



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 719/2021

This the 20th day of April, 2021

(Through Video Conferencing)

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

Sh. Durgesh Puri Goswami,
Age 32 years,
S/o Mr. Prabhu Puri Goswami,
Address: Ward No. 3, Shitala Mandir Chowk,
Village Padami,
District, Bemetara, Chattisgarh.

... Applicant

(By Advocate : Mr. Harpreet Singh Hora)

Versus

1. Navodaya Vidyalaya Samiti,
Autonomous Organization under the Ministry of HRD,
Through Commissioner,
Department of School Education and Literacy,
B-15, Institutional Area, Sector – 62,
Noida, Uttar Pradesh – 201309.

2. Union of India (Ministry of HRD),
Through Secretary,
Department of School Education and Literacy,
Shastri Bhawan, Dr. Rajendra Prasad Road,
Central Secretariat, New Delhi.

... Respondents

(By Advocate : Mr. S. Rajappa)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The Navodaya Vidyalaya Samiti (NVS), the 1st respondent, issued advertisement/recruitment drive, 2019 for various posts including the Trained Graduate Teacher (TGT) in Social Science in Group -B. The applicant and several other candidates responded to the same. A written test was also conducted for this purpose. On the basis of his performance, the applicant was issued the interview call letter dated 24.12.2020. He was not allowed to be interviewed on the ground that he did not secure 50 % of marks in the concerned subject which, according to the respondent was History. An endorsement to that effect was made, on the interview call letter. This OA is filed challenging the said endorsement and for various reliefs.

2. The applicant contends that according to the notification issued by the 1st Respondent, the requirement is that one should study any of the two subjects, namely Geography or History, with various combinations as indicated in the notification and he studied Bachelor Degree in Geography, with combination of History. It is also his case that wherever the stipulation is in terms of combinations, the marks in the subject are required to be the average of the two subjects of combination, and in addition to that the aggregate marks



must be more than 50%. According to him, he secured more than 50% of marks in aggregate as well as in combination.

3. The respondents filed a detailed counter affidavit. According to them, the principal subject for the post of TGT in question is History, and though the applicant scored more than 50% of marks in aggregate, he secured only 49.8 marks in History and, thereby he is treated as not qualified. It is stated that the requirement is the scoring of marks in individual subject, and he cannot put the marks in History and Geography together. The method of selection and the manner in which the selection was made is explained in detail.

4. Today, we heard Mr. Harpreet Singh Hora, learned counsel for the applicant and Mr. S. Rajappa, learned counsel for the respondents.

5. The only issue that arises for consideration is as to whether the applicant is qualified for the post of TGT (Social Studies). In the advertisement itself, the qualification for the post of TGT are prescribed as under:-

“e) For TGT (Social Studies)

(i) The candidate should have studied any of the two subjects out of the following subject combination at graduation level:

(a) History with Geography/Economics/Political Science

OR

(b) Geography with History/Economics/Political Science (in other words candidates should have studied any two subjects out of History, Geography, Economics and Political Science, in which one must be either History or Geography).



(ii) History/Geography as above should have been studied for all three years in the Graduation.

(iii) In case of Honours Degree in History the candidate should have studied Geography/Economics/Political Science in 1st and 2nd years. Similarly in case of Honours degree in Geography, the candidate should have studied History/Economics/Political Science in 1st and 2nd year. Candidates with B.A. (Honours) in Economics or Political Science are not eligible for the post of TGT (S.St.).”

From a perusal of the same, it is evident that the requirement is the study in any of the two subjects, namely History or Geography with combination of various other subjects, mentioned in clauses (a) and (b).

6. In the instant case, the applicant studied Geography, with the combination of History. The marks secured by him are furnished in the first page of the counter affidavit. There is no denial of the fact that he secured the aggregate of more than 50% marks and in combination of History and Geography, and he scored more than 50% marks in the aggregate. The only ground on which his candidature was rejected was that he secured only 49.8 marks in History.

7. The method of reckoning the minimum marks is provided for in clause (A) of the notification. It reads as under:-

Essential Qualification :

(A) Four years integrated degree course of Regional College of Education of NCERT with at least 50% marks in the concerned subject as well as in the aggregate.

Or

Bachelor's Honours Degree with at least 50% marks in concerned subject/combination of subjects and also in aggregate. Candidate should have studied requisite subject(s) for at least 2 years in the 03 years degree course.



Or

Bachelor's Degree from a recognized university with at least 50% marks in the concerned subject/combination of subjects and also in aggregate. The candidate should have studied the requisite subjects in all three years of degree course.

8. Since the essential qualifications are stipulated together for 5 posts mentioned in the table. It covers both the categories of posts where the requirement is study (a) in individual subjects for the posts such as English, Hindi or Maths; or (b) in combination of the subjects for the posts such as Science and Social Studies. In the third paragraph under the heading of Essential Qualifications, it is clearly mentioned that Bachelors Degree from a recognized university with at least 50% marks must be in the concerned subject/combination of subjects and also in aggregate. Since for the post of TGT (Social Science) the requirement is study in combination of subjects, the percentage must be verified with reference to combination of the subjects, and not the individual subject.

9. Therefore, what becomes relevant is, the marks secured in History and Geography together. The applicant has secured more than 50% marks in combination and thereby, he is eligible. The insistence by the respondents that 50% marks must be in the subject of History, cannot be accepted for two reasons. Firstly, the subject History alone is not mentioned in



the notification. Secondly, the requirement under the rule is combination and not individual subjects, like English or Maths.

10. We, therefore, allow the OA and direct that the applicant shall be treated as qualified. Further steps in this process of selection shall be completed within a period of six weeks. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Pj/ankit/sd