

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

OA No. 2948/2018

New Delhi this the 7th day of August, 2018

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

Nishant Malik, Aged about 24 years,
S/o Sh. Ramesh Malik,
R/o B-26, Police Staff Quarters,
Janak Puri, New Delhi-110058 - Applicant

(By Advocate: Mr. Pradeep Kumar Arya)

Versus

1. Govt. of NCT of Delhi, through
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area, Karkardooma,
Delhi-110092
2. Delhi Subordinate Services Selection Board,
Through its Secretary,
FC-18, Institutional Area, Karkardooma,
Delhi-110092 - Respondents

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

The applicant has filed this Original Application (OA) seeking the following reliefs:-

- “a. Set aside and quash the impugned rejection order/communication dated 07.11.2017 passed by the respondent, qua the applicant, in the interest of justice;
- b. Further, respondent be directed to consider and appoint the Applicant for the post of Physical Education Teacher;

- c. Pass any other order which this Hon'ble court seems fit and necessary in the facts and circumstances of the case."
2. Learned counsel for the applicant says that the candidature of the applicant for the post of Physical Education Teacher in the Directorate of Education has been rejected vide rejection notice dated 07.11.2017 without showing any reason.
3. After going through the aforesaid rejection notice at Annexure A-1, we find that against SI. Nos.1 to 3 under UR category, the reason given is overage, against SI. No.4, the reason given is BP.Ed after cut off date and against SI. No.28, the reason given is overage. Similarly, in OBC category, the reasons have been given against each SI. No.. He only insists during verbal arguments that the respondents have not shown any reason. Quite clearly, the respondents have given adequate reasons for rejecting his candidature and if this OA is to be admitted, there can only be done after showing a valid reason, which goes to negate the reasoning given by the respondents. Such specific instances have not been given in this OA.
4. The respondents have also clearly in their rejection notice vide Annexure A-1 indicated that *if any candidate has any grievance regarding his/her education qualification/age etc. he/she may approach the use*

department i.e. Directorate of Education, GNCTD for necessary clarifications as the eligibility has been checked as per the terms & conditions provided by the user Department.

5. Quite clearly, ample opportunity has been given to the applicant to plead his case. He has an alternative remedy available to agitate his claim but has rushed to the Tribunal. As he has not exhausted his remedies, this OA is dismissed as premature.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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