

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 2ND DAY OF MAY, 2002

Original Application No.1277 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER (A)

Smt. Chandra Prabha Gupta, a/a 37 years
wife of Shri Suresh Kumar Gupta,
R/o 119/123, Bamba Road, Darshanpurwa, Kanpur.

..... Applicant

(By Adv:Shri B.P.Srivastava)

Versus

1. Union of India, through the
Secretary, Ministry of Defence,
New Delhi.
2. The General Manager, Ordnance Factory
Kalpi Road, Kanpur.
3. Smt.Madhu Srivastava,
14 H.A.L.Town-16, Harijindar Nagar,
Kanpur.

..... Respondents

(By Adv: Shri Ashok Mohiley/Rakesh Verma)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,v.c

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to General Manager, Ordnance Factory, Kanpur to take the interview of the applicant through Selection Committee for appointment on the post of Non Language Teacher (NLT/HSS Lecturer in Chemistry.

The facts giving rise to this application are that in response to advertisement dated 26.2.1993 (Annexure 4) applicant applied for appointment for selection as Teacher (Non Language)/HSS for the classes XI and XII. There was only one post which was unreserved and was for subject, Chemistry. The advertisement also provided for the academic qualification and ^{teaching} experience which was essential for the candidate ^{and} are as under:

- i) Post graduate degree from any recognised University in the concerned subject in II class.
- ii) ~~Postgraduate degree~~ Degree in Education (for Ex.B.Ed) or Post graduate diploma in education.
- iii) Minimum 3 years teaching experience in Higher secondary classes (Class XI & XII)



The applicant however was not called for interview and respondent no.3 was selected for the post, aggrieved by which she approached this Tribunal by filing this OA. Learned counsel for the applicant has submitted that on their own showing applicant had teaching experience of ~~six~~ six and half years, the break^{up} of which is, four and half years teaching experience in IX and Xth classes and two years ⁱⁿ teaching experience in class XIth and XIIth. It is also submitted that the higher secondary classes includes classes from IXto XIIth and the entire period of six and half years was sufficient to make applicant eligible for the post and the respondents committed illegality in not calling her for interview. In support of her submission, the learned counsel for the applicant has placed reliance in SRO 199 dated 23.4.1977 which contained rules for ordnance factories organisation(Group 'A', 'B' & 'C' posts of School Establishment) Recruitment Rules 1976. The aforesaid rules ~~were~~ also provided a schedule containing the essential qualifications for various ^{posts} ~~decisions~~. Col.No.3 of the schedule at pg 3 provides for language, non language teacher higher secondary school inter college classes XIth and XIIth. Under col.no.7 of this essential qualifications have been narrated. At sl.no.3 it provides atleast 3 years experience in teaching of higher secondary classes. On the basis of the aforesaid, the learned counsel for the applicant has submitted that as the rule provides only teaching experience of higher secondary classes and it does say about the particular classes XIth and XII, the respondents were not justified in insisting that the experience of teaching ought to have been for XIth and XIIth classes. Learned counsel for the applicant has also submitted that explanation contained in letter dated 29.10.1990 filed as CA-II that for recruitment of HSS teachers, experience in teaching class XI and XII only will be essential, could not over-rule the statutory rules and orders. It is submitted that the applicant has been illegally deprived of the chance of appointment. Learned counsel has also placed before us

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the schedule of Appendix 'A' of Regulations under the U.P. Intermediate Education Act 1921 which provides educational training experience for appointment as Head of the Institution at sl.no.1. Note 3 appended to it provides ~~that~~ higher classes means classes from IX to XII and experience of teaching these classes is admissible for the post and headmaster of intermediate college. On the aforesaid basis the counsel for the applicant has submitted that the view ~~take~~ taken by the respondents was illegal and arbitrary.

Shri Ashok Mohiley learned counsel for the respondents, on the other hand, submitted that in the advertisement dated 26.2.1992 inviting applications it was made clear that the teaching experience should be of class XIth and XIIth and the applicant was not kept in dark. She was very well aware ~~that~~ of the essential qualification for appointment from the very beginning. It is also ~~appended~~ ^{pointed out that}

^{Schedule of} to SRO 199, at sl.no.3 ^{u mentions about u} the appointment of a teacher for classes XIth and XIIth, ~~has been mentioned~~ ^u. For this reason it was within the descretion of the employer i.e. Director General Ordnance Factory to insist for teaching experience of XIth and XIIth. ^{The} essential qualification prescribed thus was within the parametre prescribed under the schedule and there was no question of violation. It is also submitted that for this prupose help could not be ^u taken from Appendix 'A' of the Regulation framed under UP Intermediate Education Act 1921.

We have carefully considered the submissions made by the counsel for the parties. In our opinion, in the facts and circumstances of the case the applicant ought to have assessed herself for appointment as teacher on the basis of the qualifications prescribed in the advertisement. Advertisement was very cleqr on the point that teaching experience

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required will be of 3 years and that too of XIth and XIIth classes, ~~that~~ the applicant was aware of this fact from the very beginning. The learned counsel for the applicant has submitted that respondents should have abide by the rules in SRO 199. In schedule attached to the SRO experience of 3 years prescribed in the higher secondary classes which if includes IX to XIIth, the respondents could insist for teaching experience of XIth and XIIth without violating the prescribed qualification under the aforesaid rules. It was well within the prescribed qualification for teachers for classes XIth and XIIth as provided in col.no.3. In our opinion, no injustice has been caused to the applicant in view of the admitted position that the teaching experience of the applicant for XIth and XIIth classes was not more than 2 years.

In the circumstances, we do not find any merit in this OA, the OA is accordingly dismissed. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 2.5.2002

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