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Central Administrative Tribunal
Principal Bench

O.A.No.1104/96

Hon'ble Shri R.K.Ahooja, Member(A)
Hon'ble Shri S.L.Jain, Member(J)

New Delhi, this the 9th day of March, 1999

Shri Raj Kumar Singh
s/o Shri Ballu Singh
r/o R-6, Gali No.19
Braham Puri, Seelampur
Delhi - 110 053. ... Applicant
(By Shri Ajesh Luthra, Advocate)

Vs.

1. Government of National Capital
Territory of Delhi
5, Sham Nath Marg
Delhi. ... Respondents
2. The Director of Education
Govt. of National Capital
Territory of Delhi
Old Secretariat
Delhi. ... Respondents

(By Shri Arun Bhardwaj, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant, who has studied Agriculture as a main subject in B.Sc as well as M.Sc. (Agriculture), applied for the post of TGT (Natural Science) in response to the advertisement of June, 1994, Annexure-C. The applicant made a representation as his name was not included in the selected list of candidates. In response to his representation he received a letter dated 22.9.1994, Annexure-A by which he was informed that his representation was being rejected as his name already appears in the list of selected list and he is being nominated shortly. Despite this, as the applicant failed to receive any appointment letter, he has come before the Tribunal seeking a direction to the respondents that he should be given appointment as TGT (Natural Science) as persons with similar qualifications have been considered and appointed.

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2. The respondents in their reply have denied that the applicant has the requisite qualifications for the post of TGT (Natural Science). They submit that the applicant did not have a relevant subject in his B.Sc (Agriculture) Course as required in the requirement rules for the said post.

3. We have heard the counsel. The learned counsel for the applicant relied on the orders of this Tribunal in OA No.1238/96 decided on 2.6.1997 (Shri Karan Priya Gautam Vs. Govt. of NCT of Delhi & Others) in which in similar circumstances the directions were given to the respondents to consider the case of the applicant. The learned counsel for the respondents has submitted that in OA No.1238/96 certain directions were given for considering the case of the applicant on the basis of a review of another case of one Shri Kshetrapal Singh who was similarly situated. He argued that instead of connecting the case of the applicant to those of Karan Priya Gautam and Kshetrapal Singh, the present OA may be decided on the question as to whether the applicant fulfills the requisite qualifications laid down in the Recruitment Rules or not.

4. We have gone through the record and have also perused the orders of this Tribunal in OA No.1238/96. We find that it is the interpretation of the respondents which is material in regard to the eligibility of the candidates for the post of TGT (Natural Science). The ^{derivation of} issue ~~denatures~~ upon the point as to whether the candidates with the qualifications of B.Sc (Agriculture) meet their requirement laid down in the recruitment rules or not. In Karan Priya Gautam (Supra) it was found that the respondents had adopted an interpretation in the case of Shri Kshetrapal Singh that the candidates with

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B.Sc(Agriculture) were eligible for the post of TGT (Natural Science). Since they had taken a different view in the case of Shri Karan Priya Gautam, directions were given that the respondents should review the case of Shri Kshetrapal Singh and thereafter take a uniform decision in the case of Shri Karan Priya Gautam also. We are in respectful agreement with the course suggested by the co-ordinate Bench in Karan Priya Gautam, In the interest of justice the respondents should adopt a uniform approach in the interpretation of Rules as was directed in Karan Priya Gautam's case (Supra). The respondents were not under direction to adopt a particular interpretation but only to ensure that the interpretation was uniformly applicable. Accordingly, we dispose of the present OA with the following directions:

- a) 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 Karan Priya Gautam and Shri Kshetrapal Singh, who were 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.
- b) On the basis of the above review/decision, the respondents shall pass appropriate orders within the time stipulated above with intimation to the applicant.

The OA is disposed of as above. No order as to costs.

S.L.Jain
(S.L.Jain)
Member(J)

/rao/

R.K.Ahuja
(R.K.Ahuja)
Member(A)