

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

O.A. No.926 of 2017

Orders reserved on : 06.08.2018

Orders pronounced on : 09.08.2018

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

Ms. Geetanjali, Age 28
d/o late Shri Suresh Kumar,
2/313, Dakshinpuri,
Near Virat Cinema, New Delhi.

....Applicant

(By Advocate : Shri Vibhor Agarwal)

VERSUS

1. Delhi Subordinate Service Selection Board,
Through its Chairman,
FC-18, Institutional Area,
Karkarduma, Delhi-110092.
2. Government of NCT of Delhi
Through Secretary to Government of NCT of Delhi,
5th Floor, Delhi Sachivalaya, New Delhi.
3. Directorate of Education,
Through the Director,
Old Secretariat,
Near Vidhan Sabha, Civil Lines,
New Delhi-110054.

.....Respondents

(None for the respondents)

ORDER

Ms. Nita Chowdhury, Member (A):

The instant OA is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for seeking the following reliefs:-

- “(i) Direct the Respondents to include the name of applicant in the list of selected candidates released on website of Respondents;
- (ii) Set aside the cancellation notice no.111/2016 dated 13.01.2017 being arbitrary and bad in law;
- (iii) Direct the Respondents to give posting to the applicant;
- (iv) Grant litigation expenses as well as costs/damages to the Applicant on account of harassment and mental agony;
- (v) pass any other or further order(s) which this Hon’ble Tribunal may deem fit and proper.”

2. Factual matrix of the case is that the applicant is a young teacher and aspirant of a permanent government service who has completed her B.Com. in 2010 and qualified in the year 2011.

2.1 On 20.2.2013, an advertisement No.1/13 (Annexure A-4) was issued by Delhi Subordinate Services Selection Board (DSSSB) inviting applications for several posts in Directorate of Education. The vacancies of TGTs were in the Post Code Nos.04/13 to 19/13.

2.2 Pursuant to said advertisement, the applicant applied for the post of TGT Social Science (Female), Post Code No.13/13. The essential qualifications for the said post as prescribed in the said advertisement are as under:-

“TGT (English, Maths, Social Science, Natural Science) (I) A Bachelor's Degree (Honours/Pass) or equivalent from a recognized

University having secured 45% marks in aggregate, in two school subjects of which at least one out of the following should have been at the elective level :-

1. English 2. Mathematics 3. Natural/Physical Science 4. Social Science

Note:- Main subjects for TGT (**Natural Science/Phy.Science**) shall be Physics, Chemistry, Biology, Botany and Zoology.

Social Science:- History/Political Science/Economics/ Business Studies/ Sociology/ Geography/ Psychology. Provided further that the requirement as to minimum of 45% marks in the aggregate at graduation level shall be relaxable in case of - (a) candidates who passes a Post Graduate Qualification in any of the teaching subjects listed above, (b) belonging to SC/ST (c) Physically handicapped candidates

(II) Degree/Diploma in Training Education or SAV certificate.

(III) Working knowledge of Hindi.

(IV) Central Teacher Eligibility Test Conducted by CBSE.

N.B.:- "The candidate should have studied the subject concerned as mentioned in the RRs in all parts/years of graduation. The "elective" word may also include main subject as practiced in different Universities".

2.3 As the applicant was issued an admit card to appear in the One Tier Examination (Objective Type/MCQ) for the post and Roll Number allotted to her was 55102294. Thereafter the applicant scored a total of 96.75 marks in the said examination and was asked to submit her documents for verification.

2.4 The respondent no.1 issued a Result Notice dated 27.7.2017 (Annexure A-9) which contains a list of

provisionally selected candidates. The applicant was required to give clarification regarding her CTET subjects. The applicant appeared in the Board premises and clarified the deficiencies. She also gave a written representation dated nil (Annexure A-10).

2.5 Thereafter one Rejection Notice dated 27.7.2016 was released by Respondent No.1 wherein her name did not appear. However, subsequently, another Rejection Notice dated 111 dated 13.1.2017 was issued by Respondent No.1 wherein the selection of the applicant was cancelled, according to the applicant, arbitrarily mentioning that 'CTET' not qualified in the concerned Teaching subject as per CBSE norms. This rejection is challenged in this OA.

2.6 As per the Advertisement No.1/13, 'CTET in the same subject' was not a requirement for the post as the CTET was the only eligibility criteria for appointment of TGT, which undisputedly the applicant possessed. As such the action of the respondents cancelling the selection of the applicant is violative of the advertisement.

2.7 The impugned Rejection Notice No.111 dated 13.1.2017 was issued by Respondent No.1 wherein the selection of applicant was cancelled mentioning the ground that 'CTET not qualified on the concerned Teaching Subject as per CBSE norms'. However, impugned Rejection Notice does not even mention the

specific rule/notification/act under which the applicant does not meet the requirements for the post.

