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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 2814/97

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T.A.No.

DATE OF DECISION 18-1-99

Smt. Veena Jha

....Petitioner

Sh. Ajesh Luthra

....Advocate for the  
Petitioner(s)

VERSUS

Govt. of NCT of Delhi and  
ors.

....Respondent

Sh. Vijay Pandita

....Advocate for the  
Respondents.

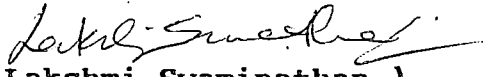
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The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri N. Sahu, 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**

**OA No.2814/97**

New Delhi this the 18th day of January, 1999.

**Hon'ble Smt. Lakshmi Swaminathan, Member (J)**  
**Hon'ble Mr. N. Sahu, Member (A)**

Smt. Veena Jha,  
W/o Shri B.K. Jha,  
R/o BD 56-A,  
Shalimar Bagh,  
Delhi-110052.

...Applicant

(By Advocate Shri Ajesh Luthra)

-Versus-

1. Government of N.C.T. of Delhi,  
through Principal Secretary (Education),  
Old Secretariat,  
Delhi-110054.

2. The Director of Education,  
Old Secretariat,  
Delhi-110054.

...Respondents

(By Advocate Shri Vijay Pandita)

**O R D E R (ORAL)**

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

The applicant is aggrieved by the action of the respondents in rejecting her candidature for the post of T.G.T. (Social Science) by Annexure A-1 order dated 16.6.96.

2. The brief facts are that the applicant applied for the post of T.G.T. (Social Science) in pursuance of the respondents advertisement, copy enclosed at Annexure A-3. The learned counsel for the applicant submits that the applicant has submitted the necessary papers called for in the said advertisement. He, however, submits

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that since the respondents had not asked for the marks obtained by her in English paper in graduation level, she has not submitted this information alongwith here original application for the post of T.G.T. (Social Science). Later, admittedly, the respondents issued another public notice dated 8.5.96. The relevant portion of this notice reads as follows:

"Candidates who had applied for the post of TGT/LT in this Directorate in response to advertisement in 1994 without adding the proof of having studied English at graduation level with 100 marks may submit their representations indicating application number, subject obtained under TGT/LT and proof of English at graduation level by 14.051996. Representations received after this date will not be entertained under any circumstances."

Shri Ajesh Luthra, learned counsel for the applicant submits that before Annexure A-4 public notice was issued by the respondents, the applicant had submitted copies of her degree certificate which has been verified by the respondents sometime in 1994 and according to him she had been awarded five extra marks for her English paper at the graduation level. He further submits that the applicant, therefore, did not submit any further document as proof of <sup>having</sup> studied English at the graduation level in pursuance of the Annexure A-4 notice within the time prescribed. According to the learned counsel for the applicant as the applicant had already submitted proof of her studying English paper at the graduation level, there was no need for her to further submit the proof required by the public notice. However,

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he has referred to a representation submitted by the applicant dated 6.8.96 in which it has been stated that at the time of verification, though not demanded by the concerned officer, she has submitted all the marksheets of graduation, including B.A. Ist Year marksheet as proof of having studied English at the graduation level.

3. The respondents in their reply have taken the main objection that the applicant has not submitted proof of having studied and passed English at graduation <sup>Level Paper</sup> with 100 marks. They have submitted that even as per the Annexure A-4 notice she has not cared to submit this proof and hence she could not be granted additional five marks in respect of passing English at the graduation level. Shri Vijay Pandita, learned counsel has also submitted <sup>the</sup> relevant records. He has submitted that in the representation dated 6.8.96, the applicant has also enclosed statement of marks from the University of Delhi showing the applicant as passed in English where the total marks were 100 at graduation in 1981. This copy of the certificate has also been attested to be a true copy on 5.8.96. He, therefore, submits that applicant had submitted proof of passing English much after the cut off date, i.e., 14.5.96 and, therefore, her candidature has been correctly rejected. To this, the learned counsel for the applicant has drawn our attention to a letter from the respondents (Annexure A-10) dated 17.6.97 when she was again called by the respondents to submit the relevant certi-

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ficates personally to the concerned officer. He submits that no further reply has been given subsequently.

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

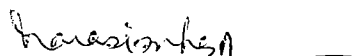
5. From the facts stated above and perusal of the relevant official records we do not find that the applicant has submitted the relevant certificate regarding studying or passing English at graduation level within the time stipulated by the respondents, i.e. 14.5.96. Even if the contention of the learned counsel for the applicant is accepted that this was not called for at the time of the advertisement, she should have furnished the same within the time as called for in the public notice dated 8.5.96. Much stress was laid by Shri Ajesh Luthra, learned counsel for the applicant that in the application form itself, after due verification the applicant has been given 69 marks, which have been later reduced to 64 which the respondents cannot do behind her back. According to him this is is the evidence to show that the applicant had submitted the certificate on the basis of which she should have been originally granted 69 marks. We are unable to agree with this contention, as there is nothing on record to show that the necessary proof of passing English has been attached to the original application form so as to enable the respondents to come to this conclusion. There is a number "69 circled minus 5 equal to 64" which does not bear any signature on

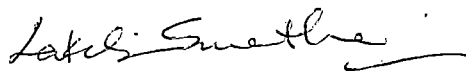
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the application submitted by the applicant, and which according to the learned counsel, is the original application form submitted by her. In view of the fact that the respondents had given a public notice, and applicant knowing that she has not submitted proof of passing English at graduation level at the time of original application, it was her duty to submit the required proof as called for, like other candidates who had been given the second chance, within the stipulated time. From the records available in the OA and the original official records we do not find that such a document has been submitted by the applicant. It is also seen from the respondents notings in the original file dated 26.11.96 that the applicant was not awarded five marks for English as she has not enclosed proof of having studied English at the graduation level.

6. In the facts and circumstances of this case we are not in a position to come to the conclusion that the respondents have acted either in an arbitrary or unreasonable manner or against the law to single out the case of the applicant for late submission of the relevant document which justifies any interference in the matter. In the result, as there is no merit in the application it fails and is dismissed. No costs.

  
(N. Sahu)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)