

**Central Administrative Tribunal
Principal Bench**



O.A. No. 1834/2020

New Delhi, this the 23rd day of November 2020

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Ms. Sumeeksha, Age 35 years
D/o Sh. Shri Ram
R/o H.No. B-10, 2nd Floor
Tagore Garden Extension Delhi-110027
For Post: Drawing Teacher, Group B
Phone/Whatsapp No : 8860987894.Applicant

(through Sh. Yogesh Kumar)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
Govt. of NCT of Delhi, Delhi Secretariat
IP Estate, New Delhi-110002.
2. The Chairman
Delhi Subordinate Services Selection Board
FC-18, Institutional Area, Karkardooma
New Delhi-110092.
3. The Deputy Secretary
Delhi Subordinate Services Selection Board
FC-18, Institutional Area, Karkardooma
New Delhi-110092.
4. Directorate of Education

Govt. of NCT of Delhi
Through its Principal Secretary
Old Secretariat, Delhi-110054.



5. Director
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi-110054.Respondents

(through Ms. Esha Mazumdar)

Order (Oral)

Mr. A. K. Bishnoi :

The applicant in the present OA applied in the OBC Category for the post of Drawing Teacher, Post Code 208/14 in response to the Advertisement No. 02/14 issued by Delhi Subordinate Services Selection Board (DSSSB) dated 12.12.2014. She went through the examination process and was also selected. However, on submission of her documents, her candidature was rejected on the ground that she did not fulfill the requisite qualifications.

2. Aggrieved by the said order of rejection, she made her representations and subsequently, approached this Tribunal through OA No. 4164/2017. The OA was disposed of vide order



dated 28.11.2017 with a direction to the respondents to consider her representations and pass a reasoned and speaking order. Thereafter, she made attempts to get the response of the respondents but to no avail. She, therefore, again approached this Tribunal through MA No. 1415/2020 for execution of the previous order passed in OA No. 4164/2017.

3. At this stage, a reply was filed by the respondents informing that on her representation, the respondents have passed a reasoned and speaking order. The MA was accordingly disposed of on 21.10.2020 with the liberty to the applicant to challenge the order so passed, in accordance with law.

4. In the present OA, the applicant is seeking relief in the form of quashing of the impugned orders dated 09.10.2020 rejecting her candidature, Expert Committee Meeting Report dated 06.07.2018, rejection notice dated 13.11.2017 and for a direction to the respondents to declare the applicant as qualified for selection to the said post and issue her offer of appointment.



5. Prayer for grant of Interim relief has been made to the effect that directions be given to the Respondents to keep one post of Drawing Teacher (TGT Drawing), Post Code 208/14 under OBC category, vacant.

6. We heard Sh. Yogesh Kumar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission itself.

7. The relevant portions of the order dated 9.10.2020 are extracted below:

“7. Whereas, the candidate has acquired her three years Diploma after Matriculation i.e. Post Matriculation Diploma in the year of 2005 and as per the eligibility conditions laid down in the Recruitment Rules, the candidate who is not a Graduate should possess “Higher secondary/Intermediate with minimum 4 years full time Diploma in painting/fine Art from a recognized institution/University”, but the applicant holds only a three year diploma that too only after matriculation and not even higher secondary/intermediate. In case the candidate claims her qualification as possessing qualification of B.A./BA with Drawing & Painting/Fine Art/Art with minimum 02 years full time diploma from a recognized Institution. The candidate had acquired her BA degree subsequently in 2009, the Post Matriculation three years Diploma cannot be equated with the syllabi of Post Graduate Diploma. The requirement for Graduates is a 02(two) years Post



Graduation Diploma and not a 03 years Post Matriculation Diploma. Accordingly, the candidature of Ms. Sumeeksha (Roll No. 12801911) was rejected vide Rejection Notice No. 213 dated 13.11.2017 for not having requisite qualifications as per Recruitment Rules.

8. Further, the Board processes the results uniformly as per the terms and conditions laid down in the Recruitment Rules, which falls under the domain of user department and therefore, the Board is bound to follow the terms and condition mentioned in the Recruitment Rules given by the User Department.

