

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.897/2014

Reserved on 07.04.2016
Pronounced on 19.04.2016

HON'BLE MR V.N. GAUR, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)

Manju
D/o Shri Narender Singh
R/o D-101, Yadav Nagar,
Samay Pur, Delhi -110042.

...Applicant

(By Advocate: Mr. Ravi Dahiya)

VERSUS

1. Delhi Subordinate Services
Selection Board (DSSSB)
through its Secretary,
FC-18, Institutional Area,
Karkardooma, Delhi-110092.
2. Directorate of Education,
Government of NCT of Delhi,
Old Secretariat,
Delhi-110054
through its Director.
3. Central Board of Secondary
Education, Preet Vihar, Delhi.
4. Govt. of NCT of Delhi
through its Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi-110002.

...Respondents

(By Advocate: Mr. Vijay Pandita)

:ORDER:**DR BRAHM AVTAR AGRAWAL, MEMBER (J):**

This OA, earlier dismissed *in limine*, vide this Tribunal's Order dated 18.03.2014, is before us for adjudicating the same on merits on remand by the Hon'ble High Court of Delhi, vide its Order dated 03.09.2015 in the W.P. (C) No.5444/2014.

2. The applicant, having particular educational qualifications and being an aspirant for the post of TGT (Computer Science), vide the DSSSB's Advertisement Number 01/14 dated January, 2014 (Annexure 'A'), finding herself misfit as per the prescribed qualifications for the said post, has, through the instant OA, challenged the validity of the Directorate of Education, Trained Graduate Teachers (Computer Science) Recruitment Rules, 2013 (Annexure 'B').

3. We have heard the arguments advanced by the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

4. The aforesaid RRs prescribe the following qualifications for the post of TGT (Computer Science):

"Essential

1. Bachelors Degree in Computer Application (BCA) from a recognized university
OR

Graduation in Computer science from a recognized university.

(provided that the computer science subject must be studied in all years as main subject)

OR

BE/B.Tech.(Computer

Science/Information

Technology) from a recognized University

OR

Graduation in any subject and 'A' level course from DOEACC, Ministry of Communications & Information Technology, Govt. of India

Note: Qualifications are relaxable at the discretion of the competent authority for reasons to be recorded in writing in the case of candidates otherwise well qualified..”

5. It has been pleaded by the applicant that the RRs for the post of TGT (Computer Science) exclude qualification which equals to the qualification fixed for the said post, that the qualification of Post Graduate Diploma in computers and its higher qualifications like M.Sc. (Computer Science) have not been included in the RRs and that the qualification of Teacher Eligibility Test (TET), prescribed by the National Council for Teacher Education (NCTE) as eligibility for appointment as a teacher for classes I to VIII under the Right of Children to Free and Compulsory Education Act, 2009 (Annexure 'D'), has not been made compulsory for appointment to the post of TGT (Computer Science), depriving the applicant eligibility for making her application pursuant to the aforesaid advertisement.

6. Per contra, it has been pleaded on behalf of the respondents nos.1,2 and 4 that the aforesaid RRs have been framed by the Lt. Governor of the National Capital Territory of Delhi for regulating

the method of recruitment to the post of TGT (Computer Science) for the Directorate of Education, Government of NCT of Delhi in consultation with its Services Department and the UPSC, that for a TGT level post only a graduate level degree is required as essential qualification and not a Master's degree or a Post Graduate Diploma, that B.ED. is not essential qualification for a Drawing Teacher, Music Teacher, Domestic Science Teacher, etc. and so is the case with TGT (Computer Science), that no special teaching skill is required for the said post and that TET is not mandatory for eligibility for the post of TGT (Computer Science) as the NCTE has not laid down any minimum qualification for the said post. It has been further pleaded by the respondents that it is not within the province of a court/tribunal to direct the government to frame statutory rules or amend existing statutory rules made under the proviso to Article 309 of the Constitution in a particular manner.

7. In **V.K. Sood Vs. Secretary, Civil Aviation and Others** [1993 Supp (3) SCC 9], the Hon'ble Supreme Court has held that as regards prescription of qualifications in RRs, Court cannot undertake the responsibility; it is for the expert body; moreover, it is for the rule-making authority/legislature to regulate the method of recruitment, prescribe qualifications, etc. The Court observed as under:-

"This is not the province of this Court to trench into and prescribe qualifications in particular when the matters are of a technical nature."

8. The aforesaid RRs for the post of TGT (Computer Science) prescribe the age-limit for direct recruits as "not exceeding 30 years". The applicant has pleaded in this regard that the same should have been prescribed as 42 years. The plea is not legally sustainable, as prescribing of age-limit for a given post is a matter of policy and it is open to the government while framing rules under the proviso to Article 309 to prescribe such age-limits as it may deem necessary [vide **Sachin Gupta & Others Vs. Delhi Subordinate Services Selection Board (DSSSB) through its Chairman & Others**, 152 (2008) DLT 378 (DB)].

9. In the light of the above, we are of the view that the instant OA is devoid of merits. The same is, therefore, dismissed. No order as to costs.

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

(V.N. Gaur)
Member (A)

/jk/

