

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2113 of 1996

New Delhi, dated the 7th November, 1997. ✓2

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

Mrs. Sanju Aggarwal,
D/o Shri D.S. Singal &
W/o Shri Anil Aggarwal,
R/o F-7C G.T.B. Enclave,
Opp. G.T.B. Hospital,
Delhi-110093. APPLICANT

By Advocate: Shri D.R. Gupta

VERSUS

1. Lt. Governor,
Govt. of N.C.T. of Delhi,
Raj Niwas Marg,
Delhi.
2. The Chief Secretary,
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi.
3. The Director of Education
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi. RESPONDENTS

By Advocate: Ms. Jyotsna Kaushik

JUDGMENT

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

Applicant seeks quashing of Memo dated 20.8.96
(Ann. A-1) rejecting her representation for
appointment as TGT (Soc. Sciences) and prays that
respondents be directed to appoint her as such.

2. Applicant who asserts that she is a B. Com.
(Hons.), M. Com. and B. Ed. applied for the post of
TGT (Social Sciences) in response to advertisement
dated 6.6.94. She states that by respondents
notification dated 17.9.93 the recruitment rules for

(3)

posts of TGTs were amended whereby candidates were selected on the basis of marks obtained by them in different examinations from Matriculation onwards and accordingly a merit list was prepared. Applicant asserts that those who obtained 66 marks in TGT (Soc. Sc) were appointed, but alleges that despite securing 69 marks and fulfilling all the eligibility conditions she was not appointed, which is illegal, arbitrary, malafide and violative of her fundamental rights.

3. Respondents in their reply deny that applicant's non-selection is illegal or arbitrary. They state that as per amended Recruitment Rules dated 17.9.93 the candidate applying for the post of TGT (Soc. Sc.) must have possessed a Bachelor's degree (Hons/Pass) or equivalent from a recognised University having secured 45% marks in aggregate in two school subjects of which atleast one out of the following should have been at elective level:

MAIN SUBJECTS FOR SOCIAL SCIENCE (TGT)

History/ Pol. Science/ Economics/

Business Studies/ Sociology/ Geography/ Psychology.

It is stated that applicant along with other B.Com. (Hon) graduates were not considered for appointment as TGT (Soc. Sci) during 1994 recruitment, as B.Com. (Hons) graduates do not

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have full background of Soc. Sc. subjects taught at secondary level. It is stated that the eligibility of a candidate applying for the post of TGT (Soc. Sci) is not determined according to graduation degree obtained (Pass or Hons.), but according to subjects studied by them at graduation level as per requirements of Recruitment Rules.

4. We have heard applicant's counsel Shri D. R. Gupta and respondents' counsel Mrs. Kaushik. We have perused the materials on record and given the matter our careful consideration.

5. Prior to the 1993 amendments to the Recruitment Rules (Annexure-SR I) to become eligible for TGT in ^{with} 1. English 2. Maths 3. Social Sciences and 4. Physical/Natural Sciences required to possess, as per Cl. 8 of these Rules, a Bachelor's Degree (Pass/ Hons) from a recognised University or equivalent having secured atleast 45% marks in aggregate of having studied to a not lower than ancillary/ subsidiary subject indicated in any of the following groups.

1. English as main subject at graduation level with one of the following subjects
(1) History (ii) Pol. Science (iii) Economics
(iv) Commerce (v) Geography (vi) Agriculture
(vii) Horticulture.

2. Mathematics

3. Social Sciences: Atleast 2 of the following main subjects at graduation level (i) History

(5)

(ii) Pol. Science (iii) Economics (iv) Commerce
(v) Geography (vi) Agriculture (vii) Horticulture.

4. Physical/Natural Science

6. By the amendments notified on 17.9.93
(Annexure-A3) col.8 was substituted by the
following:

"Col. No.8: A Bachelor's Degree (Honours/Pass)
or equivalent from a recognised
University having secured 45%
marks in aggregate, in two school
subjects of which atleast one
out of the following should have
been at the elective level:-

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

7. While the aforesaid amendments dated
17.9.93 could no doubt have been more clearly
worded, if we read them along with Col.1 of
the Recruitment Rules and particularly in the
background of the Recruitment Rules as they stood
prior to these amendments, respondents' assertion
as contained in para 3 above appears to be borne out
that to be eligible the candidate for TGT(Soc. Sc)
must possess a Bachelor's degree (Hons/Pass) in two
of the following 7 subjects of which atleast one
should be at the elective level.

History/Pol. Sc./ Economics/ Business Studies/
Sociology/Geography/ Psychology.

(b)

8. From the marksheets submitted by applicant it is clear that she passed B.Com. (Hons) which was in 3 parts. Besides that she had ^{cleared} a Modern Indian Language (Hindi); Mathematics and Elective English as Subsidiary subjects. Neither Commerce, nor indeed Hindi; Mathematics or Elective English are listed in the subjects mentioned in para 7 above. It is significant to note that prior to the 1993 amendments Commerce was included, as one of the subjects as is clear from para 5 above, but with the aforesaid 1993 amendments, Commerce has been deleted and Business Studies has been included. Similarly Agriculture and Horticulture have been deleted and Sociology and Psychology have been included.

9. It is not within the jurisdiction of the Tribunal to determine whether Business Studies and Commerce are the same or two different subjects, and if different, the extent of that difference.

10. Shri Gupta has argued vehemently that as a part of her B.Com (Hons) Course, applicant had studied Economics at a higher level than what was required in a pass course and that when applying for the post of TGT (Soc. Sc) applicant had a legitimate expectation that she would be considered for appointment in terms of Recruitment Rules and her non-appointment as TGT (Soc. Sc) when pass course graduates with lesser percentage of marks have been appointed is discriminatory and violative of Articles 14 and 16 of the Constitution. Certain rulings have also been cited, including Navjyoti Coop. Group Housing Society Vs. UOI (1992) 4 SCC 477;

(X)

STATE OF M.P. VS. G.S. DAL & FLEUR MILLS-1992

Suppl. (1) SCC and C & AG VS. M.L. Mehrotra (1992) 1

SCC 20.

11. As discussed above, applicant has not succeeded in establishing her claim regarding eligibility for consideration for appointment as TGT (Soc. Sci) in terms of the amended R.Rs because being a B.Com (Hons.) graduate with Hindi, Mathematics and Elective English as subsidiary subjects, she has not studied two of the 7 subjects mentioned in para 7 above as separate and distinct subjects at graduation level, of which one should have been at elective level. Under the circumstance the arguments and rulings relied upon by Shri Gupta do not help the applicant and we are unable to grant her the relief prayed for.

12. The OA is therefore dismissed. No costs.

A. Vedavalli

(DR. A. VEDA VALLI)
MEMBER (J)

R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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