

**Central Administrative Tribunal
Principal Bench
New Delhi**

**OA No.557/2016
MA No.527/2016
MA No.528/2016**

This the 13th day of March, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Ruchi Panwar D/o Rajbir Singh
W/o Parveen Kumar,
R/o C-661, LIG DDA Flat,
East Loni Road, Delhi-110093.

... Applicant

(By Mr. Mohd. Nazim, Advocate)

Versus

1. Government of NCT of Delhi through its
Chief Secretary, New Secretariat,
I.P. Estate, New Delhi.
2. Delhi Subordinate Services Selection Board (DSSSB)
through its Secretary/Chairman,
FC-18, Institutional Area,
Karkardooma, Delhi.
3. Director of Education,
Government of NCT of Delhi,
Old Secretariat, Sham Nath Marg,
Delhi-110054.

... Respondents

(By Ms. Ritika Chawla, Advocate)

ORDER

Justice Permod Kohli, Chairman :

MA No.527/2016: This MA has been filed seeking condonation of delay as an abundant caution. The admitted fact is that the first

advertisement was issued in the year 2012 and the second in 2013. A common examination was held, but the result of the common examination was declared on 28.12.2014 and 24.11.2015 respectively. This OA has been filed on 29.01.2016. The OA has been filed within one year from the date of declaration of last phase of the result, and is within time. The application seeking condonation of delay is accordingly allowed.

2. Respondent No.2 issued an advertisement No.02/2012 for recruitment of Trained Graduate Teachers (TGTs) vide post code 109/12. In the year 2013, another advertisement No.01/2013 was issued for recruitment against various posts including TGT Hindi (Female) represented by post code No.07/13. The applicant applied for both the posts. A list of ineligible candidates was notified vide notice dated 10.09.2013. The applicant who belongs to OBC category also came to be rejected vide the aforesaid notice with the following remarks/reasons:

“Not having the requisite qualifications as on closing date”

“No B.A. (Hons) in MIL, no additional language in B.A., no equiv. oriental degree in MIL concerned, no Sahitya Ratna of Hindi Sahitya Sammelan, no PG qual. in MIL.”

The rejection notice also contained a stipulation that any candidate having objection/claim about his/her rejection may apply to the

Board up to 20.09.2013 till 5.00 p.m. Consideration of the objection/claim was confined to the following:

- “1. No request for change in the information given in OMR will be entertained in any circumstances. For example, if a candidate did not fill up educational qualification, or has filled up wrong date of birth/wrong name/wrong post code or left the column blank etc., his/her objections will not be considered.
2. Claim/objection should be confined to the information provided in the OMR application.
3. Board's decision regarding acceptance/rejection of objections/claim will be limited to the OMR information.
4. In case of discrepancies between bubble and alphabetical/numerical information, in the OMR, the bubble will be considered.
5. No objection/claim will be entertained which are received after the last date, in any circumstances.”

3. The applicant claims that she made her representation/objection along with the copy of the qualification required by the advertisement to the respondent No.2, and put it in the drop box at the reception counter of DSSSB before 20.09.2013, but the applicant did not receive any communication regarding her eligibility on consideration of the representation/objection. A further list of eligible candidates was notified vide notice dated 26.11.2014 after considering the representations/objections. The applicant's name did not figure in the said list. Subsequently, vide addendum dated 10.06.2013, the number of posts for the post codes 4/13 to

19/13 as stipulated in the advertisement No.01/2013, were increased at the request of the Directorate of Education, Government of NCT of Delhi.

4. A written examination for both the post codes was held on 28.12.2014. The applicant participated in the written examination under roll number 45000252 issued to her. The result of the written examination was declared. The applicant is not shown to have qualified the written examination, though her name has been shown in the list of candidates who appeared against the advertisement No.02/2012. It is stated that the applicant applied under RTI to the respondent No.2 on 15.12.2015 to know the criteria of rejection of the candidature of the applicant, but no reply has been given to her. The applicant has accordingly filed this OA with the following prayer:

- “i) pass a direction/order thereby directing the respondents to consider the candidature of the applicant as eligible for her respective post code no.07/13 in advertisement no.01/13 for the appointment of Trained Graduate Teacher (TGT) requisitioned by the respondent no.3;
- ii) direct the respondents to declare the statement of marks and result of the applicant to her respective post code no.07/13 in advertisement no.01/13 for the appointment of Trained Graduate Teacher (TGT) being examination held jointly to the post of TGT requisitioned in the advertisement no.02.12 and the advertisement no.01/13;
- iii) any other/further order(s) instruction(s) and direction(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of

the case, may also kindly be passed in favour of the applicant and against the respondents.”