9. Therefore, after considering the representation dated 17/11/2017, as no new grounds have been brought out by Ms. Sumeeksha (Roll No. 12801911), the rejection of the candidate for the post of Drawing Teacher Post Code-208/14 is found to be in order for not having requisite qualification as per RRs.”

8. The short point which is involved here is whether the applicant possessed the required qualifications which were prescribed for the said post through Advertisement No. 2/14 in pursuance of the Recruitment Rules existing at that time.

9. The contention of the applicant is that she had done three year full time Diploma in Commercial Art from a recognized Institute and possessed the B. A. Degree and as such she fulfilled the necessary conditions required for the job. The respondents,



on the other hand, through the learned counsel as also through their speaking order dated 09.10.2020 (Impugned Order) contend that the requirement for the said post was Bachelor's Degree with two years Post Graduation Diploma and not three year Post Matriculation Diploma. The applicant had only a Post Matriculation Diploma in 2005, and she acquired her B.A. Degree subsequently in 2009. The three year Post Matriculation Diploma cannot be equated with Post Graduation Diploma. In view of the same, as per the respondents, the applicant did not possess the required qualifications for the advertised post.

10. As per the Advertisement No. 02/14 dated 12.12.2014, the Essential Qualifications for Post Code 208/14 are as follows:

“Essential Qualification: M.A. in Drawing and Painting/Fine Art from a recognized University,

OR

B.A. (Hons.) in Art and Art Education,

OR

B.A./B.A. with Drawing & Painting/Fine Art/Art with minimum 2 years full time Diploma from a recognized institution.

OR

higher secondary/intermediate with minimum 4 years full time Diploma in painting/fine Art from a recognized institution/University (However, for

existing Teachers the essential qualifications shall be high school with 5 years full time Diploma.”



The same has been prescribed as per the Recruitment Rules dated 15.12.1983.

11. Facts are not in dispute as regards the qualification of the applicant. She possessed a Bachelor's Degree of the year 2009 and a three year Post Matriculation Diploma acquired prior to that in the year 2005 whereas the requirement was for a Bachelor's Degree and minimum 2 years full time Diploma from a recognized institution. It is abundantly clear that an added requirement with a Bachelor's degree cannot be with reference to a Diploma course undertaken at Matriculation level. It has been clarified by the DSSSB that what was required with a B.A. degree was a two year Post Graduation Diploma. Moreover, the DSSSB, like all examining bodies is expected to understand and apply the terms and conditions uniformly and there is nothing to suggest that they have in any way acted contrary to that. Some names have been mentioned in the OA with the statement that they have similar qualifications as the applicant and are working



as Drawing Teachers, but since it is in the nature of hearsay, in the absence of any evidence, is of no value for the purpose of the present adjudication. The contention that the applicant acquired the Diploma from a recognized Institute also does not add any weight to the applicant's arguments as the issue here is about the level of the Diploma and not about from where was it granted.

12. The applicant has challenged the minutes of the Committee constituted for the purpose of deciding on the issue of equivalence regarding educational qualifications raised by some candidates. The previous OA No. 4164/2017 was disposed of with the direction to the respondents to pass a reasoned and speaking order with the liberty to the applicant to challenge the same in accordance with law. The order dated 9.10.2020 rejecting the representation of the applicant places no reliance on the Expert Committee Meeting Report dated 06.07.2018 and does not even mention it. The prayer to quash it is totally misconceived.

13. There is, therefore, no need to reopen the entire range of issues all over again. We find that the order dated 09.10.2020 is,



indeed, a reasoned and speaking order and on the face of the record, from the Recruitment Rules and the Advertisement, it is amply clear that the prescribed qualifications were not fulfilled by the applicant. DSSSB was one of the respondents along with the User department and they have passed this order in compliance of the order of this Tribunal. They are fully conversant with the process and the rules. Thus, we do not find that any useful purpose would be served in prolonging the litigation by getting into technicalities as to which authority should have passed the speaking order as long as we are satisfied that the speaking order does not suffer from any flaw.

14. In view of the same, we find that the present OA is devoid of merit. The same is accordingly dismissed at the admission stage itself.

There shall be no order as to costs.

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