

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

OA No. 1927/2018
MA No. 2177/2018

This the 9th day of October, 2018

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

1. Pooja Akshay
D/o Sh. Krishan Mohan Gupta
R/o K-82, Lane 26, Bhajanpura, Delhi – 110053

Aged about 31 years

2. Shefali
W/o Sh. Piyush
R/o S.E – 365D, Shastri Nagar, Ghaziabad, UP

Aged about 33 years

3. Kanika
D/o Sh. Krishna Murari Agarwal
R/o B-2, Sagar Sadan, P.No. 113,
Patparganj, I.P. Extn., Delhi – 110092.

Aged about 30 years

4. Pooja
D/o Sh. Doul Singh
R/o H.No. S-4, Block No. 5, Type – II,
Kalyanwas, Delhi – 110091

Aged about 29 years

5. Anjali Singh
D/o Sh. Laxman Singh
R/o 1/4391, Ram Nagar Extn.,
Mandoli Road, Shahdara, Delhi
Also at : R/o B-2/8, Kodli (Old)
Near Sankhwar Hospital, Delhi – 110096

Aged about 31 years

6. Jyoti
D/o Sh. NathuRam
R/o H.No. 440, Block – 36,

Trilok Puri, East Delhi,
Delhi – 110091

7. Shikha Chaudhary
D/o Sh. Mahabir Singh
R/o H.No. 32-B, Pocket-B, Mayur Vihar,
Phase-2, East Delhi – 110091
Also at : R/o H.No. 752, Pocket – GH -2
Baghban Apartments, Sector – 28
Rohini, Delhi – 110042
8. Charull Mishra
D/o Sh. Lokesh Mishra
R/o D-404, Lane No. 9, Govindpuram,
Ghaziabad, UP – 201013

Aged about 31 years

9. Jyoti
D/o Sh. Krishan Kumar
R/o 102, DDA SFS Flats, Pkt. – 10
Sector – I I, Rohini, Delhi
Also at : R/o H.No. 48, First Floor, Jindal Colony,
Near Kapashera Thana, Delhi – 110097.

Aged Kapashera Thana, Delhi – 110097

(Group ‘B’)

(Candidates for the post of PGT
(Home Science)

... Applicants

(By Advocate : Mr. Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi.
2. Delhi Subordinate Services Selection Board (DSSSB)
Through its Secretary,
FC-18, Karkardooma Institutional Area,
Delhi – 92.
3. Directorate of Education,
Through its Director,

GNCT of Delhi,
Old Secretariat, Delhi.

...Respondents

(By Advocate : Mr. Rajnesh Sharma)

ORDER (ORAL)

Mr. K.N. Shrivastava :

M.A. No.2177/2018

M.A. seeking joining together in a single petition is allowed.

O.A. No.1927/2018

Pursuant to Delhi Subordinate Services Selection Board (DSSSB)

Advertisement Nos. 02/12 & 01/14, these applicants applied for the post of PGT (Home Science) (Post Code 140/12 & 188/14. They participated in the written examination and have been declared successful. They have furnished all the necessary documents in support of their educational qualifications; the gist of which is at Annexure A-11 (pp. 195-197). As per the aforementioned Advertisements, candidates applying for the post of PGT (Home Science) were required to possess Master Degree in the subject. Since the DSSSB had some confusion with regard to the subjects mentioned in the respective degrees of the applicants vide its letter dated 21.05.2018, it sought certain clarifications from the indenting Department, i.e., Directorate of Education, GNCTD. The DSSSB is still awaiting reply to the said letter from Directorate of Education.

2. Mr. Ajesh Luthra, learned counsel for the applicants drew our attention to the Minutes of the meeting held on 09.07.2013 in the Directorate of Education, Minutes of which were issued on 12.07.2013, wherein it is noted as under:-

"The agenda of the meeting was discussed in details and the committee decided unanimously the following:

1. That a candidate possessing a degree in B.Sc. (Home)/BH.Sc. (Bachelor in Home Sc.) with the following five subjects i.e.,
 - a) Food & Nutrition/Applied Nutrition.
 - b) Human Development/Child Development/Child with Special Needs.
 - c) Fabric Apparel Sc./Textiles and Clothing.
 - d) Resource Management/interior Design.
 - e) Communication & Extension/Rural Youth Program/Progress Planning & Statistics.
2. Candidate must possess degree in M.Sc. in any one of the above subject is eligible for the post of PGT (Home Sc.) in this Directorate.
3. The Committee has decided that candidate with qualification as B.Sc (Home Sc.) B.Ed. with Post Graduate Diploma in (Dietetics & Public Health Nutrition) through one year Evening/Regular course is also eligible for the post of PGT (Home Sc.)
4. The Committee observed that a candidate having B.Sc. (Home Sc.) B.Ed. and a Post Graduation Diploma in Dietetics & Therapeutics) through Open University is not eligible for the post of PGT (Home Sc.).
5. Candidates who have done M.Sc. in any of the five specializations of Home Science (as mentioned at point No. 1) by correspondence from IGNOU or any equivalent recognized University should be considered to be eligible.
6. It was decided that the candidates with above qualifications are competent to teach the basic foundation courses to the students of class XI and XII of the Directorate of Education, Govt. of NCT of Delhi.

