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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

1793

O. A. No. 1073 of 1993

New Delhi, this the 11th day of February, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman
Hon'ble Mr B.N.Dhondiyal, Member(A).

Shri Man Mohan,
S/O Shri Om Prakash,
R/O House No.2/59, Sector 5,
Rajinder Nagar,
Ghaziabad(UP) Applicant
(through Mr K.K.Malviya, Advocate).

Versus

1. Delhi Administration,
through Chief Secretary,
5, Sham Nath Marg,
Delhi.
2. Controller of Examination,
Delhi Administration,
Room No.65-66, Old Secretariat,
Delhi. Respondents
(through Ms Meera Chhiber, Advocate).

ORDER(oral)

PER JUSTICE S.K.DHAON, VICE CHAIRMAN

The applicant made an application in response to an advertisement for recruitment of Trained Graduate Teacher(TGT) in the Delhi Administration. It is admitted to the applicant that he applied for a post of T.G.T. in Mathematics. There can be no getting away from the fact that the petitioner's application was accepted and he was allowed to appear in the examination held by the Delhi Administration for selecting a suitable candidate. However, before a letter of appointment could be issued to him, the administration realised that the petitioner was not eligible to be appointed as T.G.T. in Mathematics. Therefore, the controversy,

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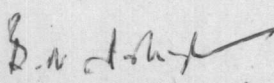
to be resolved by us is whether the petitioner was duly qualified to be appointed as a T.G.T. in Mathematics.


2. The advertisement runs into two pages. On the first page, there is a sub-head "eligibility". Under that head, the requirement for a T.G.T. is a degree in the concerned category, i.e., Arts / Commerce / Science from a recognised University with a minimum 45% marks. If the first page of the advertisement is read alone, there can be no escape from the conclusion that the petitioner fulfilled the requirement as he was admittedly a graduate in Science of a recognised University with a minimum 45% marks. However, the second page cannot be ignored altogether. In fact, the two pages have to be got to be read together. In the second page, under the heading "Instructions to fill the forms", eight subjects are clearly provided and one of them is Mathematics. We have considered the matter with due care and we have come to the conclusion that a combined reading of the two pages of the advertisement can lead to only one conclusion and that is, a candidate, like the petitioner, ought to be a graduate in Mathematics. The learned counsel for the petitioner has pointed out that it is true that the petitioner offered Chemistry as a main subject in the B.Sc. honours Examination but he offered Mathematics as a subsidiary subject and secured 94% marks in the examination. The precise problem has been considered by us in O.A.No.515 of 1993, decided on 3.9.1993. In that case we have taken the view that the candidate concerned should have offered the ^{subject} ~~compulsorily~~, in which he sought an employment with the Delhi Administration, as a main subject for the degree examination. We are inclined to stick to our view.

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3. Our attention has been drawn by the learned counsel for the applicant to a judgment given by this Tribunal on 12.2.1993 in O.A.No.368 of 1992. We have read and re-read this judgment. We find that the said judgment proceeds on the assumption that for securing an employment as TGT in the Delhi Administration, the only requirement is that a candidate should be a graduate from a recognised university with 45% marks. It appears that the attention of the learned members, who decided the case, was not drawn to the second page of the advertisement, referred to above. Be that as it may, the fact remains that the aspect on which we have dilated in our judgment in O.A.No.515/93 has not been considered at all in the judgment given in O.A.368 of 1993. We, therefore, find no conflict between the two judgments, therefore, the question of referring the matter to a larger Bench does not arise.

4. In the result, the application fails and is dismissed but without any order as to costs.


(B.N.Dhoundiyal)
Member(A)


(S.K.Dhaon)
Vice Chairman

/sds/