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Central Administrative Tribunal
Principal Bench

...

O.A. 1238/96

New Delhi this the 2nd day of June, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Hon'ble Shri K. Muthukumar, Member(A).

Karan Priya Gáutam,
S/o Shri Attar Singh,
D-II/154, West Kidwai Nagar,
New Delhi-23.

...Applicant.

By Advocate Ms Bharti Kochhar, proxy counsel for Shri
Munish Kochhar, Counsel.

Versus

1. Government of National Capital
Territory of Delhi,
5, Sham Nath Marg,
Delhi.
2. The Director of Education,
Govt. of National Capital
Territory of Delhi,
Old Secretariat,
Delhi.
3. Dy. Director of Education,
South District,
Defence Colony,
New Delhi.

...Respondents.

By Advocate Shri Arun Bhardwaj though not present.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant challenges the impugned order No. DDE/DS/94 undated in which he has been informed that his appointment to the post of TGT (Natural Sciences) by office letter dated 22.9.1994 has been withdrawn as a result of scrutiny of the documents and certificates forwarded by him. He has submitted that he has studied Agriculture as a main subject in B.Sc and ~~is~~ other subjects in school as mentioned in the recruitment rules and that there is no subject as 'Natural Science' ~~at~~ school level. He has

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filed this application seeking a direction to the respondents to quash the ^{impugned} /order, allow his application and to pass appropriate directions/orders directing the respondents to appoint him to the post of TGT (Natural Sciences) w.e.f. 22.4.1994. According to the applicant, he had passed the degree in B.Sc from Meerut University and had further qualifications of M.Sc (Agr.) from the same University. He had also passed his B.Ed examination in 2nd Division from Meerut University. He further submits that in response to an advertisement issued by the respondents in June, 1994, he had applied through the Employment Exchange. The applicant has also submitted that he belongs to the Scheduled Caste for which he has submitted the necessary certificate.

2. Ms. Bharti Kochhar, learned proxy counsel for the applicant, submits that the applicant had applied for the post of TGT (Natural Sciences) as he had the requisite qualifications. One of the grounds taken by the learned proxy counsel is that the other person, namely, Shri Kshetrapal Singh, who had similar qualification, had been given appointment and is working at Shakarpur School No.1. She had also mentioned the names of S/Shri Virender Malik and Omvir Singh, who are working at Gokulpuri and Rani Garden Schools, New Delhi, respectively. The learned proxy counsel submits that the applicant had made ^a number of representations to the respondents which were not responded to, though it appears from the application that the applicant had visited Respondents 2 and 3 to pursue his case. She submits that the candidature of the applicant has been cancelled on frivolous and baseless grounds as

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similarly qualified persons have been appointed to the post of TGT (Natural Sciences). She has, therefore, submitted that the action of the respondents is illegal, arbitrary and discriminatory.

3. The respondents have submitted that as per the amended rules by Notification dated 17.9.1993, in the method of recruitment (by direct recruitment or by promotion), the following qualifications are required:

"A Bachelor's Degree (Honours/Pass) or equivalent from a recognised University having secured 45% marks in aggregate, in two school subjects of which at least one out of the following should have been at the elective level:

1. English
2. Mathematics
3. Natural/Physical Science,
4. School Science.

Note:

Main subjects for Natural/Physical Sciences; Physics/Chemistry/Biology/Computer Sciences/Botany/Zoology/Dairy Farming/Horticulture/Veterinary Sciences/Agriculture.

Social Science: History/Pol. Science/Economics/Business Studies/Sociology/Geography/Psychology".

The respondents have on the directions of the Tribunal filed an additional affidavit. In this reply, they have submitted that in the case of S/Shri Virender Malik and Omvir Singh, they are unable to ascertain the records as sufficient details have not been given in this connection. Ms. Bharti Kocchar, learned proxy counsel for the applicant, submits that the name of Shri Virender Malik has been wrongly given in the application, it ought to have been Shri Devender Malik. Further, it is seen from the reply that the respondents have admitted the fact of appointment of Shri Kshtrapal Singh by the DDE (East) who had been delegated the power as the Appointing Authority by Respondent 2, i.e. The Director of Education, Govt. of NCT, Delhi.

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They have further submitted that 'the matter of appointment of Shri Kshtrapal Singh will be looked into, if any error is found in his appointment, will be dealt with as per rules'. They have also submitted that on the opinions obtained from the DDEs posted in various districts, subsequently, they have taken a decision to amend the recruitment rules by deleting 'Agriculture' from the list of elective subjects for TGT (Natural Sciences) as provided in the amended rules. This submission will, however, not be relevant here as we are concerned with the selections held in 1994 as per the amended rules of 1993, referred to above in paragraph 3.

4. From the facts noted above, it is seen that the respondents have themselves admitted that they have made the appointment of Shri Kshtrapal Singh / to a similar post as that claimed by the applicant and they are looking into the matter. In view of these facts, this O.A. is disposed of with the following directions:

(1) The respondents shall review the eligibility of the applicant for appointment to the post of TGT (Natural Sciences) in accordance with the amended rules of 1993, on the basis of the review they have undertaken in the case of Shri Kshtrapal Singh, who is admittedly similarly situated, and other similarly situated candidates, if any, within a period of two months from the date of receipt of a copy of this order.

(2) On the basis of the above review/decision, the respondents shall pass appropriate orders within the time stipulated above with intimation to the applicant.

(3) O.A. is disposed of, as above. No order as to costs.

(K. Muthukumar)
Member(A)

'SRD'

(Smt. Lakshmi Swaminathan)
Member(J)