

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

O.A. No.1235 of 2016

Orders reserved on : 23.10.2018

Orders pronounced on : 31.10.2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Renu Kumari @ Renu Yadav,
W/o Shri Prem Chand,
R/o House No.57-B, Ambedkar Colony,
Bijwasan, Delhi-110061.

....Applicant

(By Advocate : Shri 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. South Delhi Municipal Corporation,
Through its Commissioner,
Dr. S.P.M. Civic Centre, Minto Road,
New Delhi-2.

.....Respondents

(By Advocates. Ms. Alka Sharma and Shri K.M. Singh)

O R D E R

Ms. Nita Chowdhury, Member (A):

By filing this OA, the applicant is seeking the following
reliefs:-

- “(a) Quash and set aside the impugned action/order of the respondents dated 29/12/2015 placed at Annexure A/1 herein to the extent the applicant’s candidature has been cancelled and
- (b) direct the respondents to further consider and appoint the applicant to the post of Special Education (Primary) (Post code 147/04)
- (c) accord all consequential benefits.
- (d) pass any order/relief/direction(s) as this Hon’ble Tribunal may deem fit and proper in the interest of justice in favour of the applicant.”

2. Brief facts of the case as stated by the applicant in this OA are that in response to an Advertisement issued in 2014 by the respondents to fill up 1692 posts of Special Educator (Primary) in MCD, post code 147/14 the applicant being fully eligible duly applied for the said post and the applicant was issued an Admit Card No.18002387 belongs to OBC category.

2.1 As per the said Advertisement, the essential qualifications for the said posts are as follows:-

Essential Qualification: (i) Senior Secondary School (12th Class) OR its equivalent from a recognized Board/Institution.

(ii) 2 year’s Diploma programme in Special Education recognized by Rehabilitation Council of India in any category of Disability OR any other equivalent qualification approved by the Rehabilitation Council of India (iii) Central Teacher Eligibility Test (CTET) conducted by CBSE.

2.2 The applicant is also registered with the Rehabilitation Council of India which is the statutory body constituted under the Rehabilitation Council of India.

2.3 The applicant obtained 84 marks as per the statement of marks issued on 30.7.2015 (Annexure A/6). On 29.12.2015, the respondents issued the final result of selection wherein OBC candidates with 69-75 marks have been declared selected. However, the applicant's particulars find mentioned in the Rejection Notice dated 29.12.2015 (Annexure A/1) and the ground of rejection is stated to be not qualified as per the Recruitment Rules, which according to the applicant is absolutely illegal and unfounded since the applicant has all the prescribed qualifications and meets the eligibility.

2.4 Upon visits of respondents office at DSSSB, the applicant has came to know that her B.Ed. degree in Special Education is not being treated as valid by the DSSSB on the premises that as per the advertisement, two years diploma programme in Special Education was required and the applicant does not possess the diploma qualification even though she may be possessing the two year degree qualification in Special Education.

2.5 As per clarification issued by Rehabilitation Council of India, the holder of one year diploma prior to the year 2003 is also eligible.

2.6 The applicant has submitted her representation dated 30.12.2015 to the authorities. However, nothing fruitful has been done by the Board.

2.6 Being aggrieved by the aforesaid Rejection Notice dated 29.12.2015, the applicant has filed this OA seeking the reliefs as quoted above.

3. Pursuant to notice, respondents have filed their replies. In the reply filed by Shri K.M. Singh learned counsel, it is stated that the applicant applied for the said post and appeared in the exam under OBC category vide Roll No.18002387. The applicant scored 84 marks also.

3.1 On scrutiny of documents, it is noticed that the qualification of the applicant is not at par with the RRs provided by the user Department. DSSSB only select the candidate whose qualification are matched with the RR of the user Department. As per the terms and conditions of RR, 2 years Diploma Programme in Special Education recognized by Rehabilitation Council of India in any category of Disability OR any other equivalent qualification approved by the Rehabilitation council of India. But the candidate qualified in B.Ed. degree in Special Education, which will not be considered as per RR. Hence, her candidature was rejected.

4. In the counter affidavit filed by respondent no.3, it is stated that the applicant is not entitled for appointment to the

post of Special Educator (Primary) under post code 147/2014 as she did not fulfill requisite qualification as per the RRs. As per the RCI guidelines also, the applicant is not entitled for appointment to the said post, as the applicant has passed B.Ed. (Special Education), which is requisite qualification for Secondary and Senior Secondary Classes.

4.1 It is further stated that the name of the applicant is registered with RCI for having B.Ed. (Special Education) and not as Diploma in Special Education as required as per the RRs and advertisement issued by the DSSSB. The candidature of the applicant has been rightly rejected by the DSSSB as per the notified RRs. It is further stated that the applicant has not passed CTET examination Paper-I also. B.Ed. is not a diploma, this is a degree. Hence, the applicant cannot take benefit of RCI clarification.

5. The applicant has not chosen to file any rejoinder to the replies filed by the respondents.

6. Heard learned counsel for the parties and perused the material placed on record.

7. During the course of arguments, learned counsel for the applicant submitted that two years' degree qualification of the applicant cannot be considered as invalid or deficient when the RRs mandate two years' diploma and its equivalent and he further submitted that candidates even with one year

diploma are considered eligible as per the clarification issued by Rehabilitation Council of India.

8. Counsel for the respondents submitted that as per the requirement of the RRs for the post in question, the candidates must possess (i) Senior Secondary School (12th Class) OR its equivalent from a recognized Board/Institution.

(ii) ***2 year's Diploma programme in Special Education recognized by Rehabilitation Council of India in any category of Disability OR any other equivalent qualification approved by the Rehabilitation Council of India*** (iii) Central Teacher Eligibility Test (CTET) conducted by CBSE. Although the applicant is having B.Ed Special Education (Mental Retardation) Distance Education, 2010 but not having two years' Diploma programme in Special Education, which is one of the essential qualifications required in the RRs for the post in question. As such the respondents have rightly rejected the candidature of the applicant.

9. After hearing the counsel for the parties and having perused the material placed on record, this Court finds from the CTET certificate dated 2.9.2013 (page 98 of the paperbook) that the applicant has not cleared Paper-I (For Classes I to V) primary stage but cleared Paper-II (For Classes VI to VIII) and also the fact that she is not having the qualification of 2 years' diploma programme in Special

Education recognized by Rehabilitation Council of India in any category of Disability OR any other equivalent qualification approved by the Rehabilitation Council of India but having B.Ed. Special Education (Mental Retardation) Distance Education-2010, which is not the requirement of the post in question. Besides the other requirements of the post in question, one of the requirement is 2 years' diploma programme in Special Education recognized by Rehabilitation Council of India in any category of Disability OR any other equivalent qualification approved by the Rehabilitation Council of India which this applicant was admittedly not possessing at the time of applying for the post in question.

10. In view of the above and for the foregoing reasons, we do not find any illegality in the impugned rejection notice dated 29.12.2015 qua the applicant in the present case. As such the instant OA is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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