

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.100/2028/2012

Thursday, this the 8th day of September 2016

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

Mrs. Sunita Devi
w/o Mr. Brahm Pal Singh
r/o RZ-12A, Todar Mal Colony Extension
Raghubir Block, Najafgarh
New Delhi – 110 043

..Applicant

(Mr. Satpal Singh, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
IP Estate, New Delhi – 2
2. Delhi Subordinate Service Selection Board (DSSSB)
Through its Secretary
FC-18, Institutional Area
Karkardooma, Delhi-92
3. Municipal Corporation of Delhi
Through its Commissioner
Dr. S P Mukherjee Civic Centre
J L Nehru Marg, New Delhi -2
4. Director of Education
Govt. of NCT of Delhi
Old Secretariat, Civil Lines
Delhi – 54
5. Indira Gandhi National Open University
Through its Director (SOE)/ Registrar
Maidan Garhi, New Delhi

..Respondents

(Mr. Amit Anand, Advocate)

O R D E R (ORAL)

Mr. P.K. Basu:

The applicant in the present O.A. had appeared for appointment for the post of Assistant Teacher / Teacher (Primary) in the Directorate of Education and Municipal Corporation of Delhi (MCD) with reference to Advertisement Nos. 07/07 and 08/07 under Post Code Nos.164/07 and 165/07 published by Delhi Subordinate Services Selection Board (DSSSB). Her candidature was rejected on the ground that the Diploma in Primary Education (DPE) obtained by the applicant is not a valid educational qualification for appointment as Assistant Teacher/ Teacher (Primary). The applicant had approached this Tribunal by way of O.A. No.1347/2010, which was disposed of vide Order dated 22.11.2010 with the following directions:-

“6. Insofar as the validity of diploma is concerned, as in judicial review, we cannot assume the role of expert bodies in case of any doubt by the respondents as to validity of the DPE issued to the applicant by the IGNOU, the same may be clarified from the IGNOU by the official respondents and if as per the IGNOU communication, the diploma holds good for vis-a-vis applicant, then she should be offered appointment. The clarification may be sought within one month and thereafter two months for offer of appointment to the applicant. We are also not oblivious of the fact that the applicant admitted stand is that before she was enrolled with IGNOU, she was not serving as un-trained teacher in primary school. Accordingly, the OA stands disposed of. No costs.”

2. The respondents thereafter issued detailed order dated 22.07.2011 (Annexure A-1) holding that the applicant does not fulfill the eligibility criteria for the post as prescribed by the statutory Recruitment Rules, which, *inter alia*, stipulate two years' diploma certificate courses in ETE/JBT or B.El.ED or equivalent from recognized University. The ground

for rejection, as argued by learned counsel for respondents, is that the DPE certificate was two years programme, which was recognized by the National Council for Teacher Education (NCTE) for the academic session 1999-2000 but that was only for North Eastern States, including Sikkim. According to learned counsel for respondents, this meant that the DPE certificate course was being run only in the North Eastern States and the certificate was valid only for appointment for posts in the North Eastern States alone. However, the programme nomenclature was changed by the IGNOU as Diploma in Elementary Education (DEE) and after the changed nomenclature, a scheme has been launched at the All India Level with effect from July 2011 academic session. It is argued that since the applicant has obtained this diploma in the year 2006, i.e., before July 2011, this certificate was not valid as an essential educational qualification at the time of recruitment, as it was not recognized for jobs other than in North Eastern States and Sikkim. In this regard, learned counsel for respondents drew our attention to reply under Right to Information Act dated 29.06.2009, the relevant portion of which reads thus:-

- “1. The Diploma in Primary Education Programme is recognized for North East States and Sikkim only.
2. The point seeking information is not clear.
3. The date mentioned as 22.08.2007 on the grade card is date of printing of grade card. You have completed DPE Programme in December-2005 term end examination and result was declared on 01.05.2006, which is the date of completion of DPE Programme.
4. The date of completion of DPE Programme is 01.05.2006.
5. The information has already been provide in point 4 above.”

