

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.542 of 1997

Dated New Delhi, this 20th day of August, 1997.

Hon'ble Dr Jose P. Verghese, Vice Chairman(J)
Hon'ble Mr K. Muthukumar, Member(A)

Ms Poonam Aggarwal
W/o Shri Vipin Kumar Aggarwal
R/o 1/1937 Moti Ram Road
Ram Nagar, Modern Shahdara
DELHI - 110 032.

... Applicant

By Advocate: Shri Ajesh Luthra

versus

1. Government of N.T. Delhi
through Secretary(Education)
Old Sectt.
DELHI-54.
2. The Director
Directorate of Education
Government of N.C.T. Delhi
Old Sectt.
DELHI-54.

... Respondents

By Advocate: Shri Amresh Mathur

O R D E R (Oral)

Dr Jose P. Verghese, VC(J)

The applicant in this case had applied for post of Trained Graduate Teacher (Natural Science) and she is stated not to have succeeded as the respondents have miscalculated the grade she obtained on the basis of her records. According to the respondents, the last candidate who had obtained 68 marks as per the calculation of the weightage of marks while considering the records of the candidates, the applicant claims that if correctly calculated, her marks should have been 70, that is to say, the applicant

had received more marks than the last candidate, succeeded in the selection. The representation given by the applicant in this regard was rejected on 8.7.96 stating that her marks were below the last candidate appointed. After this OA was filed, this court had granted an interim relief that any appointment made in this regard would be subject to the final outcome of this OA.

2. The only ground raised by the respondents is that the weightage now been calculated by the applicant is taking into consideraion the 5 marks available for English languaged at B.Sc. level. The certificate annexed shows that the applicant had succeeded in the English language at B.Sc. level with 29 marks where the total marks of the paper was 50 and thus she has passed English language at B.Sc. level.

3. The only ground raised by the respondents is that in order to obtain 5 additional marks under aforesaid head, the applicant should have qualified in the English language taken as the Elective subject with 100 marks prescribed as total in the paper.

4. The cerificate shows that the University does not have such a system. The only paper in the

University is the one with 50 marks and in the circumstances, we are of the opinion that in the absence of Guidelines restricting the 5 marks to those applicant who appeared in a paper with total 100 marks only, the 5 marks weightage prescribed in the English language at B.Sc. level normally to be given to other candidates who pass the paper which is offered in the respective Universities. The applicant in this case is, therefore, eligible for the 5 marks given to those who pass English language at B.Sc. level. The applicant has shown that she had passed B.Sc. with English language.

5. The counsel for the applicant has also pointed out that a similar order dealing with similar issue has been dealt with by this court in OA.No.2170/95 and this court has given appropriate relief by its order dated 26.8.96 and the respondents had been directed in the said case to reconsider the case of the applicant therein for appointment to the post of T.G.T.(N.Sc.).

6. In the circumstances, similar direction is also being issued in the present OA. The respondents shall direct to reconsider the case of the applicant for appointment to the post of Trained Graduate Teacher(N.Sc.) from the date her colleagues were considered and selected.

7. In the circumstances, the impugned order dated 8.7.96 (Annexure A-1) is quashed and this OA is allowed to the extent stated above. The applicant is entitled to all consequential benefits.

8. This OA is disposed of in the above terms.
No order as to costs.


(K. Muthukumar)
Member(A)


(Dr Jose P. Verghese)
Vice Chairman(J)

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