. Furthermore nothing in those Recruitment Rules declares that a candidate would be ineligible who had secured more than one academic and professional qualificatin in the same year. Even if these so called "clarifications" are deemed to be in accordance with the Recruitment Rules, the candidates should have been apprised of the same well before the selections were held. Rejecting applicant's candidature if she has otherwise qualified in the selections, after the selections were held, on the basis of the aforesaid "clarifications" is clearly arbitrary and violative of Articles 14 and 16 of the Constitution.

9. In the facts and circumstances of this particular case, therefore, which shall not be treated as a precedent, the O.A. succeeds and is allowed to the extent that if applicant has otherwise qualified in the selections held, respondents shall

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appoint her as Librarian in Directorate of Education within two months from the date of receipt of a copy of this order, subject to her completing the pre-appointment formalities. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

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

karthik