He also drew our attention to letter dated 02.07.2011 written by the IGNOU to Govt. of NCT of Delhi regarding 'clarification about validity of DPE qualification of IGNOU for the post of Teacher (Primary) in MCD'.

3. Learned counsel for applicant has filed, vide affidavit dated 04.12.2014, *inter alia*, following documents, which are relevant to this case.

- (i) Letter dated 24.09.2014 addressed by the IGNOU to the applicant wherein it has been clarified that her diploma is valid qualification for the post of Teacher (Primary) in MCD since 21.08.2000 and not for North Eastern States and Sikkim only.
- (ii) Letters dated February 1992 and 05.05.2004 of University Grants Commission (UGC) addressed to the Vice Chancellor/Directors of all the Indian Universities/Deemed Universities/ Institutions of National Importance wherein it has been clarified that the certificates, diplomas and degrees awarded by IGNOU are to be treated equivalent to the corresponding awards of the Universities in the country.
- (iii) Letter dated 14.01.1994 of Association of Indian Universities, New Delhi, in which following clarifications have been given:

“The Standing Committee at its 237th meeting held at Utkal University and the 68th Annual Session of the AIU and in December, 1993 at the University of Delhi have decided to in principle that the Degrees of the Open Universities be recognised in terms of the following resolutions:

“Resolved that the examinations of one University should be recognised by another on a reciprocal basis, provided that the entrance qualification, duration of course and the general standard of attainment are similar to those prescribed by the recognised university.”

“Further resolved that in case of Degrees awarded by Open Universities, the conditions regarding entrance qualifications and duration of the course be relaxed provided that the general standard of attainment are similar to those prescribed by the recognised university.”

From the above letters, it becomes clear that the DPE is valid diploma for consideration for the post of Assistant Teacher / Teacher (Primary) in Govt. of NCT of Delhi and MCD.

4. We have heard learned counsel for the parties and perused the material placed on record. It would appear that the only objection raised by the respondents has been that the DPE course was run primarily only in the North Eastern States. This diploma was recognized for North Eastern States and Sikkim only.

5. We have also gone through the documents carefully and find that the reply dated 02.07.2011 of IGNOU, cited by respondents’ learned counsel, does not make a specific statement that this diploma is not valid, though reply dated 29.06.2009 does make a specific statement by the IGNOU that DPE is recognized for North Eastern States and Sikkim only. This is contradicted, however, by the letters cited above and relied upon by the applicant.

6. From the facts of the case, in our opinion, the DPE programme seems to have been introduced in North Eastern Institutes only as a pilot programme. This was thereafter expanded to the whole country in July 2011. Therefore, it is true that this certificate / diploma was being issued only by the Institutes in the North Eastern States initially and thereafter since July 2011 by the Institutes all over the country. However, from the

various letters of IGNOU and UGC, it would become clear that while it was introduced as a pilot scheme to be taught in the North Eastern States, it was not supposed to mean that the diploma / certificate is valid only for North Eastern states. This is amply clear from the letters cited by the applicant and also from the letter dated 02.07.2011. The only jarring note is the reply under Right to Information Act dated 29.06.2009. However, the later correspondence from IGNOU from 2014, etc. have clarified that this is valid for all over India. That appeals to commonsense as well.

7. We, therefore, hold that the DPE certificate obtained by the applicant is valid educational qualification for the purpose of appointment for the post of Assistant Teacher / Teacher (Primary) in the Directorate of Education and MCD.

8. Accordingly, the O.A. is allowed and the order dated 22.07.2011 is quashed. Respondents are directed to appoint the applicant on the post of Assistant Teacher / Teacher (Primary) in the Directorate of Education and MCD on the basis of her selection. The DSSSB/NCET shall send the dossiers of the applicant to MCD for her appointment. The pay and allowances would be fixed notionally from the date her immediate junior was appointed against the same Advertisement but without payment of any arrear. This shall be done within a period of ninety days from the date of receipt of a copy of this Order. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

September 8, 2016
/sunil/