

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No.3869/2018 with
M.A. No. 4317/2018**

Reserved On:12.10.2018

Pronounced on:14.10.2018

Hon'ble Mr. V. Ajay Kumar, Member (J)

Hon'ble Mr. A.K. Bishnoi, Member (A)

Aditi Kumar Age 36 years

Post Code 138/17, Post:TGT Social Science

D/o Shri Shishir Kumar Choudhary

R/o SRA-11C, 2nd Floor,

Shipra Riviera, Gyan Khand 3,

Indirapuram, Ghaziabad, UP.

... Applicant

(By Advocates: Shri Tarun Kumar with Shri Shanumga Patro and
Shri Nikhil Pathak)

Versus

1. The Chairman,
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area, Karkardooma,
Delhi-110092.

2. Government of NCT of Delhi,
Through its Chief Secretary,
New Secretariat Building, I.P. Estate,
New Delhi.

3. Directorate of Education, GNCTD,
Through its Director (Education),
Old Secretariat, Delhi-110054.

... Respondents

(By Advocate: Shri Anuj Kumar Sharma)

ORDER

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

Heard Shri Tarun Kumar with Shri Shanumga Patro and
Shri Nikhil Pathak, learned counsel for the applicant and Shri Anuj

Kumar Sharma, learned counsel for the respondents and perused the pleadings.

2. The applicant, a female candidate, pursuant to the Advertisement No.04/2017 of Delhi Subordinate Services Selection Board (in short DSSSB), applied for the post of TGT (Social Science) (Female) Post Code 138/17. The DSSSB decided to conduct the written examination for the post of TGT (Social Science) (Male) Post Code 137/17, which was also notified, vide the same Advertisement No.04/2017 for which only Male candidates are eligible, by offline mode, but for the Female candidates, like the applicant, for the post of TGT (Social Science) (Female) intending to conduct the written examination, by online mode.

3. The applicant filed the OA challenging the said action of the respondents, i.e., conducting the written examination for TGT (Social Science) (Male) Post Code 137/17 by offline mode and for the post of TGT (Social Science) (Female) Post Code 138/17 by online mode, as discriminatory.

4. Shri Shanumga Patro, the learned counsel appearing for the applicant submits that compared to the offline mode, the online mode is difficult and thereby affect the chances of selection of the applicant, who is a Female candidate, and who is required to write the exam by online mode.

5. Shri Anuj Kumar Sharma, learned counsel appearing for the respondents submits that there is no discrimination or difference in

the way of conducting of the examination for all the candidates in respect of the TGT (Social Science) (Female), i.e. Post Code 138/17, for which the applicant is a candidate and hence there is no illegality in their action.

6. It is not in dispute that all the applicants for TGT (Social Science) (Female) Post Code 138/17 are Females only. Likewise, all the applicants for TGT (Social Science) (Male) Post Code 137/17 are only Males. The applicant shall compete only with the Female candidates who are the applicants for Post Code 138/17 and once there is no discrimination of any sort among the candidates for the post to which the applicant is competing, the submission of the applicant, comparing with the candidates of another post for which she is not a candidate at all, is unsustainable and unacceptable. As long as all the candidates for a particular post are treated equally, no objection can be raised with the way of conducting the exams by the respondents, in respect of another post, for which the applicant was not even eligible to apply.

7. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly the same is dismissed. No costs.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS