

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 4650/2014

This the 12th day of September, 2016

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

Praveen Sharma,
Aged around 36 years
S/o Shri C.B. Sharma
R/o E412, Street No. 8, Hardev Puri,
Shahdara, Delhi-110093 Applicant

(By Advocate: Mr. M.K. Bhardwaj)

VERSUS

Govt. of NCT of Delhi through

1. The Chief Secretary
Govt. of NCT of Delhi
New Secretariat,
I.P. Estate, New Delhi
2. The Secretary
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area,
Karkardooma Complex,
Delhi
3. The Commissioner
North Delhi Municipal Corporation
Civil Center, SPM Marg, New Delhi
4. The Commissioner
South Delhi Municipal Corporation
Civil Center, SPM Marg, New Delhi
5. The Commissioner
East Delhi Municipal Corporation
Udyog Sadan, Patparganj,
Industrial Area, Delhi Respondents.

(By advocate: Mr. Vijay Kumar Pandita)

ORDER (ORAL)

Heard learned counsel for the applicant as well as learned counsel for the respondents. The applicant had applied for the post of Teacher Primary advertised by Delhi Subordinate Services Selection Board under post code 70/09 and 71/09. One of the essential qualifications was that the candidate must pass Hindi as a subject at Secondary Level. The applicant's candidature was rejected because the applicant studied Sanskrit but not Hindi at Secondary Level.

2. The applicant had obtained 72% marks in Sanskrit at secondary level, thereafter he passed his B-Com from University of Delhi through School of Correspondence Course in which paper-IV of part-I and paper-XII of part-II were Hindi papers. The applicant thereafter passed the BTC two year course from Allahabad which shows that one of the subjects was Hindi, in which applicant obtained 77% marks. The applicant had also passed B-Ed from Indira Gandhi National Open University. He later obtained MA final degree in History from Chaudhary Charan Singh University, Meerut which course was in Hindi medium. Learned counsel relied upon judgment dated 07.09.2013 of Hon'ble High Court in the case of GNCTD Vs. Sachin Gupta WP(C) 1520/2012 wherein ratio that has been laid down is that in case the applicant has studied the subject for higher degree then he should be considered that he possess the basic qualification.

3. Learned counsel for the respondents have vehemently denied the contention of the applicant's counsel and stated that it is clear from the advertisement itself that the requirement was that the candidate should have passed Hindi at the secondary level whereas the applicant studied Sanskrit not Hindi at secondary level.

4. We have heard learned counsel for the parties and perused the judgments and records. Firstly, we are of the opinion that judgment of Hon'ble High Court in Sachin Gupta (Supra) will be applicable in this case. Moreover, nobody can deny that having studied Sanskrit at the secondary level, the applicant will have a better grasp on Hindi, Sanskrit being the mother language. Further, the applicant has attained higher qualifications through Hindi medium.

5. In view of the facts noted above and judgments of Hon'ble High Court, we allow this OA and direct the respondents to appoint the applicant as Teacher Primary if he is otherwise eligible, from the date his junior was appointed and grant him notional benefit of seniority and pay fixation from that date. However, it is made clear that salary etc. will be payable from the date he joins. There shall be no order as to costs.

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

(P.K. Basu)
Member (A)

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