

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 100/2016

This the 20th day of September, 2016

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Renu

D/o Sh. Ranjeet Singh

R/o H.No. 347,

VPO Rani Khera,

Delhi-110081

Aged about 32 years

(Candidate for the post of Asst. Teacher (Nursery) in GNCT of Delhi)

..... Applicant

(By Advocate: Mr. Ajesh Luthra)

VERSUS

1. GNCT of Delhi
Through Chief Secretary
5th Level, 'A' Wing,
Delhi Secretariat,
IP Estate,
New Delhi
2. Delhi Subordinate Services Selection Board
Through its Secretary,
F-17, Karkardooma Institutional Area,
New Delhi
3. The Director,
Directorate of Education
Old Secretariat,
Delhi-110054. Respondents

(By advocate: Ms. Rashmi Chopra)

ORDER (ORAL)

By Hon'ble Mr. P.K. Basu, Member (A):-

Heard learned counsel for the applicant as well as learned counsel for the respondents. The applicant is an OBC candidate and had applied for the post of Astt. Teacher (Nursery) (Female) advertised by Delhi Subordinate Services Selection Board (DSSSB) in the year 2010 under post code 68/10 in the Municipal Corporation of Delhi. She also applied for same post of Astt. Teacher (Nursery) in the Directorate of Education, GNCT of Delhi in the year 2013 under post cost 03/13. The examination for both the posts was held on 31.08.2014 as a common examination.

2. The applicant had received admit card for only post code i.e. 68/10 and not for post code 03/10. Admittedly, the applicant was not selected for post code 68/10 as cut off of marks for OBC candidates was more than 100.25 the marks obtained by the applicant.

3. The applicant did not receive the admit card for post code 03/13 and the reason for rejection was indicated by the respondents are “incomplete or illegible or incorrectly filled up application”. He is aggrieved that his application has been rejected for post code 03/13 on such vague and non-specific reasons. Otherwise, since the cut-of-marks for OBC candidate was 99.75 for post code 03/13, he would have got the job.

4. The applicant thereafter made a representation before the DSSSB dated 21.08.2014 i.e. before the exam to be held on 31.08.2014, seeking that she be also issued an admit card for post code 03/13 under GNCT of Delhi.

5. Apparently, nothing happened after that the applicant felt that since the examination is common, perhaps, the result would be declared based on the common examination for both the posts.

6. Learned counsel for the respondents stated that the admit card is issued for each post separately. Application form of the applicant for post code 68/10 was found in order and, therefore, she was issued admit card for post code 68/10. But since the application of the applicant for post code 03/13 was found to be in the category “incomplete or illegible or incorrectly filled up application” it was rejected. It is the case of the respondents that once the applicant did not receive the admit card for post code 03/13, and according to the applicant there was no response to his representation dated 21.08.2014, the applicant should have approached Tribunal before the exam itself.

7. Learned counsel for the respondents also clarify that the admit card specifically mentioned post code 68/10. She also drew our attention to the eligibility criteria for post cost 68/10 which is as follows:-

“Essential Qualifications: i) Senior Secondary (10+2) or intermediate or its equivalent with 45 % marks from a recognized board. ii) Two year Diploma/Certificate course in Nursery Teacher Training or Bed (Nursery) from

*a recognized institution or its equivalent. **Desirable : (i) Knowledge of Hindi (ii) Experience as a Nursery Teacher (as per NCTE regulation 2001).***

Pay Scale: Rs 9300-34800+GP 4200 Group: B, Non Gazatted, Probation period: 02 years

*Age Limit: **32 years relaxable** for SC 5 years, OBC 3 years, PH 10 years, PH&SC 15 years, PH&OBC 13 years, Departmental candidates/Govt. employees 05 years the age relaxation as admissible to such Govt. Servants as are working in posts which are in the same line or allied cadre and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of the post(s) recruitment to which has been advertised).*

8. She also drew our attention eligibility criteria to post code 03/13 which is as under : -

*“Essential Qualifications: i) Senior Secondary School (Class Twelve) certificate or intermediate OR its equivalent with at least 45 % marks from a recognized board/university. 2. Diploma /Certificate in Nursery Teacher Education Programme of a duration of not less than two years OR B. Ed (Nursery) from a recognized institution. **Must have passed Hindi at secondary level.***

Pay Scale: Rs 9300-34800/- +GP 4200 GP

*Age Limit: **Not exceeding 30 years.** (Age relaxation will be given as per note regarding age relaxation)*

The post is identified suitable for OH/VH persons only as per the requisition of the User Department. R.No. F.EE. 4(6)(254)/E-IV/2004/70 dt. 09/04/2012.”

9. The learned counsel stated that while Hindi is compulsory for post code 03/13, it is only desirable for post code 68/10. Moreover, the age limit under post code 68/10 is 32 years whereas it is 30 years for 03/13. Therefore, it is her contention that it cannot be said that if the application form of the applicant is in order for post code 68/10, the same will be in order for 03/13 as well.

10. Briefly the facts are that DSSSB held a common exam for both post codes. The applicant appeared in the exam and obtained 100.25 marks. The applicant was issued admit card for post code 68/10. She was not issued admit card for post code 03/13 as there were certain defects in her application.

10. We have heard learned counsel for the parties and perused the various documents produced before us as well as pleadings on record. The applicant appeared in the examination on 31.08.2014 and obtained 100.25 marks, which is higher than the cut-off-marks of OBC candidate for post code 03/13 i.e. 99.75 marks. The ground for rejection is vague and does not state specifically what was wrong in the application form. The respondents have also taken no action apparently on the petition dated 21.08.2014 and the applicant denied the opportunity for consideration for post code 03/13. The test held by the respondents DSSSB is to judge the merit of the candidate. She has qualified in merit for post code 03/13. To reject his candidature on vague and non-specific grounds does not seem to be a fair procedure. However, we concede the argument of learned counsel for the respondents that the eligibility criteria for both the posts are not identical.

11. In view of this, we dispose of this OA by directing the respondents to consider the case of the applicant for appointment under post code 03/13, in case she is qualified as per the eligibility conditions as specified and quoted above for post code 03/13. If

held eligible for appointment, the respondents shall issue appointment letter to the applicant for the post Astt. Teacher (Nursery) under Directorate of Education, GNCT of Delhi from the date her juniors were appointed and grant her notional benefit of seniority and pay fixation from that date. However, it is made clear that salary etc. will be payable from the date she joins. The order shall be complied within 90 days from the receipt of a certified copy of this order. There shall be no order as to costs.

(Dr. B.A. Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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