

Item No.3



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

**O.A. No. 1448/2021
M.A. No. 1877/2021
M.A. No. 1878/2021**

This the 29th Day of July, 2021

(Through Video Conferencing)

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

1. Mrs. PRAGATI VERMA
W/o Somesh Verma
Aged 36 years
R/OD-5/1- Rana Pratap Bagh
Delhi 110007
Working experience 16years as teacher
Group-B
2. Mr. PARVESH KUMAR
Aged about 44 years
S/o RAMBIR SINGH
R/O 1/31 First floor, Sundar vihar,
Pashchim vhar west
Delhi-110087
Working experience 16years as teacher
Group-B
3. Mrs. Shalini
Aged about 46
W/o Narendera Singh Chahar
R/o-B-505, Saheta App. Plot no. 30 Sector-4
Dwarka, Delhi-110075
Working experience 15years as teacher
Group-B
4. Mr. MRITYUNAJAY KUMAR PATHAK
Aged about 45
S/o Sh. Nag Nath Pathak
R/O-D-4, Balaji App.41 foota Road,
Sant Nagar Mandir Vali Gali,
Burari North Delhi-110084
Working experience 16years as teacher

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5. Mr. SANJEEV KUMAR MISHRA
Aged about 40 years
S/O Hari kant Mishra
R/0-B-76, Shiv Mandir Road,
Gali No. 12, Sawroop Nagar
Delhi-110042
Working experience 15years as teacher
Group-B
6. Mrs. BHUMIKA GUPTA
Aged about-
W/o- Tushar Gupta
R/o- 110, IInd Floor Anand Vihar-
Delhi-110034
Working experience 11years as teacher
Group B
7. MR. RAJESH KUMAR BANJARA
Aged about 36 years
S/o-Jagdish Prasad
R/o-House no. 15, pole no.69,
v.p.o no. Ujwa
West Delhi-1 100073
Working experience 15years as teacher
Group-B
8. Mrs. GEETA RANI
Aged about 41years
W/O- Rakesh Kumar Bhanwala
R/o- H.NO.642, will and post-siwaha,
Tehsil jind Haryana-126113
Working experience 15years as teacher
Group-B
9. MR. KRISHANA KUMAR
Aged about- 42 years
S/O-Shyam Lal
R/O-G-6/1, Main Road, Ganga Vihar
Gokul Puri, Delhi-110094
Working experience __ years as teacher
Group-B
10. MS. ANKITA GOVIL
Aged about 36 years
D/o-Rakesh Govil
R/o-C3A, Janakpuri B-I S.O
Delhi-110058

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- Working experience 13 years as teacher
Group-B
11. MR. SANJEEV SINGHAL
Aged about-46
S/O-OP Singhal
R/O-832-B, Pocket 2, Paschim Vihar
Delhi-110063
Working experience 24years as teacher
Group-B
 12. MR. AMIT KUMAR
Aged about 46 years
S/O Anand Kishor Prasad
R/O-H.No, SF-02, 2nd Floor,
Sanskriti Apartments
Lal Dora, Burari, Delhi-110084
Working experience 15years as teacher
Group-B
 13. MR. PARDEEP SAINI
Aged about- 41 years
S/O- Dharam Pal Saini
R/O- H.NO.117, Tetesar, Bawana
Delhi-110081
Working experience 20years as teacher
Group-B
 14. MR. SANJAY KUMAR PATHAK
Aged about- 43 years
S/o Kapileshwar Pathak
R/O- 401/9, Gai No.03, Block-D,
Laxmi Vihar, Burari, Delhi-11084
Working experience 16years as teacher
Group-B
 15. Ms. ARCHANA YADAV
Aged about 33 years
D/O Shyam Singh
R/O-G-4/104, Sector 16, Rohini, Delhi
Working experience 11years as teacher
Group-B
 16. MR. VIRENDERA KUMAR
Aged about 44 years
S/O Phool Singh
R/O- A-62, Street No. 1, Chhattarpur,

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Indra Niketan
Delhi-110094
Working experience 17 years as teacher
Group-B

