

Central Administrative Tribunal Principal Bench, New Delhi



O.A. No.1213/2017
MA No.921/2021

This the 31st day of March, 2021

(Through Video Conferencing)

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

1. Yeg Dutt Sharma,
Physical Education Teacher, Group 'B'
Aged about 52 years,
S/o. Sh. Brahm Dutt Sharma,
R/o. AD-91-A, Shalimar Bagh,
Delhi – 110 088.
2. Smt. Sneh Lata,
Physical Education Teacher, Group 'B'
Aged about 45 years,
W/o. Sh. Praveen,
R/o. A-201, Satya Shanti Apartment,
Sec-13, Rohini,
Delhi – 110 085.
3. Smt. Kanchan Kaushik,
Physical Education Teacher, Group 'B'
Aged about 49 years,
W/o. Sh. Surender Kumar Sharma,
R/o. 3/25, 2nd Floor,
Roop Nagar,
Delhi – 110 007.
4. Smt. Meenu,
Physical Education Teacher, Group 'B'
Aged about 54 years,
W/o. Sh. Naresh Kumar,
R/o. L-1/154A, DDA Flats, Kalkaji,
Delhi.



5. Ajay Kumar Jain,
Physical Education Teacher, Group 'B'
Aged about 39 years,
S/o. Sh. Arhant Kumar Jain,
R/o. G-2/31, Sec-16, Rohini,
Delhi – 110 085.
6. Smt. Renu Kapur,
Physical Education Teacher, Group 'B'
Aged about 55 years,
W/o. Sh. Vijay Kapur,
R/o. 11A/11, WEA, Karol Bagh,
New Delhi – 110 005.
7. Smt. Rashmi Rani,
Physical Education Teacher, Group 'B'
Aged about 38 years,
W/o. Sh. Bhanu Pratap Sahni,
R/o. Q-15B, 2nd Floor, Jangpura Extn.
New Delhi – 110 014.
8. Smt. Vijay Kumari,
Physical Education Teacher, Group 'B'
Aged about 43 years,
W/o. Sh. Mukesh Kumar Verma,
R/o. BH-540, East Shalimar Bagh,
New Delhi.
9. Vijay Kumar Garg,
Physical Education Teacher, Group 'B'
Aged about 39 years,
S/o. Sh. Braham Prakash Garg,
R/o. H. No. C-862, LIG DDA Flats,
East of Loni Road, Shahdara,
Delhi – 110 093.
10. Gajender Yadav,
Physical Education Teacher, Group 'B'
Aged about 39 years,
S/o. Sh. Sunder Pal Yadav,
R/o. H. No. 2, Street No. 1, D-Block,
Sanjay Mohalla, Bhajan Pura,
Delhi – 110 053.



11. Smt. Rajesh,
Physical Education Teacher, Group 'B'
Aged about 42 years,
W/o. Sh. Sunil,
R/o. Flat No. 6H,
Vikrant Aptt. Sec-13, Rohini, Delhi .
12. Smt. Sunita Gupta,
Physical Education Teacher, Group 'B'
Aged about 46 years,
W/o. Sh. Sanjeev Kumar,
R/o. B-66A, 1st Floor, Front Side,
Ashoka Enclave, Part-II, Faridabad,
Haryana-121 003.
13. Mukat Lal,
Physical Education Teacher, Group 'B'
Aged about 38 years,
S/o. Sh. Yad Ram Singh,
R/o. H. No. C-110, LIG DDA Flats,
East of Loni Road, Shahadra,
Delhi-110 093.
14. Ashok Kumar
Physical Education Teacher, Group 'B'
Aged about 44 years,
S/o. Sh. Om Prakash,
R/o. B-7/68, 2nd Floor,
Sec-11, Rohini,
Delhi – 110 085.
15. Savita,
Physical Education Teacher, Group 'B'
Aged about 43 years,
W/o. Sh. Mauji Ram Dagar,
R/o. 42, Akash Kunj Society,
Rohini, Sec-9,
Delhi – 110 085.
16. Meena Kumari,
Physical Education Teacher, Group 'B'
Aged about 43 years,
W/o. Sh. Prem Singh,
R/o. H. No. 1662,
Sec-23, Sonepat, Haryana.
17. Sunita Budhwar,
Physical Education Teacher, Group 'B'



Aged about 49 years,
 W/o. Sh. Pratap Singh,
 R/o. S-4/3, Old Mahavir Nagar,
 P.O Tilak Nagar,
 New Delhi – 110 018.

