

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA/100/3539/2018
MA/100/3961/2018

New Delhi, this the 18th day of September, 2018

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

Aditi Kumari Aged 35 years
D/o Shri Shishir Kumar Choudhary
R/o Flat No.SRA-11C, Shipra Riviera
Gyan Khand-3, Indirapuram
Ghaziabad, Uttar Pradesh

Subject : TGT (Social Studies) Group B

Pushpa aged 28 years
D/o Shri Virendra Kumar
R/o B-1/390, Harsh Vihar,
Delhi-110093

Subject : TGT (Social Studies) Group B ... Applicants

(Through Shri Tarun Kumar, Advocate)

Versus

1. Kendriya Vidyalaya Sangathan
Through Commissioner
18, Institutional Area, Shaheed Jeet Singh Marg
New Delhi-110016

2. National Council of Teacher Education
Through its Chairman
Hans Bhawan, Wing II
Bahadur Shah Zafar Marg,
New Delhi-110002

... Respondents

ORDER (ORAL)

Mr. K.N. Shrivastava, Member (A)

The Kendriya Vidyalaya Sangathan (KVS) issued advertisement No.14 inviting applications for various posts including the post of TGT (Social Studies). The qualification prescribed for the post besides B.Ed and CTET is as under:

"B. For the post of TGT (S.St.):

1. The candidate should have studied any two subjects out of the following:
 - (i) History with at least 50% marks in aggregate and one subject out of Geography/Economics/Political Science with at least 50% marks in aggregate and also atleast 50% marks in graduation, **OR**
 - (ii) Geography with 50% marks with History/Economics/Political Science with at least 50% marks in aggregate and also at least 50% marks in graduation.
2. Geography/History should have been studied in all the years of graduation with at least 50% marks.
3. In case of Honours Degree in History, the candidate should have studied Geography/Economics/Political Science in first and/or second year of graduation with at least 50% marks in History in aggregate and at least 50% marks in other subject indicated above at graduation level and also at least 50% marks in aggregate at graduation level.
4. Similarly in case of Honours degree in Geography, the candidate should have studied History/Economics/Political Science in first and/or second year of graduation with at least 50% marks in Geography in aggregate and at least 50% marks in other subject indicated above at graduation level and also

at least 50% marks in aggregate at graduation level.”

The above qualification prescribed in the advertisement is in conformity with the Recruitment Rules (RRs) for the post.

2. The applicant's contention is that the condition mentioned in the RR that for the post of TGT (Social Studies), a candidate must have studied History/Geography as one of the subjects at graduation level, is unconstitutional and contrary to the qualifications prescribed by National Council of Teacher Education (NCTE). Through the medium of this OA, the applicant has sought a direction to respondent no.1 for withdrawal of ibid condition.

3. Heard Shri Tarun Kumar, learned counsel for the applicant.

4. We have considered the arguments of Shri Tarun Kumar, learned counsel for the applicant and have also gone through the pleadings in the OA. We are of the view that this OA is in the nature of a PIL and the controversy involved in it, cannot be adjudicated by the Tribunal. When it was pointed out to the learned counsel for the applicant, he sought leave of the Tribunal to withdraw the OA with liberty to approach appropriate judicial forum in the matter.

5. Prayer is allowed. OA is dismissed as withdrawn with leave and liberty as prayed for.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

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