

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3587/2017

New Delhi this the 15th day of February, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

1. Ritu Goel, Appointment, Group 'B',
Aged about 25 years,
D/o Sh. Mahendra Goel,
R/o B-37, Street No. 11, Jagat Puri Extn.,
Delhi – 110093
2. Neha Kapoor, Appointment, Group 'B'
Aged about 29 years,
D/o Sh. Mohan Kapoor,
R/o EA – 133, Tagore Garden, Near Water Tank,
New Delhi – 110027
3. Uma, Appointment, Group 'B'
Aged about 26 years,
D/o Sh. Mukesh Chand,
R/o 82-B, Balbir Vihar, Suleman Nagar,
Kirari, New Delhi – 110086
4. Bharti Sharma, Appointment, Group 'B'
Aged about 34 years,
D/o Sh. Mahesh Pal Sharma,
R/o A-116, Street No. 2, Jagat Puri,
Mandoli Road, Nathu Colony Chowk,
New Delhi – 110093
5. Manpreet Kaur, Appointment, Group 'B'
Aged about 30 years,
D/o Sh. Kaur Singh,
R/o B-87, DDA Colony, Khyala,
New Delhi – 110018

6. Winpreet Kaur, Appointment, Group 'B'
Aged about 33 years,
W/o Sh. Amanpreet Singh,
R/o 108-B, Pkt-D, Ashok Vihar,
Phase – III, Delhi – 110052
7. Richa Ahuja, Appointment, Group 'B'
Aged about 38 years,
D/o Sh. Ashok Kumar,
R/o B-1, MIG Ph-4, Ashok Vihar, Delhi – 110052
8. Ravneet Kaur, Appointment, Group 'B'
Aged about 29 years,
D/o Sh. Harbhajan Singh,
R/o 1953, Rani Bagh, Delhi – 110034
9. Kalpna, Appointment, Group 'B'
Aged about 27 years,
D/o Sh. Rakesh Kumar,
R/o H. No. 400A, Pradhan Chowk,
Sadh Nagar, Palam Colony, New Delhi – 110045
10. Vineeta Rawat, Appointment, Group 'B'
Aged about 28 years,
D/o Sh. Tajwar Singh Rawat,
R/o RZ-A-30/D, Mahavir Vihar,
Palam, New Delhi – 110045
11. Priya Bisht, Appointment, Group 'B'
Aged about 26 years,
D/o Sh. Har Singh Bisht,
R/o D-98, Harsh Dev Park, Budh Vihar,
Phase-II, New Delhi.
12. Aarti Gupta, Appointment, Group 'B'
Aged about 27 years,
D/o Sh. Dharmveer Gupta
R/o 1821/11, Govind Puri Extn.,
Kalkaji, New Delhi – 110019
13. Anuradha Yadav, Appointment, Group 'B'
Aged about 35 years,
D/o Sh. Harender Yadav,
R/o 183, C/o Kumar Vastralaya Veer Bazar Gali,

Kapashera, New Delhi – 110037

14. Shaily Yadav, Appointment, Group 'B'
Aged about 25 years,
D/o Sh. Ashok Kumar Yadav,
R/o H.No. B-422, Near Banke Bihari Mandir,
Rajiv Nagar, Delhi – 110086
15. Rekha Rani, Appointment, Group 'B'
Aged about 28 years,
D/o Sh. Shiv Charan Singh,
R/o B/68, Gali No. 3, Prem Nagar-III,
Kirari, Suleman Nagar, Delhi – 110086
16. Renu Kumari, Appointment, Group 'B'
Aged about 32 years,
D/o Sh. Ramphool,
R/o 349/10, Asha Ram, Gali No. 4, Mandawali,
Delhi – 110092
17. Himani Sardana, Appointment, Group 'B'
Aged about 25 years,
D/o Sh. Anil Sardana,
R/o B-3-C, Guru Gobind Singh Kunj,
DDA Flats, Tagore Garden, New Delhi.
18. Meenakshi, Appointment, Group 'B'
Aged about 29 years,
D/o Sh. Bhikki Singh,
R/o D-29/829, East Gokal Pur,
Amar Colony, Delhi – 110094
19. Geeta Rani, Appointment, Group 'B'
Aged about 35 years,
D/o Sh. Jai Parkash,
R/o V-94, Arvind Nagar,
Ghonda, Delhi – 110053

[All applicants above applying for post of Assistant
Teacher (Nursery)]