The Committee was also of the view that the candidate should possess the Degree of M.Sc./MH.Sc. from Recognized University, who have been authorized to teach the particular course."

3. Mr. Luthra has also drawn our attention to Annexure A-18 letter of Directorate of Education dated 13.01.2014, which is the reply to the letter dated 01.01.2014 of DSSSB, seeking clarification regarding details of eligibility for the post of PGT (Home Science) (Female). The contents of this letter are reproduced below :-

"With reference to your letter no.F.1(208)/CC-II/DSSSB/2012/16 dated 01/01/14 on the subject cited above it is informed that as per Recruitment Rules (Copy enclosed) the essential qualifications for the post of PGT (Home Science) is

1. M.Sc (Home Science) from a recognized university

OR

2. B.Sc. (Home Science) B.Ed from recognized university provided the teachers has satisfactorily pursued a condensed course in Home Science through three consecutive summer institutes or through one year evening course.

It is further informed that a committee consisting of members from Delhi University, SCERT and from this Directorate having expertise in the field of Home Science was constituted vide order dated 08/05/2013 to look into the matter whether the candidates having educational qualifications in Masters Degree in Home Science (Food Science & Nutrition) and other specialization mentioned against each candidates extension are eligible for the appointment of PGT (Home Science)." The copy of the minutes of the expert committee is enclosed for your kind information."

He, thus, contended that in view of the Directorate of Education letter dated 13.01.2014, the DSSSB should recommend the names of these applicants for appointment to the post of PGT (Home Science) (Female).

4. Sh. Luthra further drawing our attention to the averments made in paragraphs 4.18 & 4.19, submitted that several candidates have been recommended for appointment to the post of PGT (Home Science) (Female) by DSSSB on the basis of clarification of Directorate of Education vide Annexure A-18 letter dated 13.01.2014 and they have already joined.

5. *Per contra*, Mr. Rajnish Sharma, learned counsel for respondents submitted that DSSSB has written Annexure R-4 letter 13.06.2017 to the Director of Education, GNCTD seeking clarification regarding M.Sc (Home Science) degree. Since no reply has been received, DSSSB is unable to recommend the cases of the applicants for appointment.

6. We have considered the arguments of learned counsel for parties and have also perused the records.

7. It is not in dispute that these applicants have qualified the written test conducted by DSSSB for the post of PGT (Home Science) – Female (Post Codes – 140/12 & 188/14) and, thus, have become eligible for being recommended by DSSSB for appointment to the Directorate of Education.

8. It is also not in dispute that educational qualification required for the post is M.Sc. in the subject of Home Science. The Directorate of Education, vide its Annexure A-18 letter dated 13.01.2014, had already clarified to DSSSB in regard to the educational qualification for the

post of PGT (Home Science) as well as the qualification equivalent to that.

9. Pertinent to note that the selection process was started pursuant to the Advertisement Nos. 02/12 & 01/14, which were issued prior to the Annexure A-18 clarificatory letter of the Directorate of Education. Hence, we are of the view that DSSSB ought to have considered the candidatures of the applicants in terms of the Annexure A-18 clarificatory letter of Directorate of Education.

10. We are surprised as to why DSSSB chose to seek further clarification vide its Annexure R-4 letter dated 13.06.2017 from the Directorate of Education regarding the educational qualification for the post, in spite of the fact that such clarification was already available from the Directorate of Education with DSSSB in terms of Annexure A-18 letter. Needless to say that DSSSB, who has been endowed with the responsibility of selection, has to necessarily go by the indents of the Department concerned, which would also include the eligibility criteria prescribing therein the educational qualification. Any clarification furnished by the Department on the eligibility criteria is to be accepted by the recruiting agency.

11. In the conspectus, we allow this OA with the following directions:-

a) *The DSSSB shall recommend the names of applicants for appointment to the post of PGT (Home Science) (Female)*

within four weeks from the date of receipt of this order to the Directorate of Education.

b) The Director of Education shall issue the appointment letters to the applicants within four weeks of receipt of the recommendation from DSSSB.

c) Considering the fact that several candidates selected in their batch have joined the post sometimes back, these applicants shall be granted the notional benefits by the Directorate of Education.

**(S.N. Terdal)
Member (J)**

/anjali/

**(K.N. Shrivastava)
Member (A)**