

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

MA 1162/98
DA 2579/97

New Delhi this the 28th day of July, 1998.

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

Ms. Nidhi Goel
A-8/15-A, Rana Pratap Bagh,
Delhi-7
(By Advocate Sh. V. K. Rao)

..Applicant

Vs.

1. Govt. of NCT of Delhi
through its Lt. Governor,
5, Sham Nath Marg,
Delhi-110054.

2. Director of Education,
Old Secretariat Complex,
Delhi-54.

..Respondents

(By Advocate Shri Raj Singh)

O R D E R (GRAL)

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

Heard both the learned counsel in the application
(DA No. 2579/97) together with MA 1162/98.

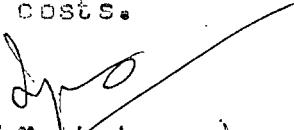
2. Applicant is aggrieved that she has not been selected to the post of TGT (Hindi) in pursuance of the recruitment held by the Respondents in pursuance of their advertisement dated 21.1.1997. In the application, the applicant has sought a number of reliefs as set out in Paragraph 8. However, during the course of hearing Shri Rao, learned counsel submits that he is not pressing any of these reliefs in view of the fact that the applicant understands that her candidature has not been considered for the post in question on the ground that she was not registered in the Employment Exchange as on 31.12.1996 which was the date specified in the aforesaid advertisement. He further submits that he would be satisfied if the respondents ignore this fact of non registration with the Employment Exchange and they consider her case

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Y in accordance with the judgment of the Hon'ble Supreme Court in Excise Superintendent Malkapatnam, Krishna District, A.P. Vs. K.B.N. Visweshwara Rao and Others (1996) (6) SCC 216 which is a decision earlier to the advertisement and lays down policy and guidelines for the examinations on merit. In this connection he has drawn our attention to the representation made by the applicant dated 11.3.98 which has been annexed with MI 1162/98. Shri Raj Singh, learned counsel for the respondents submits that in the light of the judgment of the Hon'ble Supreme Court in Visweshwara Rao's case (supra) the respondents cannot arbitrarily reject the candidature of the applicant on the ground that she has not been registered in the Employment Exchange. In this view of the matter he submits that he has no objection if a direction is issued to the respondents to consider the case of the applicant in the light of the judgment of the Supreme Court in Visweshwara Rao's case (Supra) and in accordance with the guidelines and rules for marking published by the respondents. In the circumstances the other points raised by the applicant are not dealt with.

3. In view of the above facts and circumstances of the case, the OA and MA 1162/98 are disposed of with a direction to the respondents to consider the representation of the applicant dated 11.3.98, keeping in view of the observations made above and, in particular, the judgement of the Hon'ble Supreme Court. This action shall be taken within one month from the date of receipt of a copy of this order. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)