

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.274/99 in
M.A.No.1345/99

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

New Delhi, this the 20th day of December, 1999

Smt. Pratibha
w/o Sh. Satyadev Solanki
Shahabad Mohammadpur
New Delhi - 110 061. ... Applicant
(By Shri S.K.Sinha, Advocate)

Vs.

1. Govt. of National Capital Territory of Delhi
through, the Chief Secretary
5, Sham Nath Marg
Delhi.

2. The Secretary (Education)
Govt. of NCT of Delhi
Old Sectt., Delhi.

3. The Director of Education
NCT of Delhi, Old Secretariat
Delhi. ... Respondents
(By Shri Vijay Pandita, Advocate)

O R D E R (Oral)

By Reddy J.

Heard the learned counsel for the applicant
and the respondents.

2. The applicant, in response to an
advertisement dated 21.1.1997 inviting applications
for Trained Graduate Teacher (English) applied for the
said post. She was asked to appear before a selection
committee for interview and for verification of
original documents. Accordingly, the applicant
appeared with the documents. However the applicant's
name did not appear in the list of selected
candidates. It is stated that the applicant was
informed that she has not been selected since she did
not get her name registered in the Employment Exchange
prior to 31.12.1996.

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3. It is the case of the applicant that her name was registered in the Employment Exchange on 2.1.1997 i.e. only two days after the cut off date fixed by the respondents. It is contended by the learned counsel for the applicant that the date fixed by the respondents is wholly arbitrary and that the applicant is entitled as a matter of right for consideration even if the name was registered in the Employment Exchange after the cut off date.

4. The case of the respondents is that though the posts were advertised in the news papers a condition was prescribed that the candidates should get themselves registered in the Employment Exchange prior to 31.12.1996. Since the applicant did not fulfil the said requirement her application has not been accepted.

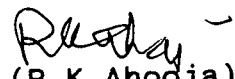
5. Having considered the arguments of the learned counsel for the applicant and the respondents, we are inclined to accept the plea of the applicant. The applicant has in fact been registered with the Employment Exchange and she was also considered by the Selection Committee. The law is well settled that advertisement should be made in leading news papers calling applications from eligible persons to fill up vacancies of public posts and that it was not necessary that the applicants should be routed through the Employment Exchange vide The Excise Superintendent, Malkapatnam, Krishi District, Andhra Pradesh Vs. K.B.N. Visweswara Rao & Others, (JT 1996(9) SC 638). The Principal Bench of the Tribunal in OA No.6/98 (Sahib Singh Vs. Govt. of NCT, Delhi)


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and others) decided on 18.8.1998 relied upon the above Judgment of the Hon'ble Supreme Court and held that the stipulation of cut off date of registration in the Employment Exchange is arbitrary.

6. In the above circumstances, the respondents are directed to consider the case of the applicant for appointment to the post of TGT (English), without insisting upon the date of registration with the Employment Exchange prior to 31.12.1996, within a period of two months from the date of receipt of a copy of this order. OA accordingly allowed. No costs.


(R.K. Ahooja)
Member(A)


V. Rajagopala Reddy)
Vice Chairman(J)

/rao/