

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1069 OF 2015

New Delhi, this the 4th day of February, 2016

CORAM:

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

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Bhawani Shankar Jangid
(aged about 32 years),
s/o Sh.Sitaram Jangid,
R/o Village Ratanpura,
Post-Gothwari,
Tehsil-Jamwarangarh,
District Jaipur,
Rajasthan 303120

..... Applicant

(By Advocate: Shri S.N.Sharma)

Vs.

1. GNCT of Delhi, through Secretary/Chief Secretary,
Old Secretariat, New Delhi
2. Director of Education,
Delhi Secretariat,
I.P. Estate,
GNCTD, New Delhi
3. The Deputy Director,
Distt. North West-A,
Delhi.
4. The Principal,
Govt. Boys Sr.Sec.School,
D-Block, Jahangirpuri,
Delhi

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Respondents

(By Advocate: Shri K.M.Singh)

ORDER**RAJ VIR SHARMA, MEMBER(J):**

The applicant has filed the present O.A. seeking the following reliefs:

- “(a) quash and set aside the impugned order dated 25.9.2014.
- (b) direct the respondent to reinstate the applicant from the date of his removal i.e. 22.9.2014 with all consequential benefits.
- (c) pass any other order or orders as deemed fit and proper in the facts and circumstances of the case may also be passed in favour of the applicant.”

2. The respondents have filed a counter reply opposing the claim of the applicant. The applicant has also filed a rejoinder reply thereto.

3. We have perused the O.A. and Rejoinder Reply filed by the applicant, and the Counter Reply filed on behalf of the respondents, and have heard Shri S.N.Sharma, the learned counsel appearing for the applicant, and Shri K.M.Singh, the learned counsel appearing for the respondents.

4. In brief, the undisputed facts of the case are that the applicant is a permanent resident of the State of Rajasthan. He belongs to OBC. He applied, as an OBC candidate, for selection and engagement as Guest Teacher (TGT-Sanskrit) under the Directorate of Education, Government of NCT of Delhi, for the academic year 2014-15.

On the basis of the details furnished by the applicant in his online application, the respondents considered him as an OBC candidate. As per the result of selection of candidates for engagement as Guest Teachers (TGT-Sanskrit) (Category-OBC) in District-North West-A (Annexure A/4), the applicant (vide sl.no.15 in the list of selected candidates) was declared to have been selected as an OBC candidate, and was shown to have been awarded 24.389 points. Accordingly, he was engaged as Guest Teacher (TGT-Sanskrit) in Government Boys' Senior Secondary School, Block-D, Jahangirpuri, Delhi, with effect from 26.8.2014, and a letter dated 5.9.2014 (Annexure A/2) to that effect was issued by the Head of School to him. All of a sudden, the Head of School, Government Boys' Senior Secondary School, Block-D, Jahangirpuri, Delhi, vide his letter dated 22.9.2014 (Annexure A/6), called upon the applicant to produce the OBC certificate issued by the competent authority of the Government of NCT of Delhi on or before 23.9.2014. Thereafter, letter dated 25.9.2014 (Annexure A/1) was issued by the Head of School, Government Boys' Senior Secondary School, Block-D, Jahangirpuri, Delhi, relieving the applicant of his duties as Guest Teacher (TGT-Sanskrit) in the school with effect from 22.9.2014.

5. It is contended by the applicant that the impugned letter dated 25.9.2014 (Annexure A/1) is violative of the principles of natural justice. When it was found by the respondents that the OBC certificate was not issued by the competent authority of the Government of NCT of Delhi in his favour, the respondents, instead of disengaging him from service with effect from 22.9.2014, ought to have treated him as a General category candidate and allowed him to continue as Guest Teacher (TGT-Sanskrit) since he was awarded 24.389 points, and, as per the result of General category candidates selected for engagement as Guest Teacher (TGT-Sanskrit) (Category- Others) for District-North West A (Annexure A/5), the last selected General category candidate (Shri Mukesh Kumar Sharma, Sl.No.22), who was awarded 24.242 points, was appointed and allowed to continue in service. Thus, it is submitted by the applicant that the respondents have acted illegally and arbitrarily in disengaging him from service as Guest Teacher (TGT-Sanskrit) with effect from 22.9.2014.