5. A counter-affidavit has been filed on behalf of the respondents claiming that the OA is barred by Sections 19, 20 and 21 of the Administrative Tribunals Act, 1985. Giving details of the advertisement, it is stated that advertisement No.02/2012 inviting applications for filling up the vacant posts of various categories of post codes 02/12 to 165/12, was issued. Candidates were advised to read the detailed instructions in Sections A, B and C of the advertisement before filling up Part-I and Part-II of the application form. It is further mentioned that vide notice dated 24.10.2014 and subsequent notice dated 25.11.2014, candidates were informed that since the Board has now switched over to OARS, the applicants who had applied for the said post codes through paper based forms, were now required to get themselves registered in OARS software and to upload their photograph, signature and educational qualification/ experience online for issuance of admit cards. They were also advised to ensure that they fulfilled all the eligibility criteria as per advertisement No.02/12 on or before the cut-off date. In respect to the subsequent advertisement, it is further mentioned that notice No.01/2013 was issued by the DSSSB again inviting applications for filling up vacant posts of various categories for post codes 01/13 to 23/13. The candidates were again advised to read the detailed

instructions before filling up the Optical Mark Reader (OMR) application form. Instruction number 9 of the advertisement notice further mentioned the deficiencies or irregularities for which the applications were to be treated as invalid and liable to be summarily rejected. Details of such deficiencies are indicated in paras (a) to (p) of the aforesaid instructions. There is a note appended to this notice which *inter alia* mentions that no claim for re-consideration of the rejected cases on the grounds specified therein would be entertained. It is also stated that the final figures of eligible and rejected candidates for the post codes 04/13 to 19/13 (TGTs) were provided by M/s Datatec Methodex Pvt. Ltd., and against post code 07/13, 752 candidates were declared as 'valid candidates' and 2212 candidates as 'invalid candidates', whereas total candidates against the said post code were 2964. Subsequently, a notice dated 10.09.2013 was uploaded on the website of the Board. In the said notice, it was provided that any candidate who had applied for post codes mentioned therein and whose candidature had been rejected, was granted liberty to file objections about his/her eligibility/ineligibility, with documentary evidence, addressed to the Controller of Exam by post, or deposit in the designated drop box at the DSSSB reception counter latest by 20.09.2013. Based upon objections, an additional list of eligible candidates was declared whereunder five more candidates were declared eligible. It is stated that the applicant was not having

requisite qualification as on closing date, for which her candidature was rejected.

6. Rejoinder has been filed by the applicant reiterating the averments made in the OA.

7. The applicant has not challenged her non-selection against the 2012 advertisement. Thus, we are not dealing with the said advertisement. Insofar as the selection against the advertisement no.01/2013 is concerned, post code 07/13 is for TGT Hindi (Female). Under the OBC category, eight vacancies were notified. For the post of TGT (MIL) Hindi, Sanskrit, Punjabi and Urdu, following essential qualifications/eligibility criterion has been prescribed:

“(i) B.A. (Honours) in one of the Modern Indian Languages (MIL) concerned or BA with MIL concerned as one of the Elective subjects from a recognized University having 45% marks in aggregate with one additional language or one school subject at Degree Level.

OR

Equivalent Oriental Degree in MIL concerned from a recognized University having 45% marks in aggregate.

OR

(For appointment as Hindi Teachers only) Sahitya Rattan of Hindi Sahitya Sammelan, Prayag having secured at least 45% marks in aggregate with English in Matriculation provided further that the requirement as to the minimum of 45% marks in the aggregate shall be relaxable in the case of (a) candidates who possess a Post Graduate Qualification in MIL concerned from a

recognized University (b) candidates belonging to SC/ST (c) Physically handicapped candidates.

(ii) Degree/Diploma in teaching OR Senior Anglo Vernacular Certificate. (iii) Knowledge of Hindi is essential. (iv) Central Teacher Eligibility Test conducted by CBSE.

N.P.: The candidate should have studied the subject concerned as mentioned in the RR in all”

8. Under the aforesaid advertisement, the qualification prescribed is B.A. (Hons.) in Hindi, or B.A. with Hindi as one of the elective subjects from a recognized university with 45% marks in aggregate, with one additional language or one school subject at degree level. There are alternative qualifications also. One of the alternative qualification for TGT (Hindi only) is Sahitya Ratna of Hindi Sahitya Sammelan, Prayag. The applicant has placed on record her marks-sheet and qualification certificates issued by Chaudhary Charan Singh University, Meerut. The statement of marks for the BA Part-II Examination-2000 and the statement of marks for BA Final Examination-2001 reveal that the applicant is not BA (Honours), but simply BA. The candidates who possess simply BA degree must have the MIL (Modern Indian Language) concerned as one of the elective subject from a recognized university having 45% marks in aggregate with one additional language or one school subject at degree level. From the marks-sheet of BA Part-II placed on record, it appears that no additional MIL was one of the subject of the applicant at BA level, and in any case, the applicant does not possess

the alternative qualification. She is also admittedly not BA (Honours) in Hindi, and accordingly her candidature has been rejected for the reason mentioned hereinabove. From the advertisement and the marks-sheet produced on record by the applicant, it becomes clear that the applicant did not possess the requisite qualification as per the advertisement when she applied for the post of TGT (Hindi) represented by post code 07/13. Her candidature has been rightly rejected. Neither in the OA nor in the rejoinder the applicant has mentioned her qualifications. However, the documents on record produced by the applicant herself clearly reveal that her qualification was not as per the advertisement notice. Challenge to her non-selection is thus without any merit, rather justification.

9. OA is dismissed.

10. All ancillary applications stand disposed of.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/as/