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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

**O.A. No.** 2301/97

**T.A.No.**

**Date of decision** 13-8-98

Smt. Sheela Devi Dabas ... **Petitioner**

Mrs. Meera Chhibber ... **Advocate for the  
Petitioner(s)**

**VERSUS**

Lt. Governor, NCTD ... **Respondents**

Ms. Jyotsna Kaushik ... **Advocate for the Respondents**  
learned counsel through  
proxy counsel Sh. Ajesh Luthra

**CORAM**

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

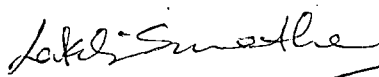
The Hon'ble Shri K. Muthukumar, Member (A)

1. To be referred to the Reporter or  
not?.

Yes

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

No.

  
(Smt. Lakshmi Swaminathan)  
Member (J)

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Central Administrative Tribunal  
Principal Bench

O.A. 2301/97

New Delhi this the 13th day of August, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri K. Muthukumar, Member(A).

Smt. Sheela Devi Dabas,  
W/o Shri V.P. Dabas,  
R/o 327, Kajhawla,  
Delhi-110081 ... Applicant.

By Advocate Mrs. Meera Chhiber.

Versus

1. Lt. Governor of Delhi, Govt.  
of NCT, Raj Niwas,  
Delhi.
2. Director of Education,  
Directorate of Education,  
Old Secretariat,  
Delhi. ... Respondents.

By Advocate Shri Ajesh Luthra proxy for Mrs. Jyotsna Kaushik.

ORDER

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

The applicant is aggrieved that she has not been selected and appointed as Post Graduate Teacher (PGT) as a result of the selections held in 1996, where she has alleged that the respondents have illegally ignored the marks she has obtained in Class-X.

2. According to the applicant, she has the educational qualifications for the post of PGT, having passed M.A., B.Ed., M.Ed., Ph.D and is presently working in the respondents' department as Trained Graduate Teacher (TGT). In pursuance of the respondents' advertisement dated 10.10.1996, she had applied for the post of PGT. According to Mrs. Meera Chhiber, learned counsel, while the respondents have taken into account the marks obtained by other candidates at 10+2 School

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Level Examination, no marks had been allotted to the applicant against the Matriculation certificate which is equivalent to 10+2 School Level Examination as she had done her Matriculate examination in <sup>the State of Haryana</sup> Haryana. The main contention of the learned counsel is that the applicant had been disqualified wrongly because according to the marking Scheme adopted by the respondents her marks in Matriculation have been ignored which they cannot do because as per their own marking Scheme decided on 25.7.1994, the marks obtained by candidates at different examinations from "school level upwards" have to be considered, instead of only one examination as was previously the system. In this connection, she has drawn our attention to various forms placed in the paper book in which for applications for selection to PGT posts, the column against educational qualifications indicates both Matriculate and higher secondary examinations. Her contention, therefore, is that because the applicant qualified in the school examination at Matriculate level which was the relevant examination in Haryana, her Matriculate marks cannot be ignored. She has also submitted that to this extent the proposed new Scheme as given in page 2 of the Cabinet decision No.93 dated 25.7.1994 is inconsistent with the table given for PGTs in page 3 where the marks for Matriculate examination have been ignored. The learned counsel, has, therefore, submitted that in the circumstances, in keeping with their own decision dated 25.7.1994, the respondents may be directed to take into consideration the marks obtained by the applicant in Matriculate examination and on that basis declare her results for selection to the post of PGT (History).

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3. We have seen the reply filed by the respondents and heard Shri Ajesh Luthura, proxy counsel. The learned counsel submits that as per the Scheme adopted by the Delhi Government the marks that were to be taken into consideration were from Higher secondary to M.A. in the concerned subject for which the applicant had applied. There was also provision in the Scheme for awarding marks to those who did Hons. in the subject concerned as well as M.Phil/P.h.d. The respondents have denied that Matriculate and Higher Secondary examinations are equivalent only because both are the last examination in the School. The learned proxy counsel has submitted that what is relevant is that a student who has passed Matriculate is not eligible for admission in Graduate<sup>12</sup> classes, whereas one who has passed 12th class Board Examination i.e. 10+2 examination which is done at School level is so eligible. He, therefore, contends that the Matric examination marks obtained by the applicant is not relevant as per the Scheme. He, however, admits that the various application forms placed in the paper book for the post of PGT do indicate Matric/Higher secondary as one of the examinations in columns under Educational qualification. He submits that these were old forms which were continued to be used and, should not, therefore, be taken into consideration. In the circumstances, the learned proxy counsel submits that the applicant's contention that her Matric marks should be taken into account as this was the examination she had done at "School level" is not relevant and the application should, therefore, be dismissed.

4. In the rejoinder, the applicant has reiterated the contentions raised in the O.A. and, in particular, that as per the Scheme, marks have to be given from

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school level upwards which includes marks for the Matric also as this was the last class in the schools in Haryana, from where the applicant had done her matriculation.

5. We have considered the pleadings and the submissions made by the learned counsel for the parties.

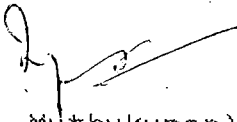
6. From the Cabinet Decision No. 93 dated 25.7.1994, it is seen that the Council of Ministers had approved the marking scheme, as proposed for various categories of teachers mentioned therein. It is noted that for the Post-Graduate Teachers, the marks obtained from Senior Secondary level upto Ph.D are tabulated. In the case of other teachers, namely, Trained Graduate Teachers/Language Teachers, Primary Teachers/Nursery Teachers, Physical Education Teachers and Drawing Teachers, the marks obtained from Class X upwards have been taken into account but these do not include Ph.D level. In other words, the Cabinet has taken a decision that in the case of PGTs, the marks obtained in Class XII level, excluding Class X, shall be taken into account upto Ph.D. Admittedly, this is a higher post. Therefore, this decision cannot be faulted as there appears to be a reasonable nexus to the object sought to be achieved in the case of the Post Graduate Teachers where higher qualifications have been prescribed, as compared to the qualifications required in the case of the other teachers, for example, TGTs, Language Teachers, Physical Education Teachers, Primary School Teachers and Drawing Teachers. In this view of the matter, the marking Scheme as approved by the Cabinet Decision No. 93 dated 25.7.1994 is legal and valid and the contentions to the contrary are rejected. In the facts of the case, the contention of the learned counsel for the applicant that Matric and Senior

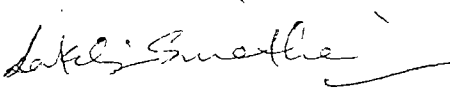
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Secondary Examination should be taken at par only because Matriculation is the last examination at the school levels in Haryana cannot also be accepted. In the facts and circumstances of the case, therefore, there appears to be no justification to direct the respondents to include the applicant's Matriculation examination marks as she has applied for appointment as PGT (History).

7. In the result, the application fails and is dismissed. ~~No order as to costs.~~ <sup>18</sup>

No order as to costs.

  
(K. Muthukumar)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)

"SRD"