

27

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.902/92

New Delhi: this the 7th October 1997.

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

Mrs. Sushila Rani,
W/o Shri Surander Singh,
R/o House No.33,
Village Zindpur,
P.O.Mukhmadpur, Delhi - 36Applicant.

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Delhi Administration,
through Secretary,
Department of Education,
Old Secretariate,
Delhi.
2. Director,
Directorate of Education,
Delhi Administration,
Old Secretariat, Delhi.
3. Controller of Examination,
65-66 Old Secretariat,
Delhi. Respondents.

(By Advocate: Mrs. J.Kaushik)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to respondents to issue her the appointment letter as TGT (Language) on the basis of the March, 1991 Exams.

2. Admittedly applicant sat in those Exams in which both male and female candidates appeared. Candidates were required to fill Col. 10 of the Exam. Form containing the sex code. Males were to write '1' and female '2'. Applicant

1

28

who is a female, does not deny that she filled up '1' in Col.10. The error was subsequently corrected, but respondents state that applicant is not entitled to be appointed because the last female candidate to be appointed on the basis of ¹ that exam. secured 54%, while applicant secured only 45% marks and ~~there~~[^] are 706 female candidates between the two who were similarly not selected.

3. Applicant contends that as the 1991 examination was common to both males and females, and denies that separate merit lists for males and females were prepared and/ or maintained, or indeed could legally be prepared/ maintained and that while she secured 45% marks but was not selected, a male candidate with 40% marks was selected, she has been discriminated against.

4. The validity of the maintenance of separate lists for appointment of male and female teachers in Schools under Delhi Administration was tested in OA No.2142/94 Jai Prakash & another Vs. Delhi Administration & another, as well as in OA No.1454/93 Smt.Kiran Goenka Vs. Delhi Administration & Ors. which was decided by this very Bench on 31.8.95 and reported in AISLJ 1996(1) CAT 545. Smt.Goenka was identically placed as the present applicant. This Bench had upheld the legal validity of the separate lists for male and female teachers and had dismissed the two OAs. It is not that the arguments advanced by applicant's counsel and contained in the Brief Synopsis which is taken

29

on record were not before the Bench when it delivered the aforesaid judgment. We were informed by respondents' counsel that an SLP filed against that judgment was dismissed in limine by the Hon'ble Supreme Court.

5. The ratio of that judgment is fully applicable to the facts and circumstances of the present case. This OA is therefore dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

/ug/