

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

O.A. No.2978 of 2018

Orders reserved on : 7.8.2018

Orders pronounced on : 10.8.2018

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

SONU
S/o h. Ram Dhan,
Aged about 33 years,
R/o Manadauri, Post Office Mandaura
The. Kharkhoda, Distt. Sonapat
Haryana – 131103
Post Guest Teacher TGT PET
Emp ID 2017076883

....Applicant

(By Advocate : Shri Khagesh B. Jha)

VERSUS

1. Govt. of NCT of Delhi,
Through its Director Education,
Old Secretariat,
Civil Lines, New Delhi-110054.
2. Office of Deputy Director of Education,
District South East,
C-Block, Defence Colony,
New Delhi-110024.

.....Respondents

ORDER

Ms. Nita Chowdhury, Member (A):

Heard.

Through the instant OA, the applicant sought the following reliefs:-

- “(i) direct the respondents to quash the Impugned Order dated 21.05.2018 issued by the office of

Deputy Director of Education, District South East for arbitrarily and illegally rejecting the candidature of the applicant, Emp ID 2017076883, for engagement as Guest Teacher TGT PET.

- (ii) direct the respondents to consider the candidature of the applicant as per the merit for the post applied is possessing the valid caste certificates;
- (iii) issue any appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favor of the applicant; and
- (iv) allow the present application with cost in favor of the applicant."

2. This is the second round of litigation. In brief the facts as enumerated in the OA are that the applicant is an aspirant for the posts of Guest Teacher TGT PET which were advertised by Respondent no.1 vide advertisement dated 26.5.2017 vide which applications were invited online.

2.1 The applicant successfully registered his application online for the said post in District South East. The respondents issued a circular dated 13.6.2017 for correction in the online application form, if any, in the application registered by the candidates.

2.2 The respondents shortlisted the applicant for verification of documents and for subsequent finalization of merit list on 20.9.2017. On 28.9.2017, the applicant has reported the office of Respondent No.2 for verification of his documents. However, the respondent no.2 rejected the candidature of the applicant frivolously mentioning that the

applicant has to submit caste certificate issued online by the competent authority whereas the applicant applied for the online caste certificate and the same was issued by the Tehsildar on 04.10.2017.

2.3 Aggrieved by the aforesaid action of the respondents, the applicant along with others had approached this Tribunal by filing OA 1174/2018 and this Tribunal vide Order dated 22.3.2018 disposed of the said OA with a direction to the respondents to decide the representations of the applicants therein within six weeks by reasoned order.

2.4 In compliance of the said Order of this Tribunal, respondents have considered the representation of the applicant and rejected the same vide impugned order dated 21.5.2018 on the ground that the applicant was not possessing valid caste certificate at the time of applying online for the said post.

2.5 The contention of the applicant is that while applying for the said post under SC category, he was possessing a valid caste certificate certified by City Magistrate, Sonapat (Annexure A-2 Colly.) whereas the respondent No.2 willfully and effortlessly rejected the candidature of the applicant on the ground of not having a caste certificate issued online. The applicant submits that he has applied for another online caste certificate and the same was issued to him on 4.10.2017 by the Tehsildar, Karkhoda, despite that the

respondents again rejected the candidature on the same ground.

2.6 Being aggrieved by the aforesaid impugned order dated 21.5.2018 (Annexure A-1) issued by the respondents, the applicant has approached this Tribunal for redressal of his grievances.

3. We have perused the impugned order dated 21.5.2017. By the impugned order, the respondents rejected the candidature of the applicant by observing that “the applicant did not possess valid SC certificate at the time of filling online application, last date of which was 15.6.2017 but intentionally mentioned SC category in his online application. The candidate applied for SC certificate on 3.10.2017 and was issued the same on 4.10.2017. The applicant, therefore, had willfully submitted wrong information to the department, with a view to mislead the Govt. Department, which tantamount to fraud.”

4. The issue involved in this case is very short as the same is with regard to whether the applicant was having a valid SC category certificate at the time of submission of application for the post in question.

5. As per the averments of the applicant, he was having a SC category certificate at the time of submissions of his application for the said post but he has not stated what

compelled him to again apply on 3.10.2017 for the SC category certificate online, which was issued to him on 4.10.2017. The applicant has not stated anything on the issue of his earlier SC category certificate, however, he stated that he was possessing a valid caste certificate certified by the City Magistrate, Sonapat, which according to the respondents was not a valid one. This shows that applicant himself aware that his earlier caste certificate was not valid one, as per the prevailing rules. Therefore, we find that the applicant was not having a valid SC category caste certificate at the time of filling online application, last date of which was 15.6.2017.

6. In view of the above discussion and for the foregoing reasons, we do not find any fault in the impugned order dated 21.5.2018 (Annexure A-1) issued by the respondents and accordingly, the instant OA is dismissed, being devoid of merit, at the admission stage itself. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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