...Applicants

(By Advocate: Mr.MK Bhardwaj)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat, IP Estate, New Delhi.
2. The Principal Secretary (Services),
Govt. of NCT of Delhi,
New Secretariat, IP Estate, New Delhi.
3. Delhi Subordinate Services Selection Board,
Through its Chairman,
FC-18, Institutional Area, Karkardooma,
Delhi.
4. The Director,
Directorate of Education,
Old Secretariat, Delhi.
5. North Delhi Municipal Corporation,
Through its Commissioner,
Civic Centre, New Delhi.
6. South Delhi Municipal Corporation,
Through its Commissioner,
Civic Centre, New Delhi.
7. East Delhi Municipal Corporation,
Through its Commissioner,
Patpar Ganj Industrial Area,
Delhi.

...Respondents

(By Advocates: Ms.SangitaRai, Ms.Punam Singh and
Mr.Anuj Kumar Sharma)

O R D E R (Oral)**Justice L. Narasimha Reddy:**

The Delhi Subordinate Service Selection Board, the third respondent herein, issued a notification in the year 2010 for selection to the post of Assistant Primary Teacher (Nursery), in the institutions of Municipal Corporation of Delhi, under Post Code 68/10. Similar notification was issued in the year 2013 for selection to the post of Assistant Teacher (Nursery) in the Directorate of Education, Government of NCT of Delhi, under Post Code 03/13. A common examination was held for both the posts. The applicants and several other candidates took part therein. At one stage, litigation ensued complaining that the same candidates were selected against both the posts. Thereafter, the respondents have undertaken exercise separately for each post and selected candidates.

2. This OA is filed with a prayer to declare the action of the respondents in not selecting the applicants for appointment to the post of Assistant Teacher (Nursery) in both the establishments as illegal and arbitrary and to direct the respondents to issue two separate merit lists

on the basis of performance in the exam and to select candidates against the vacancies of post code 68/10 or 03/13 and to undertake fresh selection process.

3. The applicants contend that on account of selection of certain candidates against the posts with post codes, the entire selection got vitiated and that the respondents are under obligation to maintain separate select lists for the respective post codes.

4. The respondents filed a detailed counter affidavit as well as an additional affidavit. It is stated that though at one stage, separate select lists were published for the two post codes referred to above, a combined list was prepared later. It is stated that in respect of post of Assistant Teacher under Post Code 68/10, the last selected candidate under UR category was the one who secured 109.75 marks and for the other post, with code No. 03/13, the last selected candidate under the UR category is the one, who secured 116.25 marks. Similar facts and figures for the OBC, SC and ST categories are also furnished.

5. It is stated that applicants at Sl.No.2, 9, 10, and 13 were selected for the post with code 68/10, on account of the merit obtained by them. Similarly, the applicants no. 14, 15, 16, 18 and 19 are stated to have been selected for the post with code 03/13. As regards the applicant no.3 by name Uma, it is stated that she and two other candidates got 109.75 marks and out of them, one was eligible to be selected for the post with code 68/10 under UR category and accordingly, tie was resolved by taking into account, the age and she did not make it to the selection. Applicant nos. 1, 11, 12 and 17 are said to have scored far less marks than the last selected candidates, under the respective categories.

6. We heard Mr. MK Bhardwaj, learned counsel for the applicants and Mr. Anuj Kumar Sharma, Ms. Punam Singh and Ms. Sangita Rai, learned counsel for the respondents.

7. It may be true that there was some uncertainty or confusion in the context of selection of the candidates, on account of the fact that a common examination was held for different sets of posts that too, for different establishments. The respondents have since initiated

corrective steps. The manner in which the selections were made, is mentioned in detail, in relevant para Nos.6, 7, 8 and 9 of the counter affidavit. The relevant facts and figures are also mentioned. Except five applicants, rest of them were selected and appointed. Applicant no.3 selection lost on account of tie. It is stated that some vacancies are still existing and even if one vacancy is available under UR category, she needs to be accommodated. However, applicants 1, 11, 12 and 17 are far removed from the candidates who figured at the bottom of the respective categories. It is not known as to whether any reserve list is maintained and if so, whether the names of those applicants figured therein. We do not propose to issue any specific direction in this behalf.

8. The OA is accordingly, disposed of with a direction that in case one vacancy is available under UR category for the Post with Code No. 68/10, candidature of the applicant no.3 shall be considered, if she is not appointed already. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/mbt/ns/sd