

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

O.A.No.2966/2017

Thursday, this the 12th day of July, 2018

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

1. Mrs. Manju Kumari, aged 38 years
w/o Sh. Mukesh Kumar Jha
working as Lecturer Home Science (Guest Teacher)
in Govt. Girls Sr. Sec School, Paprawat, New Delhi – 43
r/o 49B, Surya Kunj, Jharoda Road
Najafgarh, New Delhi – 72
2. Ms. Sonia, aged 28 years
d/o Shri Bhawan Gahlot
Working as Lecturer Home Science (Guest Teacher)
Govt. (Co-ed) Sr. Sec. School, Baprola, New Delhi – 43
r/o H.No.514, Mitraon, Najafgarh, New Delhi - 43

..Applicants

(Mr. Yogesh Sharma, Advocate)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
New Secretariat, New Delhi
2. The Director of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi
3. The Secretary
Delhi Subordinate Services Selection Board
Govt. of NCT of Delhi,
FC-18, Institutional Area
Karkardooma, Delhi – 92

..Respondents

(Mr. Vijay Pandita, Advocate for respondent Nos. 1 & 2 –

Mr. Pradeep Singh Tomar, Advocate for Ms. Sangita Rai, Advocate for
respondent No.3)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

These applicants were engaged as Guest Teachers against the
post of Post Graduate Teacher (PGT) (Home Science) by respondent

No.2. The applicant No.1 was engaged for the academic session 2014-15, whereas applicant No.2 for the academic session 2015-16. The applicant No.1 acquired M.A. (Home Science) degree from L. N. Mithila University, Kameshwaranagar, Darbhanga, whereas the applicant No.2 has acquired the same degree of M.A. (Home Science) from Manav Bharti University, Solan, Himachal Pradesh. They were posted at Govt. Girls Senior Secondary School, Paprawat, New Delhi. Their engagement was continued in the subsequent years also. However, when the Principal of the said school sent a proposal to the higher authority (Deputy Director of Education) for their reengagement for the academic session 2017-18, an objection has been raised by the Office of the Deputy Director (Education) that these applicants do not have the requisite qualification for the post of PGT (Home Science) in view of the fact that as per the Recruitment Rules, the qualification is M.Sc. (Home Science), whereas they possess degree of M.A. (Home Science). No formal order has been passed disengaging them by the concerned authority. They have been continued in the post of PGT (Home Science) on the strength of the interim order passed by this Tribunal on 29.08.2017 in this O.A.

2. The applicants have prayed for the following main reliefs:-

“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned Recruitment Rules for the post of PGT / Lecturer (Home Science) in the Directorate of Education, Govt. of NCT of Delhi notified vide notification dated 27.2.1973 amended vide notification dt. 23.8.80 and dt. 26.2.96 (Annex. A/1) only to the extent by which the Education qualification has been prescribed as M.Sc. (Home Science) or B.Sc. (Home Science), instead of mentioning Post Graduate or Graduate, consequently, pass an order directing the

respondents to treat the M.Sc. (Home Science) and M.S. (Home Science) as same qualification for the purpose of appointment as PGT (Home Science).

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to allowing the applicants to work as PGT (Home Science) as Guest Teacher till regular appointment through direct recruitment.”

3. Mr. Yogesh Sharma, learned counsel for applicants submitted that there is no uniformity amongst the Universities of the country in regard to the nomenclature of the post graduate degree in Home Science. Some Universities award the post graduate degree as M.A. (Home Science), whereas others as M.Sc. (Home Science). He further submitted that the authorities concerned did not raise any objection as to the nomenclature of the degree at the time of initial engagement of these applicants, which would go to show that they were duly satisfied with their academic qualification. He also brought to our notice some apparent contradictions in the Recruitment Rules.

4. *Per contra*, Mr. Vijay Pandita, learned counsel for respondents argued that the engagement/reengagement of the Guest Teachers against the sanctioned posts is strictly governed in terms of the Recruitment Rules. He stated that for the post of PGT (Home Science), the Recruitment Rules clearly stipulate that the candidates must possess M.Sc. (Home Science) degree. Since these applicants are not having that degree and that they are possessing M.A. (Home Science) degree, the respondents are well within their rights not to consider them for reengagement. Mr. Pandita further argued that if the respondents have committed any mistakes in the past regarding

verification of the educational qualifications of these applicants, they are entitled to correct such mistakes.

5. We have perused the Recruitment Rules for the post of PGT (Home Science) and the same are extracted below:-

7.	Educational and other qualifications required for direct recruits	:	<p>i) M.Sc. (Home Science) from a recognised University.</p> <p style="text-align: center;">Or</p> <p>B.Sc. (Home Science) B.Ed. from a recognised University provided the teacher was satisfactorily pursued a condensed course in Home Science through three consecutive summer Institutes or through one year evening course.</p>
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6. We are in agreement with Mr. Yogesh Sharma, learned counsel for applicants that the post graduate degree in Home Science does not have a uniform nomenclature in all the Universities. A post graduate candidate in the subject is granted degree of M.A. (Home Science) or M.Sc. (Home Science) by the Universities. It is not in dispute that these applicants are post graduates in Home Science. The respondents, at the time of initial engagement of the applicants, never questioned the nomenclature of the degree as such. This would clearly demonstrate that they were palpably satisfied with the educational qualification of these applicants while engaging them as Guest Teachers for the academic sessions 2014-15 / 2015-16. We are of the view that the intent of the Recruitment Rules (RRs) is that the candidate must be a post graduate in Home Science. The RRs are not

fastidious about the nomenclature of the post graduate degree as such. Further, a rose will smell the same irrespective of the name by which it is called. Hence, we hold that the action of the respondents in not reengaging the applicants for the reasons as noticed hereinabove, was not justified.

7. In the conspectus, we declare that the applicants are eligible for reengagement as Guest Teachers against the post of PGT (Home Science) since they possess the post graduate degree in the subject concerned. The respondents are directed to consider reengagement of the applicants if they are found eligible otherwise.

8. The O.A. stands allowed. No order as to costs.

(S.N. Terdal)
Member (J)

July 12, 2018
/sunil/

(K.N. Shrivastava)
Member (A)