

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA NO.:1138-2000

New Delhi this the 12th day of December, 2000

Hon'ble Shri V.K. Majotra, Member(A)  
Hon'ble Shri Shankar Raju, Member(J)

Shri Ratan Lal S/o Shri Hira Lal,  
R/o F-10, Nauroji Nagar, New Delhi.

....Applicant

(By Advocate: Shri K.N.R.Pillay)

Versus

1. Director of Education  
Government of NCT of Delhi,  
Old Secretariate,  
New Delhi.

2. Dy. Director of Education,  
Distt. SW; Zone No.90,  
Vasant Vihar,  
New Delhi-110057.

....Respondents

(By Advocate: Shri Ajesh Luthra)

O R D E R(Oral)

Shri V.K. Majotra, Member(A)

The applicant is aggrieved by the non-inclusion of his name in the eligibility list for promotion to the post of Post Graduate Teacher (English). He is a TGT in Sanskrit w.e.f. 29.1.82. He acquired Post Graduate Degree in English literature in February, 1994. He also possesses B.Ed and M.Ed Degrees. The tentative eligibility list for promotion to the post of PGT in different subjects for the academic year 1994-95 was prepared in response to the respondents' letter dated 28.2.94. This list was updated by including the names of teachers who acquired eligibility during the course of the previous year, i.e. such teachers who had acquired necessary educational qualification on or before 31.12.93 and who had put in five year's regular service as on 31.12.93, were considered as eligible for inclusion of their names in the

h

eligibility list for the academic year 1994-95. The applicant has alleged that whereas non-language TGTs i.e., TGTs in Mathematics, Science, Social Science, Commerce etc. on acquiring PG Degree in English are considered eligible for promotion to the post of PGT in English language TGTs in Hindi, Sanskrit Urdu etc. acquiring PG Degree in English are not considered eligible for PGT in English. The applicant submitted his application again for inclusion of his name in the eligibility list for the year 1994-95. The applicant's grievance is that his juniors such as Shri Jiwan Bhargava. Sl. No.39. TGT in Science and TGTs in other streams who acquired Post Graduate Degree(PGT) in English have been included in the eligibility list of promotion, the applicant has not been. He has sought declaration of Recruitment Rules for promotion to the post of Post Graduate Teacher as discriminatory, arbitrary and perverse to the extent that language teachers in Hindi, Sanskrit etc. on acquiring the qualification PG in English, are not eligible for inclusion in the list for promotion to the post of PGT(English) whereas, non-language teachers are eligible. He has further sought a direction to the respondents to include the name of the applicant in the eligibility list for promotion to the post of PGT(English)) from the date his juniors have been promoted as PGT in English.

2. In their counter, the respondents have contended that as per the Recruitment Rules (Annexure-R/1) feeder cadre for the promotion to the post of lecturer(PGT) is TGT/LTs and equivalent miscellaneous category like PET, Music, Drawing etc. There is some grouping of subjects of PGTs from which promotion is to be made from selective feeder cadre teachers

for example, TGT(Language) could be considered for promotion to the post of PGT(Hindi, Sanskrit, Punjabi, Urdu, Persian etc.) Likewise, for PGT(English) only TGT(General) are eligible for promotion. The subjects covered under TGT(General) are Natural Science, Maths, English and Social Science and the subjects covered under TGT(Language) are Hindi, Punjabi, Sanskrit, Urdu, Persian etc.

3. According to the respondents, the feeder cadre of PGT(English) being TGT(General), the applicant is not eligible to become PGT(English). The respondents have further expressed administrative problems of their inter-se-seniority if the TGT(Language) teachers are considered for promotion to the post of PGT(English) as separate seniority lists are maintained for TGT(General) and TGT(Language). Another objection raised by the respondents is that English is not considered the modern Indian language as it is not generated in India. Therefore, TGT(English) are placed in the seniority list of TGT(General). The applicant has filed rejoinder as well.

4. Heard the learned counsel of both sides and perused the material available on record.

5. The learned counsel for the applicant referred the Rules notified on 10.7.75 which divides the feeder category of TGTs into two groups. TGTs in languages other than English will form one group, while TGTs Science, Commerce, Agriculture, General(including Social Science and Geography) and TGTs English will form another group. He maintained that rational grouping would have put all the languages, including

English, in one group. He maintained that it is irrational to hold that a TGT in Agriculture etc. who does not have to study English as a subject beyond Matriculation, can if he passes MA in English, become a PGT English while a TGT in Modern Indian Languages or Sanskrit who had to take English as a subject at the Graduation Level and who passes MA in English, will not be eligible to become a PGT English.

6. He placed reliance on order 9th August, 2000 in OA 2658/1999, Shri Ram Kishan Rohilla vs. Government of N.C.T. of Delhi and another where in a similar case, the respondents were directed to treat the applicant eligible for promotion as PGT(English) without taking into account the amendment of Rules dated 4.11.99 which restored the old discriminatory provisions.

7. The learned counsel for the applicant stated that he does not press quashing of the Recruitment Rules notified on 4.11.99 but on the basis of the ratio in the case of Shri Ram Kishan Rohilla(supra), he pleaded for inclusion of applicant's name in the eligibility list for promotion to the post of PGT(English) from the date his junior has been promoted as PGT(English). In the case of Shri Ram Kishan Rohilla(supra), it was held that the applicant is entitled for consideration for promotion based on 1996 Rules. As regards, the averment of the applicant that his junior Shri Jiwan Bhargava was promoted to the post of PGT(English), learned counsel for the respondents has stated that since he was appointed as TGT(Science), he is entitled for the inclusion of his name in the eligibility list of promotion to the post of PGT(English) irrespective of the fact that he may be junior to the

applicant. This means that the respondents have not denied that Shri Jiwan Bhargava is junior to the applicant and was considered eligible for promotion to the post of PGT(English).

8. Having regard to the qualification of the applicants and application of 1996 Rules as were made applicable in the case of Shri Ram Kishan Rohilla(supra), the present OA is partly allowed. Respondents are accordingly directed to consider the applicant for promotion to the post of PGT(English) by applying the Rules as amended by notification dated 26.2.1996 and by ignoring the amendments brought about by notification dated 4.11.1999 giving consequential benefits to the applicant with effect from the date his junior, Shri Jiwan Bhargava was promoted as PGT(English). Since seniority depends on date of appointment in the grade, in our view, there should be no special difficulty in determining inter-se-seniority by the respondents. The above direction be complied with by the respondents expeditiously and in any event within a period of three months from the date of service of this order. No costs.

S. Raju

(Shankar Raju)  
Member(J)

V.K. Majotra

(V.K. Majotra)  
Member(A)

/kedar/