18. Smt. Pradeep,
 Physical Education Teacher, Group 'B'
 Aged about 43 years,
 W/o. Sh. Pratap Singh,
 R/o. H. No. 480, Gali No. 6,
 Ashok Mohalla, Nangloi,
 Delhi – 110 041.

19. Pavan Kumar Meena,
 Physical Education Teacher, Group 'B'
 Aged about 35 years,
 S/o. Sh. Jagdish Prasad Meena,
 R/o. RZD-245, Raj Nagar-II,
 Palam Colony,
 New Delhi – 110 077.

20. Omvir Singh,
 Physical Education Teacher, Group 'B'
 Aged about 53 years,
 S/o. Sh. Chander Bhan,
 R/o. Plot No. 434/5, Mundka,
 Delhi – 110 041.

21. Balwan Singh,
 Physical Education Teacher, Group 'B'
 Aged about 55 years,
 S/o. Sh. Mange Ram,
 R/o. Vill & P.O. Jharoda Kalan,
 Delhi – 110 072.

22. Vinod Kumar,
 Physical Education Teacher, Group 'B'
 Aged about 48 years,
 S/o. Sh. Jage Ram,
 R/o. 25/66, Gali No. 4, New Basti,
 Bahadur Garh, Haryana.

23. Latesh Mann,
 Physical Education Teacher, Group 'B'



Aged about 49 years,
 W/o. Sh. Ashok Chauhan,
 R/o. L-20, Shastri Nagar,
 Delhi – 110 052.

24. Shobha Kumari,
 Physical Education Teacher, Group 'B'
 Aged about 56 years,
 W/o. Sh. Ram Chandra,
 R/o. 142, DDA Flat, Nimri Colony,
 Ashok Vihar, Phase-IV,
 Delhi.

25. Anju Rakheja,
 Physical Education Teacher, Group 'B'
 Aged about 47 years,
 W/o. Sh. Sushil Kumar Rakheja,
 R/o. R-9, West Patel Nagar,
 New Delhi – 110 088.

26. Archana Rani Sharma,
 Physical Education Teacher, Group 'B'
 Aged about 50 years,
 W/o. Sh. Harish Kumar Bhargava,
 R/o. WZ-537, Rishi Nagar, Shakur Basti,
 Delhi – 110 034.

27. Meenakshi Rajawat,
 Physical Education Teacher, Group 'B'
 Aged about 41 years,
 W/o. Sh. Pawan Rai,
 R/o. B-4/122, Paschim Vihar,
 New Delhi – 110 063.

28. Monica Choudhary,
 Physical Education Teacher, Group 'B'
 Aged about 47 years,
 W/o. Sh. Anand Singh,
 R/o. A-3/113,
 Sec-3, Rohini,
 Delhi – 110 085.

29. Jai Chand,



Physical Education Teacher, Group 'B'
 Aged about 52 years,
 S/o. Sh. Maha Sukh,
 R/o. H. No. 605, Housing Board Colony,
 Sec-17, Gurgaon, Haryana.

30. Anil Kumar Sharma,
 Physical Education Teacher, Group 'B'
 Aged about 54 years,
 S/o. Sh. Dhaniram Sharma,
 R/o. Vill Noor Pur, P.O. Badshahpur,
 Distt. Gurgaon, Haryana.
31. Anil Kumar,
 Physical Education Teacher, Group 'B'
 Aged about 39 years,
 S/o. Sh. Brahm Prakash,
 R/o. WZ-120, Khyala, New Delhi – 110 018.
32. Muklesh Yadav,
 Physical Education Teacher, Group 'B'
 Aged about 46 years,
 S/o. Sh. Tulsi Ram Yadav,
 R/o. 51-D, D.A-Block,
 Hari Nagar, Delhi.
33. Anupama Singh,
 Physical Education Teacher, Group 'B'
 Aged about 47 years,
 W/o. Sh. Kartar Singh,
 R/o. Flat No. 3274, Sec-A,
 Pkt-B, Vasant Kunj, New Delhi – 110 070.
34. Rajni Bala,
 Physical Education Teacher, Group 'B'
 Aged about 52 years,
 D/o. Sh. R. L. Sondhi,
 R/o. Flat No. 3192, Sec-A, Pkt-B&C,
 Vasant Kunj, New Delhi – 110 070.
35. Rajvir Singh,
 Physical Education Teacher, Group 'B'
 Aged about 55 years,



