

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.879/99

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

New Delhi, this the 24th day of January, 2000

Smt. Kusum Lata  
w/o Shri Naresh Kumar  
r/o 166, Village & P.O. Jounti  
Delhi - 81.  
(Candidate for post of Nursery  
Teacher under Code 9/98 advertised by  
the Respondent No.2. ...

Applicant

(By Shri R.N.Singh, Advocate)

Vs.

1. Govt. of National Capital Territory of Delhi  
5, Shamnath Marg  
Delhi - 54.  
(Through: The Chief Secretary)
2. Delhi Sub-Ordinate Services Selection Board  
Govt. of National Capital Territory of Delhi  
3rd Floor, UTCS Building  
Institutional Area  
Behind Kardarduma Courts Complex  
Shahdara, Delhi - 32.  
(Through: The Secretary). ..

Respondents

(By Shri Vijay Pandita, Advocate)

O R D E R (Oral)

By R.K.Ahooja, Member(A)

The applicant had applied for the post of Nursery Teacher in response to the advertisement, Annexure-B issued by the Delhi Subordinate Services Selection Board (DSSSB) for the Municipal Corporation of Delhi. The educational qualifications and work experience required for the post were stated to be as follows:

"(1) Higher Secondary School Certificate or equivalent.

(2) Nursery Teacher Training Certificate from a recognised Institution or equivalent."

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2. The case of the applicant was considered by the respondents and her name was included in the zone of consideration. She was also called for by the respondents for verification of her documents. On the basis of the scheme formulated by the respondents the applicant was entitled to 47.72 points. The respondents thereafter issued a notice, Annexure-A6 declaring the minimum score for categories for final selection. According to the said notice Scheduled Caste candidates were required to obtain minimum 40.34 per cent marks. The applicant submits that as she was entitled to a score of 47.72, she should have been selected. But her grievance is that in the final list of selected candidates her name did not figure. It is aggrieved by this non selection that the applicant has now come before this Tribunal.

3. The respondents in the reply have stated that applicant had obtained a Teacher Training Certificate for Nursery Teachers from D.A.V. College of Management, Communication and Educational Administration, Sector-4, Panchkula. The said institution is not recognised by the National Council for Teacher Education. In view of this the applicant was not eligible to be considered for selection for the post of Nursery Teacher.

4. On the last occasion when the case came up the learned counsel for the applicant had pointed out that the National Council for Teacher Education had come into existence only in the year 1995. On the other hand, the Diploma from the DAV College of Management, Communication and Educational

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Administration, Panchkula (Haryana) had been obtained by the applicant in June, 1989. It was also pointed out by the learned counsel for the applicant that the said institute was recognised by the Government of Haryana. A confirmation to that effect has also been issued by the Controller of Examinations, D.A.V. College of Management, Communication and Educational Administration vide letter dated 10.3.1999, Annexure-A7. He also drew our attention to the copy of a letter written by the Director of Education, Government of Haryana that Nursery Teachers course done by the D.A.V. College of Management, Communication and Educational Administration, Sector-4, Panchkula is recognised by the Haryana Education Department.

5. The learned counsel for the respondents on the other hand had submitted that as per the notification issued by the National Council for Teacher Education, list of recognised institutions had been published and a copy of the same had been submitted at Annexure/R-A and the D.A.V. College of Management, Communication and Educational Administration, Panchkula does not figure in the aforesaid list. He also submitted that no one who were having qualifications from the institutions outside the list had been appointed by the respondents.

6. In view of the aforesaid conflicting submissions made by the learned counsel, we had asked the learned counsel for the respondents to show us the record which could confirm that no person was selected having the qualifications obtained outside Delhi and

from institutions outside the list of Annexure/R-A had been given appointment. Today when the matter came up for hearing, the learned counsel for the respondents has produced for our perusal a copy of the letter dated 21.1.2000 written by the Directorate of Education, Govt. of N.C.T. of Delhi addressed to the Secretary, Delhi Subordinate Services Selection Board stating that the matter is under consideration of the Department and final view will be communicated after ascertaining the matter from the Director, Schools (Education), Haryana, Chandigarh. He also made an oral submission that no one has given appointment who has obtained qualifications from an institution outside the Delhi.

7. Learned counsel for the applicant has produced a copy of the Office Order No.159 issued by the Deputy Director of Education in respect of the post of Assistant Teacher. In that, one Ms. Vimal Kumari Kain, whose name appeared at Sl. No.17 shows that the said Vimal Kumari Kain had obtained her qualifications from the Government Girls Training School, Bulandsher. However the name of this School even though it is running by the Education Department of Uttar Pradesh does not appear in the list of recognised Institutions at Annexure/R-A to the counter filed by the respondents.

8. We also notice that all the institutions described in the list at Annexure/R-A are located at Delhi. The implications of ~~that~~ would be that all the institutions outside Delhi are unrecognised for purpose of appointment to the posts under the Delhi

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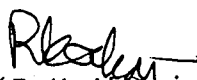
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Government. Since Delhi continuous to be Union Territory, prima-facie, this would appear to be factually incorrect. We also notice that in the notification issued by the Delhi Subordinate Services Selection Board there was no requirement that the stipulated qualifications must be obtained from an institution located within the Union Territory. If one person can be appointed as Assistant Teacher having passed from Bulandsher, Uttar Pradesh, then a candidate who has obtained the requisite qualifications by an institution recognised by the Government of Haryana would in our view would be equally entitled to consideration.

9. In view of the aforesaid discussion, we are of the view that as D.A.V. College of Management, Sector-4, Panchkula is recognised by the Haryana Government the diploma obtained by the applicant would be valid for consideration of her case for appointment as Nursery Teacher under the Govt. of N.C.T. of Delhi.

10. We accordingly allow the OA. The respondents are directed to consider the case of the applicant for appointment as Nursery Teacher on the basis that the qualification obtained by her from an institution recognised by the Haryana Government is valid in terms of the notification issued by the respondents for the post of Nursery Teachers. This will be done within a period of three months from the date of receipt of a copy of this order. No costs.

  
(R.K. Ahooja)  
Member(A)

  
(V. Rajagopala Reddy)  
Vice Chairman (J)