6. *Per contra*, it is contended by the respondents that as per paragraph 3 of the notice dated 28.7.2014 issued by the Joint Director (Planning), Directorate of Education, Government of NCT of Delhi, for engagement of Guest Teachers during the academic year 2014-15, the candidates

applying for selection as OBC candidates should have been issued OBC certificates by the competent authority of the Government of NCT of Delhi. Even though the applicant was not issued OBC certificate by the competent authority of the Government of NCT of Delhi, he applied for selection, as an OBC candidate. He was issued OBC certificate by the competent authority of the Rajasthan State Government. As he was not selected as a General category candidate, and his name did not appear in the list of selected candidates belonging to General category, the applicant has no right to claim selection and engagement as a General category candidate on the ground that the last selected General category candidate was awarded less points than him. The applicant having been granted opportunity to produce the appropriate OBC certificate, and having failed to produce the same on or before 23.9.2014, the letter dated 25.9.2014 (Annexure A/1) issued by the Head of School, Government Boys' Senior Secondary School, D-Block, Jahangirpuri, Delhi, cannot be termed to be bad and illegal, as being violative of the principles of natural justice.

7. After having given our anxious consideration to the facts and circumstances of the case, and the rival contentions,

we have found no substance in the contentions of the applicant.

8. The notice issued by the Directorate of Education inviting applications from eligible persons for selection and engagement as Guest Teachers for the academic year 2014-15 has not been produced before this Tribunal either by the applicant or by the respondents. It is, however, the admitted position between the parties that as per the terms and conditions of the notice for engagement of Guest Teachers for the academic year 2014-15, the candidates, applying as OBC candidates, should have been issued OBC certificates by the competent authority of the Government of NCT of Delhi. Admittedly, the applicant possessed the OBC certificate issued by the competent authority of the State Government of Rajasthan. Therefore, as per the terms and conditions of the recruitment notice, the applicant could not have applied for selection, as an OBC candidate. But the applicant made the application as an OBC candidate, his candidature was considered, and he was selected and engaged as Guest Teacher (TGT-Sanskrit) as an OBC candidate. It is not the case of the applicant that the recruitment notice stipulated that in the event of a candidate selected as an OBC candidate failing to possess and produce the OBC certificate issued by

the competent authority of Government of NCT of Delhi, he/she would be treated as a General category candidate and would be considered/selected for engagement on the basis of points awarded to him/her with reference to the points scored by the General category candidates or the last selected General category candidate. In the absence of any such provision in the recruitment notice, and the terms and conditions of the recruitment notice being sacrosanct and binding on the applicant as well as on the respondents, the applicant cannot be allowed to claim his selection and engagement, on the basis of his having been awarded more points than the last selected General category candidate, against unreserved vacancy. This apart, the non-possession and/or non-production of the prescribed OBC certificate by the applicant rendered his candidature as well as his selection as an OBC candidate invalid. Therefore, the applicant cannot be said to have a right to continue as Guest Teacher (TGT-Sanskrit).

9. The other aspect of the matter is that as per the scheme framed by the respondents, Guest Teachers are engaged against the vacancies in the regular posts of TGTs for a particular academic year or till the vacancies are filled on regular basis, whichever is earlier. As per the terms and

conditions of the offer of engagement, they are disengaged at the end of the particular academic year. The selection process in which the applicant was selected and engaged as Guest Teacher (TGT-Sanskrit), as an OBC candidate, and he was disengaged with effect from 22.9.2014, was for the academic year 2014-15. The academic year 2014-15 was over in May 2015.

10. In the light of our above discussions, we do not find any scope for interference in the matter. The O.A. is dismissed as being devoid of merit. No costs.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

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