S/o. Sh. Vidha Singh,
R/o. C-II/2558, Vasant Kunj, New Delhi – 110 070.

36. Kishan Chand,
Physical Education Teacher, Group 'B'
Aged about 54 years,
S/o. Sh. Ram Chandra Singh
R/o. 400 A/16,
Near Sarvodaya Coed School,
Munirka Village, New Delhi – 110 067.

37. Sandhya,
Physical Education Teacher, Group 'B'
Aged about 50 years,
W/o. Sh. Khan Chand Gautam,
R/o. R-7, Gali No. 19, Brahm Puri,
Delhi.

...Applicants

(By Advocate : Sh. M. K. Bhardwaj)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
New Secretariat, I.P. Estate,
New Delhi.

2. Directorate of Education
Through its Director,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.

3. The Special Director (Admn.),
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.

....Respondents

(By Advocates Ms. Esha Mazumdar and Sh. H. A. Khan)



ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicants were appointed as Physical Education Teacher (PET) in the respondent organization between 1987 and 2008. The next promotion is to the post of Post Graduate Teacher (PGT) in Physical Education. For that, it is essential that a candidate must possess degree in Post Graduation, in the concerned subject.

2. The applicants state that they acquired the qualification of Masters in Physical Education (MPE) from various institutions affiliated to Chaudhary Charan Singh University (CCU), Meerut, between 2004 and 2012. Though at one point of time, the MPE was treated as a valid qualification for promotion and the names of the applicants were included in the list of eligible candidates, the respondents entertained a doubt about it and constituted a Committee. The Committee is said to have submitted a report, stating that the National Council for Teacher Education (NCTE) did not recognize such a qualification and in that view of the matter, the applicants cannot be promoted. An order was passed in this behalf on 03.04.2017. Challenging the same, the applicants filed this OA.

3. The applicants contend that the respective institutions where they studied, were affiliated to CCU, Meerut, and it cannot



be said that the Degree obtained by them is not valid. It is also stated that on earlier occasions, the respondents promoted persons with such qualification and there is no basis to take a different view.

4. The respondents filed a detailed counter affidavit. According to them, the appointment and promotion to the posts of various categories of Teachers are governed by the norms stipulated by the NCTE and in the context of promotion to the post of PGT(PE), MPE is not stipulated at all. Another contention is that the applicants have obtained leave to study M.Ed course, whereas they have obtained MPE Degree. The respondents further contended that it was regular course on the basis of regular study, and the applicants cannot be said to have undergone instructions and studies, without applying for leave.

5. We heard Sh. M.K. Bhardwaj, learned counsel for the applicants and Ms. Esha Mazumdar, learned counsel for the respondents, at length.

6. The dispute is about the validity or acceptability of the qualification, i.e., MPE obtained by the applicants from CCU, Meerut. The respondents strongly pleaded that the NCTE did not recognize that. Another contention is that the applicants did not attend the courses on regular basis and they cannot be said to have studied the course effectively.



7. Whatever be the circumstances under which the impugned order came to be passed, it is brought to our notice that the respondents have appointed another committee vide order dated 30.11.2018 and that the report was also submitted. The applicants can obtain a copy thereof and submit their own point of view vis-à-vis the same. The Appointing Authority shall take the same into account and pass appropriate orders in this behalf, within a period of three months from the date of receipt of a copy of this order. The issue pertaining to the eligibility of the applicants for promotion shall also be decided within that period.

Pending MA shall also stand disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/rk/mbt/ns/