17. MR. DHARMENDRA YADAV
Aged about- 35 years
S/O Ram Mahar Yadav
R/O-H.NO. 18, Najafgarh Road Nangloi
Delhi-110041
Working experience 15years as teacher
Group-B
18. MR. RAVISH KUMAR SHARMA
Aged about -35 years
S/O- Harbhansh Lal Sharma
R/O-WZ-51, Extn. Begumpur
Delhi-110086
Working experience 12 years as teacher
Group-B
19. MR. AJIT SINGH SWAMI
Aged about -41 years
S/O- Ram Chander
R/O- H.NO. 59, Pocket-13, Sector-21,Rohini
Delhi-110086
Working experience 15years as teacher
Group-B
20. MR. SUDESH KUMAR
Aged about 47 years
S/O Krishana Kumar
R/O-B-3001, Gali no.-03,
Majlis Park Adarsh Nagar
Delhi-110033
Working experience 18 years as teacher
Group-B
21. Mrs. MONIKA SHARMA
Aged about-38 years
W/O - Vineet Kumar Sharma
R/O-H.NO-D 281, Gali No.05,
Ganga Vihar, Gokal Puri
Delhi-1100094
Working experience 14years as teacher
Group-B

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22. MR. RAM SWAROOP MEENA
Aged about- 37 years
S/O- Leela Ram Meena
R/O- 147, Delhi Administration flats
Delhi-110052,
Working experience 15years as teacher
Group-B
23. MS. SARIKA GAUR
Aged about- 41
D/O- N.K Gaur
R/O-H.NO-106, Gali no. 02,
D-block, Prem Nagar, Najafgarh
Delhi-110043
Working experience 15 years as teacher
Group-B
24. MR. SANJAY BABU
Aged about- 42 years
S/O Shyam Lal
R/O I-4/9, 3RD Floor Sector-16, Rohini
Delhi-110089
Working experience 17years as teacher
Group-B
25. MR. ANIL RANA
Aged about 40 years
S/O Dharam Pal Singh
R/O Flat no.131, block-G, Green view app.
Opposite Shikhar Enclave,
Vasundhara Gaziabad
UP- 201012
Working experience 15 years as teacher
Group-B
26. MR. PRADEEP DAGAR
Aged about-37 years
S/O Prem Singh
R/O-315, Ujwa South West
Delhi-110073
Working experience 13 years as teacher
Group-B
27. MR. KARAM VIR
Aged about 38 years
S/O Lakhmi chand
R/O- H.NO. 12, Gali no.4A, Block -A, West

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Karawal Nagar, Delhi-10094
Working experlenoe 12 years as teacher
Group-B

28. MR. PRADBBP KUMAR
Aged about ____
S/O Ram Pal Bingh
R/O C-N660, Street No.24B,
Swatantra Nagar Narela
Delhi-110040
Working experience 17years as teacher
Group-B
29. Ms. PRATIMA
Aged about 40 years
D/O Dalbir Singh
R/O-H.NO.- 425, VP0-MUNDHELA KALAN-73
Working experience 12years an teacher
Group-B
30. MR. PARMOD KUMAR
Aged about 43 years
S/O Pritam Singh
R/O 175, Village Goyal Kalan,
Nanheda Panipat
Haryana -132103
Working experience 18years as teacher
Group-B
31. Mrs. SANGEETA RANI
Aged about- 41
W/O Parvesh Kumar
R/O D-16/248, Near Rohini
North West Sector-7 Rohini
Delhi-1100085
Working experience 17years as teacher
Group-B
32. MR. HARVINDER BHATI
Aged about- 37 years
S/O Karam Vir Singh
R/O- D-77, GHARULI VILLAGE, DELHI-96
Working experience 12years as teacher
Group-B

