

Central Administrative Tribunal, Principal Bench

Original Application No. 2604 of 1997

New Delhi, this the 9th day of March, 2001

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)Mrs. S. Remlakutty
W/o Mr. S. Ashraf
I-902, Sarojini Nagar
New Delhi-23

- Applicant

(By Advocate - Shri V.K. Rao)

Versus1. Govt. of NCT of Delhi
Through its Lt. Governor
5, Sham Nath Marg
Delhi-542. Director of Education
Old Secretariat Complex
Delhi-54

- Respondents

(By Advocate - Mrs. Jasmine Ahmed)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant in this O.A. has prayed for the following reliefs:

- "(a) directing the respondents to stop the selection process pending final decision on this application with a specific direction not to issue offer of appointment to any candidate without prior permission of this Hon'ble Tribunal;
- (b) direct the respondents to produce the list of candidates provisionally selected and who have been called upon to produce original documents for verification;
- (c) direct the respondents to produce a separate list of candidates for each subject who have been given the additional weightage for sports persons, EFA, widows and wards of Ex-serviceman defence personnel and freedom fighters categorywise;
- (d) quash the marking scheme as it is existing with further directions to revise the Scheme doing away with the weightage to the categories of EFA, widows, wards of Ex-serviceman etc.

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which were originally notified; and

(e) order an inquiry by an independent authority like CBI into the whole affair."

2. The applicant is aggrieved of the fact that department is following the recruitment policy for recruitment to the post of Trained Graduate Teacher/Language Teacher (in short 'TGT/LT') in such a manner that it would eliminate all those candidates who have maximum possible marks upto the essential qualifications level, by those candidates who have added more degrees to their portfolio like M.A./PHD, having no reasonable nexus with the object sought to be achieved. Applicant states that the action of the respondents in announcing different cut off marks for consideration for appointment for male and female category for the same post is violative of articles 14 and 16 of the Constitution of India. Applicant claims that though she has secured more marks than her male counterparts but she has been denied appointment whereas the male candidates who have obtained lesser marks have been appointed.

3. The O.A. is being contested by respondents. They have submitted that when the selection to the post of TGT male/female was being made, the case of the applicant was also considered and it was found that her case was not covered upto the mark for the selection for the said post according to the marking scheme duly approved by the Cabinet. As per the respondents, they have adopted a marking scheme duly approved by the cabinet and Recruitment Rules have

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been kept in mind while framing the marking scheme. It is submitted that there are separate vacancies for male/female teachers based on the demand in boys and girls school, therefore, the appointment of male/female teachers is done separately. It is stated that male can compete against the male vacancy and female against the female vacancy and there can be no difference in cut off marks upto which the candidates are selected, so there is no discrimination against the female candidates.

4. We have heard learned counsel for the parties and gone through the records.

5. Similar controversy had arisen earlier in two cases i.e. in O.A.2274/97 (Mrs.Nitika Garg vs. Govt. of NCT of Delhi & ors.) and in O.A.2922/97 (Smt.Harleen Kaur vs. Govt. of NCT of Delhi and anr.). In the case of Mrs.Nitika Garg, the Tribunal had observed that all along the practice and policy of respondents were to consider male and female candidates separately. It was also noted that the number of posts that existed, were sanctioned separately and the vacancies under the heading 'males' and 'females' were also shown separately in almost every selecton. Judgement in O.A.2274/97 was followed by the Tribunal in O.A.2922/97 also in which one of us {Shri Kuldip Singh,Member (J)} was a party and the policy of the respondents to give appointment based on a scheme whereby the merit of the candidate was

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assessed separately for male and female on the basis of marks obtained by them in their academic career, was upheld.

6. Shri Rao, however, submitted that the writ filed by him challenging the judgement of the Tribunal in the case of Nitika Garg (supra) is pending before the Hon'ble High Court. But since this court is bound to follow the earlier order, merely pending of a Writ Petition will not help the applicant.

7. Following the judgement in the above two cases, we are of the considered opinion that no discrimination has been done to the applicant and no intervention is called for in the O.A., which is accordingly dismissed. No costs.

MP Singh
(M.P. Singh)
Member(A)

Kuldeep Singh
(Kuldeep Singh)
Member(J)

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