

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A./XXX No. 531/1996
M.A. No. 778 of 1996

Decided on 25.2.97

Mrs. SavitaApplicant

(By Shri V.K. Shali) Advocate

Versus

Director of EducationRespondents

(By Shri Vijay Pandita) Advocate

CORAM:

THE HON'BLE SHRI JUSTICE K.M. AGARWAL, CHAIRMAN

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter
or not? *yes*

2. Whether to be circulated to the other
Benches of the Tribunal?

(K. MUTHUKUMAR)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 531 of 1996
M.A. No. 778 of 1996

New Delhi this the 25th day of April, 1997

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Mrs. Savita
223, AGCR Enclave,
Vikas Marg Extension
Karkardooma,
Delhi.

...Applicant

By Advocate Shri V.K. Shali

Versus

Director of Education,
Government of National Capital
Territory of Delhi,
Old Secretariat,
Delhi.

...Respondent

By Advocate Shri Vijay Pandita

ORDER

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

The applicant is aggrieved that the respondent has not awarded 5 extra marks for her qualification (hereinafter referred to as Hons.) in Honours/ in Home Science and thereby has deprived her of appointment to the post of Trained Graduate Teacher (hereinafter referred to as TGT) (Domestic Science). In response to advertisement in June, 1994, in local Dailies /Punjab Kesri, she applied for the post of TGT (Domestic Science). Finding that the select list of candidates displayed in the office of the respondent on 27.7.1994 did not include her name, she made a representation to the Additional Director (Administration), Directorate

of Education, New Delhi on 29.7.1994. After persistent enquiries in this behalf, she was told by the respondent that as per the scheme for selection for Home Science candidates, department was not awarding additional 5 marks even in the case of candidates with Hons./. The applicant is stated to be Hons. graduate in Home Science. She followed this matter by another representation dated 23.9.1994 addressed to the Chief Minister of Delhi and the respondent, by letter dated 22.12.1994, rejected her representation and she was informed that in the marking scheme for Domestic Science teacher category, qualification no weightage had been given for Hons./and, therefore, she had not been granted any additional marks for her Hons. qualification. She again sent a legal notice to the respondent on 25.2.1995 in reply to which, the respondent informed her counsel that she did not fall under the category of selected candidates. She has, therefore, filed this application.

2. The main ground taken by the applicant is that the action of the respondent in awarding 5 marks to all the Hons. graduates/ except Hons. in Home Science was arbitrary, unreasonable and discriminatory and as a result of this, the applicant has been deprived the right to get appointed as TGT (Domestic Science).

3. The respondent in his reply has averred that the application has been barred by limitation and the applicant's repeated representations does

not extend the period of limitation under law, and has cited the case of **S.S. Rathore Vs. State of M.P.**, AIR 1990 SC 10 and certain other cases. He submits that recruitment was made in July, 1994 and the applicant's representation was rejected by the respondent on 22.12.1994. The applicant had chosen to approach the Tribunal only after repeated representations and finally in March, 1996. The respondent has further submitted that in the marking scheme for the recruitment, there is no provision for awarding 5 additional marks for Hons. in Home Science. Such a provision existed only for TGT Language teacher, and no such provision for awarding 5 additional marks has been made for Domestic Science teachers. The applicant had secured only 68 marks as per the approved marking scheme and the last candidate selected for the post of TGT (Domestic Science) had secured 70 marks and, therefore, the applicant was not selected. The respondent has also made a categorical assertion that none of the candidates who have been selected as TGT (Domestic Science) have been awarded 5 additional marks for Hons. in Domestic Science and, therefore, it is contended that there has been no arbitrariness or violation of the provisions of Article 14 of the Constitution, as alleged by the applicant.

4. We have heard the learned counsel for the parties and have perused the record.

5. The selection of candidates was notified

in July, 1994 and the applicant's representation was also rejected as early as in December, 1994. The applicant, however, has filed this application only in March, 1996 and, therefore, the contention of the respondent that this is a belated application is tenable and valid. Even on merit, we find that the marking scheme does not specifically provide for extra marks for candidates with Hons. qualification in Home Science under the Domestic Science teacher category. Specific additional marks have been provided for Post Graduates and M.Phil. degree holders in the aforesaid subject. We are unable to accept the contention of the learned counsel for the applicant that the marking scheme has not been based on any intelligible differentia and the exclusion of Home Science subject in the Hons. for grant of extra marks is arbitrary. The marking scheme is not challenge in this application. We find that the marking scheme has been evolved with the approval of the Cabinet after taking into account the requirement of teachers in various subjects and also the weightage that is decided to be given to those, who have acquired higher qualifications including Hons. degree Post graduation and in the case of Domestic Science teachers,

additional weightage was given for Post Graduates. The applicant cannot contend that she is entitled to be granted 5 extra marks for her Hons. degree in Home Science qualification when the marking scheme does not provide for any extra marks for any candidate with such qualification in the Domestic Science teacher category. Her contention that there has been discrimination in her case is not acceptable.

6. In the result we do not find that there is any ground to interfere with the decision of the respondents in the case of the applicant. The application, therefore, fails and is accordingly rejected. There shall be no order as to costs.



(K.M. AGARWAL)
CHAIRMAN



(K. MUTHUKUMAR)
MEMBER

Rakesh