2.8 Lastly, the applicant has stated that the impugned Rejection Notice is liable to be quashed.

3. Pursuant to notice issued to the respondents, Respondent No.1 has filed reply in which the said respondent has stated that the applicant is a candidate for the post of TGT Social Science (Female) under Post Code No.13/13. As per the eligibility criteria prescribed in Section-A of the said Advertisement, CTET has been specified as one of the essential qualifications. It has been clearly reiterated in Section-C of the advertisement that the educational qualifications, age, experience etc., as stipulated in Section-A shall be determined as on the closing date of receipt of application. In Para No.19 (i) of Section-C of the Advertisement, it has further been clearly stated that the candidate applying for the posts should ensure that they fulfill all the eligibility conditions. Merely because a candidate has been allowed to appear at the examination will not be considered as a valid ground for his/her being eligible for the selection. If on verification at any time before or after the written examination or at any stage of recruitment process, it is found that they do not fulfill any of the eligibility conditions on the closing date of receipt of application, his/her candidature for the post

applied for will be cancelled by the Board/Appointing Authority.

3.1 The candidates were not required to submit copies of their essential educational qualifications at the time of filling their applications. They were allowed for appearing in the written examination on the basis of the information provided by them in their application forms. However, the candidates who fell in the consideration zone as per their merit in the written examination were called for verification of documents to check their eligibility as per RRs.

3.2 National Council for Teacher Education (NCTE) vide Notification No.76-4/2010/NCTE/Acad dated 11.02.2011 has prescribed the structure and content of the TET and also reiterated that the examining body shall take the following factors into consideration (Annexure-A), which provides that :

Paper II (for classes VI to VIII); No. of MCQ-150

- i. Duration of examination & Pedagogy (compulsory)
30 MCQs 30 marks;
- ii. Language I (Compulsory) 30 MCQs 30 marks
- iii. Language II (compulsory) 30 MCQs 30 marks
- iv. (a) For mathematics and Science Teachers
Mathematics and Science

(b) For Social Studies/Social Science Teachers:
Social Science

(c) For any other teacher : either (a) or (b)

The test items in Mathematics and Science and Social Studies/Social Science will focus on the concept, problem solving abilities and pedagogical understanding of these subjects. The examination conducted body of CTET, i.e., CBSE has incorporated the guidelines of NCTE in its information bulletin for conducting the examination for CTET.

3.3 The respondents further stated that the applicant in the present OA has acquired her CTET qualification in Mathematics and Science on July, 2011 whereas she was an applicant for the post of TGT (Social Science) and was required to qualify CTET in Social Science subject as per conditions laid down in the guidelines issued by NCTE/CBSE. Since the applicant had not acquired her CTET qualification in the concerned teaching subject, i.e., Social Science in the year 2011, her candidature was duly rejected for not having the requisite CTET qualification as on the closing date.

3.4 They further reiterated that the applicant being a candidate for the post of TGT (Social Science) was required to acquire the CTET qualification in Social Science subject as per the guidelines of NCTE duly incorporated in the

information bulletin of the Certificate Issuing Authority, i.e., CBSE, before the closing date of receipt of applications. Since the applicant had not acquired her CTET qualification in the concerned teaching subject, i.e., Social Science, her candidature was rejected.

4. The applicant has also filed his rejoinder affidavit in which the applicant has denied the averments made by the respondents in their counter affidavit and reiterated the averments made by her in the OA.

5. We have heard learned counsel for the parties and perused the pleadings.

6. Counsel for the applicant during the course of arguments reiterated the averments made in the OA and likewise the respondents have also reiterated the averments made by them in their counter affidavit.

7. We have perused the impugned Rejection Notice No.111 dated 13.1.2018 in which the respondents have clearly stated the reasons for rejecting the candidature of the applicant for the post Code No.13/13 (TGT (Social Science (Female))) that applicant has not acquired CTET qualification in the concerned Teaching Subject as per CBSE norms. The respondents have clearly stated in their counter affidavit that the applicant being a candidate for the post of TGT (Social Science) was required to acquire

the CTET qualification in Social Science subject as per the guidelines of NCTE duly incorporated in the information bulletin of the Certificate Issuing Authority, i.e., CBSE, before the closing date of receipt of applications. Since the applicant had not acquired her CTET qualification in the concerned teaching subject, i.e., Social Science, her candidature was rejected. The grounds taken by the applicant to support her claim are not justifiable or sustainable in the eyes of law to quash the impugned Rejection Notice No.111 dated 13.1.2017. We are also of the considered view that applicant is not having the requisite qualification for the post applied for by her as per the requirement of the post in question. So far as the applicant's contention that despite the fact that the applicant stated about her qualification of CTET in Mathematics and Science, she was allowed to appear in the examination for the post in question is concerned, allowing the candidate to appear in the examination will not automatically give a right to the candidate to be appointed on the post on the basis of scoring marks in the examination as the same is subject to the terms and conditions of the recruitment for the post concerned. In this case also, the applicant though allowed to appear in the examination on the basis of information given by the applicant in her application but at the time of verification of documents when the respondents have found that the

applicant is not having the requisite CTET in Social Science which is one of the essential conditions for the post of TGT (Social Science) (Female), The respondents have rightly rejected the candidate of the applicant by the Rejection Notice dated 13.1.2018.

8. In view of the above discussion, for the foregoing reasons, we do not find any ground justifiable to interfere in the matter. Accordingly, we do not find any merit in this OA 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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