

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 861/1991

Date of decision: 14.01.1992.

Smt. Urmila

...Applicant

Vs.

Director of Education,
Delhi Administration,
Delhi & Others

...Respondents

For the Applicant

...Shri L.K. Attrey,
Counsel

For the Respondents

...Shri T.S. Kapoor,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? Yes
2. To be referred to the Reporters or not? Yes

JUDGMENT(ORAL)

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

We have heard the learned counsel of both parties on the grievance of the applicant that her candidature for the post of Assistant Teacher in the Delhi Administration has not been allowed by the respondents on the ground that her educational qualifications are more than those stipulated in the advertisement issued by them. In the advertisement, the qualifications prescribed are a Degree in Arts/Commerce/Science from a recognised University with English as one of the subjects at graduation level and 2 years Jr. Basic Training

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Certificate from a recognised Department/Board. The applicant is a graduate in Arts and she also possesses a Degree of Bachelor of Education (B.Ed).

2. The stand of the respondents is that the Certificate Course is a specialised one and it has been prescribed as one of the essential qualifications for appointment of Assistant Teachers.

3. As against this, the learned counsel for the applicant has drawn our attention to the relevant recruitment rules, according to which, for the post of Assistant Teachers, a Degree from a recognised University or its equivalent and a Degree/Diploma in training/education have been prescribed as the educational and other qualifications required for direct recruitment. No amendment of the recruitment rules have been brought to our notice. The learned counsel for the applicant also states that the subject of Child Psychology is common for the Certificate Course as well as for the Degree Course.

4. After hearing the learned counsel of both parties, we are of the opinion that the mere fact that the applicant is a Graduate(B.Ed) would not debar her from appearing in the examination for direct recruitment for the post of Assistant Teacher. It is true that in such a competition, even persons with ^{the a} certificate prescribed in the advertisement can compete. This does not mean that a person with a higher qualification should be disallowed from

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competing for the said post. In the light of the above, we dispose of the application with the direction to the respondents that in case the applicant applies for the post of Assistant Teacher, her candidature should be allowed and she should be permitted to appear in the examination and in case she comes out successful, she should be appointed as an Assistant Teacher.

5. The interim order already passed on 12.4.1991 has become infructuous as the applicant was allowed to appear in the examination but she did not qualify in the same.

There will be no order as to costs.

Let a copy of this order be given to the learned counsel of both parties immediately.

B. N. Dhw. - 1
(B.N. DHUNDIYAL)
MEMBER (A)

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(P.K. KARTHA)
VICE CHAIRMAN (J)

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