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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2922/97

New Delhi: this the 16<sup>th</sup> day of February, 2000.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE MR.KULDIP SINGH, MEMBER(J)

Smt. Harleen Kaur,  
W/o Shri D.S.Mahendru,  
R/o Flat No.190 (LIG Flats),  
Pocket-3, Paschimpuri,  
New Delhi ..... Applicant.

(By Advocate: Shri D.S.Mahendru)

Versus

Govt. of NCT of Delhi  
through

1. Chief Secretary,  
Old Secretariate,  
Shyam Nath Marg,  
Delhi.

2. Director of Education,  
Old Secretariate,  
Shyam Nath Marg,  
Delhi.

.... Respondents.

(None appeared)

ORDER

HON'BLE MR.S.R.ADIGE, VC(A)

Applicant challenges the recruitment policy of respondents for posts of Trained Graduate Teacher/Language Teacher, by which different cut-off marks have been provided for appointment of Male and Female TGT/LT. Applicant also challenges respondents' scheme of giving addl. weightage to certificates having education for All (EFA) certificate, outstanding sports persons, widows domiciled in Delhi and wards of ex-servicemen/defence personnel/freedom fighters (domiciled in Delhi).

2. On 21.1.97 respondents issued an advertisement (Annexure-A/1) inviting applications for vacancies of TGTs/LTs male and female in various subjects from those who held valid registration card with Employment Exchange as on 31.12.96. Applicant applied in response to that advertisement

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As a very large number of applications were received, respondents dispensed with the system of written exam. and/or interview for making selections, and decided to give appointment based on a scheme whereby the merit of the candidate was assessed on the basis of the marks obtained by them in their academic career (Annexure-A/2). As per this scheme, applicant secured 58% marks while the last female candidate appointed in her category secured 65% marks. Applicant contends that there was a much lower percentage of cut off marks in the case of male candidates in her category, and as male candidates with lower percentage of cut off marks were selected, it amounts to gender discrimination and is hence violative of Articles 14 and 16 of the Constitution.

3. This very issue was considered by a Bench of this Tribunal in OA No. 2274/97 Mrs. Nitika Garg Vs. Govt. of NCT of Delhi & Ors. and by order dated 2.7.98 the OA was dismissed. While doing so it was noted that although the advertisement calling for applications did not mention that male and female candidates would be considered separately, the Bench found that all along the practice and policy of respondents were to consider male and female candidates separately. Further, the Bench 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 selection. While dismissing the OA, the Bench relied upon various other rulings also.

4. We as a Co-ordinate Bench respectfully agree with the conclusions arrived at in order dated 2.7.98 in Mrs. Nitika Garg's case (supra). Further we see nothing illegal or arbitrary in giving addl. weightage to candidates possessing the EFA certificate, or to certain special categories such as outstanding sports men, widows (domiciled in Delhi)

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or wards of defence personnel/ex-servicemen/freedom  
fighters(domiciled in Delhi).

5. The OA warrants no interference. It is  
dismissed. No costs.

*Kuldip Singh*  
( MR. KULDIP SINGH )  
MEMBER(J )

*S. R. Adige*  
( S. R. ADIGE )  
VICE CHAIRMAN(A).

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