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33. MR. ROHIT SHARMA
Aged about 44 years
S/O Dwarka Nath Sharma
R/O-C-3/193, Yamuna Vihar,
Delhi – 110053
Working experience 15years as teacher
Group –B
34. MR. PANKAJ KUMAR
Aged about 40 years
S/O OM Prakash
R/O H. NO. 162, Sunar wali gali,
Dariya Pur Kalan, Bawana,
Delhi – 110039
Working experience 20 years as teacher
Group – B
35. Mrs. LAKSHMI KUMARI
Aged about – 37
W/O Tarun Kumar Sharma
R/O – K-99/B, Main Durga Gali Maujpur
Delhi – 110032
Working experience __ years as teacher
Group –B
36. Mr. SUNI KUMAR
Aged about 42 years
S/O Shukhbir Singh
R/O – Village Khanda (9-R), Sonipat, Haryana – 131402
Working experience 12years as teacher
Group –B
37. Mrs. NIKITA GUPTA
Aged about 36 years
W/O Ashwini Gupta
R/O A-26, Gharondha App. Shreshtha Vihar,
Anand Vihar, Delhi – 110092
Working experience 15 years as teacher
Group –B
38. Mrs. POONAM KUMARI
Aged about 41 years
W/O Krishna Kumar
R/O G-61, Main Road Ganga Vihar
Gokal Puri, Delhi – 110094
Working experience 15years as teacher
Group –B

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39. Mrs. POONAM
Aged about – 37 years
W/O Sh. Vikas
R/O RZ-203, B-Block, Gopal Nagar,
Najafgarh, Delhi-110043,
Working experience 15years as teacher
Group-B
40. MR. LOKESH KUMAR
Aged about 42 years
S/O Sh. Satyapal
R/O, C-04 Main Gopal Nagar Najafgarh
Delhi-110043
Working experience 20years as teacher
Group-B
41. Mrs. GEETIKA
Aged about 38 years
W/O Rahul Rathi
R/O N-H 847, Bhaproda 22 jhajjar
Haryana-124501
Working experience 15years as teacher
Group-B
42. Mrs. Ramesh
Aged about 44 years
W/O Pardeep Kumar
R/O 274, Bawana
Delhi-110039
Working experience 23 years as teacher
Group-B
43. MR RAM KARAN DAHIYA
Aged about
S/O RAMCHANDER DAHIYA
R/O H NO 612 ISHWAR COLONY BAWANA
DELHI-3
Working experience 21 years as teacher
Group-B
44. Mrs. RUCHI SHARMA
Aged about 41 years
D/O JAGBIR SINGH SHARMA
R/O WZ 629 SRI NAGAR SHAKUR BASTI
NEW DELHI
Working experience 14 years as teacher
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45. MR. VINAY KUMAR
Aged 39 Years
S/O RAJENDER PARSAD SHARMA
R/O 1565/11, Nehru Colony, Rohtak,
Haryana 124001
Working experience 15 years as Teacher
Group-B
46. MR. DINIESH ROHILLA
Aged about 39 years
S/O Krishan Lal
R/O H.NO.A-88/5, Shiv Enclave,
main Nangloi road
Najafgarh, Delhi-110043
Working experience 15 years as Teacher
Group-B
47. Mrs. NEEMA RANI
Aged about 39 years
W/O Ashok Kumar
R/O H.NO. 1277, Sec-23, Sonipat
Haryana -
Working experience 17 years as Teacher
Group-B
48. MR RAKESH KUMAR
Aged about 40 years
S/O Suraj Bhan
R/O- RZ-6C, Near CRPF Colony,
Sanik Enclave-II
Delhi-110072
Working experience 15 years as Teacher
Group-B
49. MR SUNIL SAINI
Aged about 41 years
S/O Gulab Saini
R/O H.NO. 63A, Saini Mahollah Nangloi
New Delhi-110041
Working experience 15 years as Teacher
Group-B
50. Mr. MAHENDRA BHUSHAN
aged about 45 years,
S/O Maha dev rahi,
R/o 8-24 BLOCK, TRILOK PURI

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MAYUR VIHAR PHASE-1,
SARODA KHADAR,
New Delhi- 1 10091
Working experience 20 years as Teacher
Group-B

51. Mr. Virender Singh Kharab
Aged about 37 years
S/O Satya Veer Singh Kharab
R/O House No. 60, Village Mundela
Kalan, Delhi - 73.
Working experience 12+ years as Teacher
Group-B
52. Mrs. JYOTI
Aged about 41 years,
W/o NAVEEN KUMAR,
R/o H.NO. 128, GALI NO.-1,
NEAR SAFIYABAD MARG
SANAY COLONY,
NARELA DELHI-110040
Working experience 15 years as Teacher
Group-B
53. Mr. RAVINDER KUMAR
aged about 41 years,
S/O RAM PARSAD,
R/O VILLA NO.-E/983, SRCTOR-18,
OMAX CITY, SONIPAT-131001,
HARYANA,
Working experience 15 years as Teacher
Group-B

