



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

OA No. 1404/2019

This the 24th day of June, 2021

(Through Video Conferencing)

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

Kirti Tanwar, Appointment, Group B,
Aged about 33 years,
D/o Sh. Hari Shankar Tanwar,
R/o RZ-A2/C Plot No. 16, Street No. 10,
Durga Park, New Delhi – 110045.

... Applicant

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

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, IP Estate, Delhi.
2. Delhi Subordinate Services Selection Board,
Through its Secretary,
FC-18, Karkardooma, Institutional Area,
Delhi – 110092.
3. North Delhi Municipal Corporation,
Through its Commissioner,
Civic Centre, New Delhi.
4. South Delhi Municipal Corporation,
Through its Commissioner,
Civic Centre, New Delhi.
5. East Delhi Municipal Corporation,
Through its Commissioner,
Udyog Sadan, Patpar Ganj Industrial Area,
Delhi – 110092.

... Respondents



(By Advocate : Mr. R. V. Sinha with Mr. Amit Sinha, Mr. M. S. Reen,
Mr. Amit Anand and Mr. D. S. Mahendru)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The respondents issued an advertisement dated 26.06.2018 for selection/appointment for various posts including the post of Teacher (Primary). The applicant was one of the candidates for the post under OBC category. In the written test, she secured 113.37 marks and the final list of selected candidates was published on 28.03.2019. Though the last candidate in the list of OBC category was the one who secured 106 marks, the name of the applicant did not figure in the select list. The applicant filed this OA with a prayer to direct the respondents to include his name in the select list for appointment to the post of Teacher (Primary).

2. The applicant contends that she holds the B.Ed. qualification and though it did not figure in the list of essential qualification mentioned in the advertisement, the National Council for Teacher Education (NCTE) vide notification dated 28.06.2018 has treated the qualification of B.Ed. equivalent to a certificate or diploma in the secondary education. Various other contentions are also urged.

3. The respondents filed a counter affidavit. According to them, the applicant did not hold the essential qualification and the clarification issued by the NCTE was issued much after the advertisement.



4. Today, we heard Mr. M. K. Bhardwaj, learned counsel for the applicant and Mr. R.V. Sinha with Mr. Amit Sinha, Mr. M. S. Reen, Mr. Amit Anand and Mr. D. S. Mahendru, learned counsel for the respondents.

5. The issue is whether the applicant holds the qualification stipulated for the Teacher (Primary). In the advertisement the qualifications are mentioned as under :

“(i) Senior Secondary School Certificate (10+2) or Intermediate or its equivalent from a recognized board / Institution.

(ii) Two year’s Diploma / Certificate Course / in Elementary Teacher education Course / Junior Basic Training or equivalent or bachelor of elementary education from a recognized Institution.

(iii) Must have passed Hindi as a subject at Secondary level.

(iv) Must have passed English as a subject at secondary or senior secondary level.

(v) Candidate must have qualified CTET.”

6. It is not in dispute that the NCTE issued a clarification dated 28.06.2018 treating the qualification of B.Ed. equivalent to a certificate or diploma in the secondary education. The fact, however, remains that the notification came two days after the advertisement. Secondly, it is not that the Delhi Government has modified their recruitment rules based upon the clarification issued by the NCTE that the applicant cannot get benefit thereof. The applicant cannot insist upon being treated as equal. Another aspect which is of



immediate concern is that thousands of candidates who have B.Ed. Degree may not have applied on account of the fact that the said qualification does not figure in the essential qualification. The case of the applicant alone is to be considered, it would be great injustice to those who did not applied for the same, by considering themselves ineligible.

7. We do not find any merit in the OA. The same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lalit/rachna/ankit/sd