

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2170/95

New Delhi: this 26 day of August, 1996.

HON'BLE MR. S. R. ADIGE, MEMBER (A.).

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

By Advocate: Shri Lokesh Kumar

## Versus

1. The Lt. Governor,  
National Capital,  
Territory of Delhi,  
Raj Bhawan, Rajpur Road,  
Delhi.
2. The Secretary (Education),  
Govt. of National Capital Territory of Delhi,  
Old Secretariat,  
Delhi.
3. Director of Education,  
Directorate of Education,  
Govt. of National Capital Territory of Delhi,  
Old Secretariat,  
Delhi.
4. Dy. Director of Education,  
(Administration),  
Directorate of Education,  
Establishment-III Branch,  
Govt. of NCT,  
Old Secretariat,  
Delhi.

By Advocate: Shri Rajender Pandita,

## JUDGMENT

BY HON'BLE MR. S. R. ADIGE, MEMBER (A).

He ard.

2. The respondents have admitted ( in paras 2 and 3 of reply ) that all those candidates in TGT (Natural Science ) who secured 68 marks or above were considered for nomination/ appointment

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against notified vacancies, and the applicant who had secured 70 marks was initially nominated for appointment. However, subsequently that nomination was cancelled, because only those who had passed English at graduation level with a paper, carrying 100 marks were entitled to 5 additional marks and as the applicant had passed English at graduation level with a paper carrying only 50 marks, she was not entitled to the 5 additional marks as a result of which the 5 marks given for English were deducted, reducing her marks from 70 to 65 marks which made her ineligible for appointment.

3. The respondents have not produced any rule or instruction by which only those who have passed English at graduation level with a paper carrying 100 marks are entitled to the 5 additional marks and those who have passed English at graduation level with a paper carrying less than 100 marks are not eligible for those 5 additional marks. According to the respondents Marking Scheme (para 1 of their reply) 5 additional marks are to be given for those who take English as an Elective subject at B.A./B.Sc but it is not the case of the respondents that the applicant is not eligible for these 5 additional marks because she did not take English as an Elective subject at B.A./B.Sc. Their only defence as to their actions is that as the applicant did not take English at graduation level with a paper carrying 100 marks, she is not eligible for these 5 additional marks, which defence as

noticed by us is not supported by any rule or instruction and hence cannot be sustained.

4. In the result this OA succeeds and is allowed. Respondents' letter dated 27.7.95 (Annexure-A6) is quashed and set aside. As by the Tribunal's interim order dated 30.11.95 one post of TGT (NS) has already been directed to be ~~vacant~~<sup>filled</sup>, respondents are directed to consider issuing the appointment letter to the applicant against that post within 1 month from the date of receipt of a copy of this judgment, subject to her fulfilling all the other requirements and conditions for appointment as prescribed under rules. In the event of her appointment the applicant will be entitled to the consequential benefits as permissible under law. No costs.

A. Vedavalli

( DR.A. VEDAVALLI )

MEMBER (J)

S.R. Adige

( S.R. ADIGE )

MEMBER (A).

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