... Applicants

(By Advocate : Shri Manish Verma)

Versus

1. Government of NCT of Delhi
Through Lieutenant Governor of Delhi
Block 6, Raj Niwas Marg,
Civil Lines, New Delhi-1100054
Email: pstolg.delhi@nic.in
2. Directorate of Education
Through the Director of Education

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Govt. of NCT of Delhi,
Old Secretariat Building
Civil Lines, Delhi-110084
Email: dired@nic.in

3. UNION PUBLIC SERVICE COMMISSION
Through ITS CHAIRMAN
Dholpur House, Shahjahan Road
New Delhi- 110069

... Respondents

(By Advocate : Shri R.V. Sinha and Ms. Esha Mazumdar)



O R D E R (ORAL)

Justice L. Narasimha Reddy :

The applicants initially joined the service of the Directorate of Education, Government of Delhi, as a Primary Teachers. Thereafter, they were promoted to the post of Trained Graduate Teacher (TGT), and they had experience of about five to six years, in that post.

2. The Directorate of Education requisitioned the UPSC to select the candidates for about 360 posts of Principal. Accordingly, the UPSC issued an advertisement on 24.04.2021 duly stipulating the qualifications as to the educational qualifications as well as the experience. In addition to holding the educational qualifications, the candidates are required to have the experience of 10 years of Post Graduate Teacher (PGT) or Vice Principal or TGT.

3. The applicants contend that if their standing as Assistant Teacher, is taken into account, they would also complete 10 years and the rules, insofar they do not provide for counting of service as Primary Teacher are arbitrary and illegal. They filed this OA with a prayer to quash the Recruitment Rules published on 10.01.2019 stipulating the experience of 10 years only in the post of Vice Principal, PGT and TGT and not in the post of Assistant Teacher. They have also prayed for quashing of advertisement dated 24.04.2021, which incorporated the

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same qualifications and also sought for a direction to the respondents to consider their cases for the post of Principal.

4. The applicants contend that their experience in the post of Assistant Teacher is of utmost utility, particularly, when the posts of Principal are sought to be filled for the very institutions, where they worked. It is also stated that when the distinction between the PGT and TGT is blurred in the context of experience, there is no reason to maintain the distinction between the TGT and Assistant Teachers. Various other contentions are also urged.

5. We heard Shri Manish Verma, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

6. The advertisement was issued initially on 24.04.2021 stipulating the last date for receipt of applications as 31.05.2021, but on account of Covid-19, the advertisement was kept on hold for some time and recently, the receiving of applications started. The eligibility stipulated for the post is in terms of educational qualifications as well as experience. The qualifications are as under:-

“ESSENTIAL:

I) MASTER’S DEGREE FROM A RECOGNIZED UNIVERSITY/INSTITUTE

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- II) BACHELOR OF EDUCATION FROM A RECOGNIZED UNIVERSITY/INSTITUTE AND
- III) TEN YEARS' EXPERIENCE OF TEACHING (VICE PRINCIPAL/POST GRADUATE TEACHER/TRAINED GRADUATE TEACHER) IN A RECOGNISED HIGH SCHOOL/HIGHER SECONDARY SCHOOL /SENIOR SECONDARY SCHOOL /INTERMEDIATE COLLEGE)”

The same qualifications are mentioned in the advertisement also.

7. It is fairly well established that it is always for the Appointed Authority to stipulate the qualifications for any post, on its establishment. The qualifications are stipulated, duly taking into account, the requirement of the job and the parameters of proficiency. Once the respondents have chosen to stipulate 10 years of experience in the categories of Vice Principal, PGT and TGT, it is just un-understandable as to how the applicants can insist on widening the scope of the recruitment rules, to include the experience in the post of Assistant Teacher also. The post of Principal happens to be very important, both in terms of the administration and academic activities. It is not for the Tribunal to substitute its views and to expand the scope of the recruitment rules.

8. Things would have been different altogether, had the applicants cited any provision of law which can be said to have been contravened by the rules. No such provision is cited.

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9. We do not find any merit in the OA and it is accordingly dismissed. Pending MAs also stand disposed of. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/vinita/lg/rk/akshaya/