

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 3501/2016

Reserved on 29.10.2018
Pronounced on 01.11.2018

Hon'ble Mr. K.N.Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Alpana (40 years),
D/o Shri Mahavir Singh
R/o-1857, L Block,
Shastri Nagar, Meerut,
U.P. 250004.

... Applicant

(By Advocate: Mr. Krishna Kumar)

VERSUS

1. Govt. of NCT of Delhi
Through the Secretary,
Ministry of Education, New Delhi.
2. The Director,
Directorate of Education,
Govt. of NCT, Khyber Pass, Civil Lines
New Delhi-54.
3. The Chairman DSSSB,
FC-18, Institutional Area,
Karkardooma, Delhi-92.

... Respondents

(By Advocate: Mrs. Alka Sharma)

ORDER

Mr.S.N.Terdal, Member (J):

Heard Mr. Krishan Kumar, counsel for applicant and Mrs. Alka Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In OA, the applicant has prayed for the following reliefs:

"A. Direct the respondents to select the applicant immediately to the post of TGT Sanskrit Female with retrospective effect.

B. Any other order as deemed fit by this Hon'ble Tribunal keeping in view the above cited facts and circumstances."

3. The relevant facts of the case are that the applicant participated in the selection process as a general candidate for the post of TGT Sanskrit Female (Post Code 117/12) vide advertisement No. 02/2012 dated 15.05.2012. In the said selection process she secured 68.5 marks, whereas the cut off marks for the general candidate was fixed as 79.25 marks, that is, 40% of the total marks of 198.

4. The contention of the applicant is that though she has secured less number of marks then the cut off marks yet as the large number of vacancies are not filled namely out of 315 candidates under UR category only 170 candidates were found eligible and the remaining vacancies are unfilled and in view of the Annexure A-5 Notice of the respondents-DSSSB dated 09.04.2013 in case if the number of eligible candidates is not more than 500 the Board has a discretion to select the candidates on the basis of screening test and interview and also in view of Annexure A-8 Result Notice 184 in the case of TGT (Sanskrit) Male (Post code 116/12) dated 13.09.2017, the respondent-DSSSB have reduced the cut off percentage to a lower level, whereas the same is not applied to the post of TGT (Sanskrit) Female (Post code No. 117/12). On the basis of the above notices of the respondents, the counsel for the applicant submitted that there is discrimination. In support of his claim, the counsel for the applicant relied upon the following judgments of Hon'ble Supreme Court.

- (1) **Bhupendra Nath Hazarika and Another Vs. State of Assam and Others.** (Civil Appeal Nos.8514-8515 of 2012)

(2) **Munja Praveen & Ors. Vs. State of Telangana & Ors**
(AISLJ 2017(3) 18 SC

5. In view of the above facts and particularly in view of the claim of the applicant that the respondent-DSSSB had reduced the cut off percentage in similarly situated cases in the case of TGT (Sanskrit) Male (Post code 116/12) to a lower cut off than the one initially fixed, we pass the following orders:

- (1) The applicant may make a comprehensive representation to the respondents within 15 days of the receipt of this order.
- (2) We direct the respondents to consider the representation of the applicant in the light of the Annexure A-8 Government of NCT of Delhi Subordinate Services Selection Board Result Notice No. 184 TGT (Sanskrit) Male Post Code 116/12 in Directorate of Education dated 13.09.2017 and in the light of Notice No. F.4(100)/2012/P&P/NES/DSSSB/135- dated 09.04.2013 and Notice No. F.4 (130)/P&P/13/DSSSB/28-33 dated 26.04.2013 and pass a reasoned and speaking order within a period of two months after filing of the representation.

6. The OA is disposed of accordingly. No order as to costs.

(S.N.Terdal)
Member (J)

(K.N.Shrivastava)
Member (A)

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