

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1615/97

New Delhi this the 15th day of December, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

(8)

Mrs. K.K. Dahiya,
W/o Sh. S.R. Dahiya,
R/o 17/920, Lodhi Colony,
New Delhi-3. Applicant
(through Sh. P.P. Khurana with Sh. S.K. Gupta)

versus

1. Govt. of NCT of Delhi
through Chief Secretary,
5, Shamnath Marg, Delhi.
2. Director,
Directorate of Education,
Old Secretariat, Delhi.
3. Secretary,
U.P.S.C.,
Dholpur House,
Shahjahan Road,
New Delhi. Respondents

(through Sh. Madhav Panikar)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The applicant in this case is a qualified Post Graduate Teacher and eligible for consideration for the post of Principal in Delhi Administration. Even though she was eligible in accordance with the Recruitment Rules, she has been excluded from consideration due to a method of short listing adopted by the respondents.

2. After filing the case, notices were issued and alongwith the reply the respondents had claimed privilege from disclosing the short listing criteria to the applicant. The matter was argued at length on 24.10.97 and this Tribunal after perusing the documents

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submitted for its perusal, passed a detailed order on the said date rejecting the claim of privilege and the respondents were directed to either file an affidavit or disclose the criteria adopted for short listing to the applicant.

3. Pursuance to the said order, the short listing criteria was disclosed and necessary affidavits have been filed on 21.11.97. The essential qualification prescribed for the post is given at page 40 of the paperbook and the short listing criteria was given in the form of a note in the said affidavit. Both the essential qualification and the 9 paras of the note are reproduced here below:-

"Essential Qualification(i): At least second class Master's Degree from a recognised University or equivalent.(same as per Recruitment Rules)

Essential Qualification(ii) : Degree in Teaching/Education from a recognised University or equivalent.(Same as per Recruitment Rules).

Essential Qualification(iii) : 18 years teaching experience as PGT (the number of years of teaching experience raised from 10 to 18 and the level of teaching restricted to that of PGT or above.)

Note: 1. Experience towards EQ(iii) has been counted only after acquiring EQ(i) i.e. P.G. Degree with Second Class.

2. Experience of teaching has been considered relevant only when it has been acquired in teaching 10th or higher class in a high/higher Secondary School or an intermediate college.

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3. Experience gained as PGT has been considered full experience but experience gained as TGT has been counted 75% equivalent to PGT. It means 25% of experience as TGT has been deducted while equating this with PGT. In other words, 20 years experience of TGT has been equated with 15 years experience of PGT.

4. The Mandatory period of three years teaching experience as PGT has been laid down for short listing the candidates. In case a candidate possess sufficient number of years of experience towards TGT but possess less than 3 years as PGT she has not been included in the list of called candidates.

5. Additional weightage towards experience as PGT has been given for the following qualifications:-

1) Double or Triple M.A. 1 Year
(with Second Class)

2) M.Ed. 1 Year

3) M.Phil. 1 Year

4) Ph.D. 3 Years

(Candidates possessing Ph.D. and M.Phil. both, have been given weightage of 3 years only).

Experience gained as Headmaster, Vice-Principal or Principal for atleast two years. Additional weightage of one year has been given towards experience.

6. Experience gained as lecturer, Headmaster, Vice-Principal and Principal has been equated to PGT experience under EQ (iii).

7. No extra weightage has been given towards EQ(iii) to the candidates who have been awarded National/State award for meritorious service in the filed of education.

8. Degree in BT, LT & Shiksha Shastri have been equated to B.Ed required under EQ (ii).

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9. The candidates possessing M.Ed. and no other PG Degree have been categorised as lacking EQ(i) since M.Ed. has not been equated to the qualification required under EQ(i).

4. It is an admitted case of the respondents that according to the prescribed Recruitment Rules, the applicant was qualified with respect to educational qualification but with respect to the number of years of teaching experience was to be 10 and the same was raised to 18 for the purpose of short listing. The respondents on their own awarded 7 years and 4 months that being the experience of the applicant as PGT and one year for Master's Degree in education and 3 years for obtaining Ph.D at the instance of the applicant. Thus, the applicant is awarded only 11 years and 4 months of experience to her credit. The learned counsel for the applicant disputed this method of awarding weightage in accordance with their own declared criteria and stated that as per Note-3, the applicant should have been given 75% of the total 16 years of her service as TGT i.e. to say for the purpose of short listing. The respondents should have considered to add 12 more years of experience as per note-3. On the other hand, on behalf of the respondents it was stated that these 12 years of experience cannot be given for the purpose of considering the applicant within short listed candidates for the reason that this criteria contained in Note-3 will have to be read alongwith criteria contained in Note-1 which stipulates that the experience towards essential qualification No.3 shall be counted from a date after the applicant has acquired the Post Graduate Degree with second class.

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5. A plain reading of the note does not give expression to this method now being advocated by the respondents. Note-3 does not say that the 75% of the experience acquired by the applicant as TGT is to be calculated for the purpose of counting the total number of 18 years "after obtaining a Post Graduate Degree" cannot be read into the said note. This fact because further clear from the fact that the note itself gives an explanation that in case a person who has been a TGT for 20 years, 15 years out of that would be counted for the purpose of considering the experience for short listing. That being so, it is unimaginable that any TGT person will continue with a Post Graduate Degree and not being himself/herself a PGT. Thus the explanation itself belies what is now being stated at the Bar and we would prefer to apply the golden rule of interpretation, namely, "the plain reading" of the note.

6. We have also considered the fact that the applicant is in fact eligible and is having additional qualifications, such as Post Graduate in Education as well as Ph.D and with these qualifications, to exclude the applicant from consideration only on the basis of short listing, in the circumstances of the case is unjustified. It is not the case of the applicant that she may be promoted, rather her case is that she may be considered alongwith others without being subject to short listing, in case she is eligible for the post of Principal in accordance with the recruitment rules.

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7. In the circumstances, we direct that the respondents shall consider the case of the applicant to the post of Principal in accordance with the rules.

8. By an interim relief, the applicant had already been considered provisionally as per our directions given previously. In the circumstances, the respondents shall declare the result of the applicant alongwith others and in case she is found fit and selected, she will be entitled to all consequential benefits.

With the above observations, this O.A. is disposed of. No costs.


(S.P. Biswas)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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