

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2949/2016

New Delhi this the 27th day of July, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)

Priyanka Rawat,
D/o Shri Belam Singh,
R/o F-125, Swami Dayanand Colony,
Kishan Ganj, Delhi-110007.

(Aged about 29 years)

(Candidate to the post of TGT (Hindi) Female,
Directorate of Education, GNCT of Delhi.

.. Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi,
Through Chief Secretary,
5th Floor, Delhi Sachivalaya,
New Delhi.

2. Delhi Subordinate Services Selection Board,
Through its Chairman,
Government of NCT of Delhi,
FC-18, Institutional Area, Karkardooma,
Delhi-110092.

3. Directorate of Education,
Through its Director,
(GNCT of Delhi),
Old Secretariat,
Delhi-54.

.. Respondents

(By Advocate : Shri B.N.P. Pathak)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard both the sides.

2. The candidature of the applicant for the post of TGT (Hindi) Female, Post Code No.109/12, was rejected by the respondents vide Annexure A-1 dated 19.08.2016 stating that the applicant has not studied Hindi in all the three years of Graduation. Questioning the said action of the rejection of her candidature, the applicant filed the instant O.A.

3. Shri Ajesh Luthra appearing for the applicant submits that the applicant studied Hindi in two years for 200 marks out of the three years course of the B.A. Programme conducted by the Delhi University and that the applicant also possessing the M.A. (Hindi) qualification. Hence, she is fully qualified and eligible for consideration of her candidature.

4. Learned counsel also placed reliance on the decisions of the Hon'ble High Court in WPC No.1520/2012 and batch, more particularly on WPC No.4483/2012 - **GNCT of Delhi and Ors. vs. Vikram Singh** dated 07.08.2013 and in LPA No.485 of 1999 dated

11.09.2001 in **Mrs. Manju Pal vs. Govt. of National Capital Territory of Delhi and Anr.**, 2001 STPL (DJ) 938 Delhi, and also on the Corrigendum dated 05.07.2017 issued by the Govt. of NCT of Delhi (Annexure A/1) to the rejoinder.

5. On the other hand, Shri B.N.P. Pathak, learned counsel appearing for the respondents in respect of the applicant's submission with regard to **Vikram Singh's** case contends that the facts in **Vikram Singh's** case have no application to the applicant's case as in **Vikram Singh**, the said person studied for 300 marks for three papers may be for two years out of the three years, but the applicant in the instant O.A. studied Hindi only for 200 marks in two years out of the three years of the B.A. Course conducted by the same Delhi University. However, the respondents vide their counter, which is reiterated by the learned counsel, agreed that the case of the applicant is covered by a decision in the matter of **Directorate of Education vs. Neelam Rana** (WPC No. 575/2013) for having higher qualification, i.e. M.A. (Hindi), as on the relevant date.

6. The learned counsel further submits that the Corrigendum dated 05.07.2017 has no application to the applicant's case as the same was issued in July, 2017.

7. The other submission of the respondents' counsel that they have filled up all the vacancies of the post of TGT (Hindi) Female under Post Code No.109/12, is unacceptable as this Tribunal on 30.08.2016 itself, i.e. even before the respondents filled up the vacancies, directed them to keep one post of TGT (Hindi) Female unfilled for two weeks and the same order has been extended from time to time and subsisting as on today.

8. Since it is not disputed by the respondents that the applicant is entitled for consideration of her candidature in view of the judgment in **Directorate of Education and Anr. vs. Neelam Rana**, which is also on the same lines of the judgment in **Mrs. Manju Pal's** case, as it also enunciated the same principle decided in **Mrs. Manju Pal's** case, it is unnecessary to examine the other objections raised by the respondents.

9. In the circumstances and in the facts and submissions made by both the counsel, the O.A. is allowed and the respondents are directed to process the candidature of the applicant for selection to the post of TGT (Hindi) Female, Post Code No.109/12, if she is otherwise eligible, as per her merit under the category to which she belongs to, in accordance with rules. This exercise shall be completed within two months from the date of receipt of a copy of

this order. In case, the respondents consider the candidature of the applicant and that they appoint her in the post, they shall grant all the consequential benefits, however notionally and without any back wages. No order as to costs.

(SHEKHAR AGARWAL)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti/