

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.768/2014

Order Reserved on: 05.05.2017
Order pronounced on 22.05.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P. K. Basu, Member (A)

Chander Prabha
Aged about 49 years
I.D.No.20051178: TGT (Sanskrit)
Sarvodaya Kanya Vidyalaya
Gulabi Bagh, Delhi – 110 007. ... Applicant

(By Advocate: Shri K.D.Saini)

Versus
Director of Education
Govt. of NCT of Delhi
Old Secretariat, Civil Lines
Delhi – 110 054. ... Respondent

(By Advocate: Sh. Vijay Pandita)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, a TGT (Sanskrit) under the respondent-Govt. of NCTD, filed the OA seeking a direction to the respondents to include his name in the tentative eligibility list for promotion to the post of PGT (Economics)[Female].

2. The brief facts of the case, as narrated in the OA, are that the applicant initially joined as an Assistant Teacher on 18.07.1998 and was holding a Post Graduate Degree in Economics and B.Ed. at the time of her joining. She was possessing requisite qualification for departmental promotion for the post of PGT (Social Study), TGT(English) and TGT(Sanskrit). In view of her seniority, she was offered promotion for the post of TGT (Sanskrit) and the applicant accepted the said offer and accordingly joined as TGT (Sanskrit) on 18.08.2005. In view of her Post Graduation Degree in Economics, she is eligible and entitled for promotion to the post of PGT (Economics).

3. The respondents vide Annexure A1 published the tentative eligibility list for promotion to the post of PGT (Economics)[Female] but though the applicant is sufficiently senior they have not included her name in the said list. Her representations in this regard went unanswered. Hence, the OA.

4. Heard Shri K.D.Saini, the learned counsel for the applicant and Shri Vijay Pandita, the learned counsel for the respondents, and perused the pleadings on record.

5. The learned counsel for the applicant submits that that the applicant is working as TGT (Sanskrit) and was possessing the requisite educational qualification, i.e., Post Graduation in Economics, and sufficiently senior and hence, fully qualified and eligible for consideration of her case for promotion to the post of PGT (Economics) [Female].

6. Per contra, the learned counsel for the respondents while not disputing the fact of possession of the Post Graduation Degree in Economics by the applicant, however, submits that the applicant originally an Assistant Teacher in MCD, in view of her B.A. Degree, was promoted to the post of TGT (Sanskrit) and now being a language teacher, i.e., TGT (Sanskrit) is not eligible for promotion to the post of TGT (Economics) as per the Recruitment Rules applicable to the said post.

7. The relevant rule in Annexure R4, i.e., the requisite qualifications as per the Recruitment Rules for the post of Lecturer in Economics [formerly known as PGT (Economics)], reads as under:

"Requisite qualification as per R.R. for the post of Lecturer (Excluding Painting/Music/Home Science/Physical Education).	
	Essential Qualification (As mentioned in Column No.8)
1	Master's Degree (or its equivalent Oriental Degree in the case of P.G.T. Sanskrit/Hindi) in the subject concerned from any recognized University.
2	Degree/Diploma in Training/Education. "Qualification mentioned at S.No.2 above relaxable in the case of candidates:
(i)	Having obtained Ph.D. Degree in the subject concerned from a recognized University/Institution;
(ii)	Having obtained First Division in Higher Secondary, Degree and Post Graduate Examination with the mandatory condition that the candidate will acquire the B.Ed./B.T. qualification within a period not exceeding three years from the date of his joining the service.
	Promotion: (As mentioned in column No.12)
1.	TGT in the scale of Rs.1400-2600/- (Pre-revised) possessing Post Graduate Diploma f 2 years duration in Science from Delhi

	University with 5 years regular service in grade.
OR	
	TGTs/Language Teachers in the scale of Rs.1400-2600/- (Pre-revised) possessing qualification prescribed for direct recruitment and 5 years regular service in the grade.
2.	For the Posts of Lecturer in Hindi, Sanskrit, Punjabi etc. only trained Graduate Teachers/Language Teachers in Sanskrit and in Modern Indian Language concerned will be considered for promotion in their respective subject. For the post of Lecturer in other subjects only Trained Graduate Teachers (Science `A`, Science `B` Commerce, Agriculture and General will be considered."

8. The above referred rule clearly prescribes that for the post of Lecturer in other subjects, i.e., other than in Lecturers in language subjects, only Trained Graduate Teachers Science `A`, Science `B`, Commerce, Agriculture and General will be considered. That means, the TGTs teaching language subjects are not entitled for consideration for promotion to the post of Lecturer in Economics.

9. In **Apinder Kaur v. Delhi Administration and Others**, CWP No.4037/1995, decided on 30.03.2001 – 92 (2001) Delhi Law Times 294, on which the learned counsel for the applicant placed reliance, the petitioner therein, who was originally appointed as Assistant Teacher and later promoted as TGT (Language), and was also teaching Economics to the 11th and 12th Class Students, when she was denied promotion to the post of PGT (Economics), filed the WP (C) and the Hon'ble High Court of Delhi, considering the fact that though the applicant was holding the post of TGT (Language) but was also

teaching Economics to the 11th and 12th Classes, for 15 years, observed that there is no conceivable logic or justification that while a general candidate can be considered to the post of PGT (Economics), a candidate from the language stream possessing requisite qualification and experience cannot be so considered.

10. The said decision cannot be made applicable to the applicant as the same was passed in the facts of the said case. Admittedly, the applicant though possessing the required qualification but not teaching Economics and whereas there are others who have been working in the same stream and hence, the applicant cannot have any preferential right over them. This is more so, when the rules in force does not contemplate promotion from TGT (Languages) to PGT (Economics).

11. In view of the aforesaid discussion, we do not find any merit in the OA and accordingly, the same is dismissed. No costs.

12. Pending MAs, if any, stand disposed of.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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