

**Central Administrative Tribunal
Principal Bench**

OA No.3185/2017
MA No.3373/2017

New Delhi this the 11th day of July, 2018.

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

Ms. Shalini Julka,
D/o Sh. Keemti Lal Julka,
R/o B-83 B, Ganesh Nagar,
PO Tilak Nagar,
New Delhi-110018.

-Applicant

(By Advocates Shri Anuj Aggarwal and Shri Tenzing Thinlay
Leptcha)

-Versus-

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi-110002.
2. Delhi Subordinate Services Selection Board (DSSSB),
Through its Chairman,
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi-110092.
3. Union of India,
Through its Secretary,
Ministry of Human Resource & Development,
Shastri Bhawan,
New Delhi-110001.
4. Director of Education,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat Building,
Civil Lines, Delhi-110054.

-Respondents

(By Advocates Mrs. Sumedha Sharma and Shri Deepak Bhardwaj)

ORDER**Hon'ble Mr. K.N. Shrivastava, Member (A):****MA No.3373/2017**

Through the medium of this Miscellaneous Application (MA) the applicant has prayed for condonation of 48 days delay in filing OA No.3185/2017.

2. For the reasons stated in the MA, which is duly supported by a sworn in affidavit delay in filing the OA is hereby condoned.

OA No.3185/2017

Through the medium of this Original Application (OA) (3526/2017) filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for the following reliefs:

“(i) Set aside the impugned Rejection Notice No.43 dated 18.07.2016, whereby the candidature of the applicant for the post of TGT (Math) Female, Post Code 09/13 in Directorate of Education has been rejected on the ground “CTET” – after cut off date;

(ii) Declare that the applicant/candidate is duly eligible and satisfy all the requisite qualifications, including CTET qualification, for the post of Trained Graduate Teacher (TGT) in Directorate of Education as per the Recruitment Rules and as per Section 23 (2) of the Right to Education Act, 2009 and is, therefore, entitled to be considered for appointment to the post of TGT (Maths) Female, Post Code 09/13 as advertised in the advertisement No.01/2013 published by the Delhi Subordinate Services Selection Board (DSSSB), respondent No.2 herein;

(iii) direct the Govt. of NCT of Delhi to make a proposal to the Central Government seeking relaxation of CTET qualification for the applicant for the appointment to the post of TGT (Maths) Female, Post Code 09/13 in Directorate of Education and further, direct the respondents to relax CTET qualification with respect to the applicant herein in terms of Section 23 (2) of the Right to Education Act, 2009 in terms of the said proposal;”

2. The factual matrix of the case, as noticed from the records, is as under:

2.1 Delhi Subordinate Services Selection Board (DSSSB)-respondent no.2 issued Annexure A-2 advertisement No.01/2013 *inter alia* inviting applications for the post of Trained Graduate Teacher (TGT) (Maths) Female having post code No.09/13. The essential qualification prescribed for the post was Bachelor's Degree (Honours/Pass) or equivalent from a recognized University having secured 45% marks in aggregate in two subjects of which at least one should have been at the elective level. Mathematics was one of the subjects prescribed at the elective level. It was also stipulated therein that the candidates applying should have obtained degree/diploma in Training Education or SAV certificate and should have cleared Central Teacher Eligibility Test (CTET) conducted by the CBSE and should also be possessing working knowledge of Hindi. The applicant possesses all the qualifications except that she has not acquired CTET qualification. The closing date of receipt of the applications was 20.03.2013.

2.2 The applicant was issued admit card having roll no.47100247 (Annexure A-3). She participated in the written test on 28.12.2014. She later acquired CTET qualification on 02.09.2013 (Annexure A-4).

2.3 The DSSSB vide impugned Annexure A-1 Notice No.43 dated

18.07.2016 informed the applicant that she has been declared “**not eligible**” for the reason that she has acquired CTET qualification after the cut off date.

3.4 Aggrieved by the impugned Annexure A-1 notice the applicant has filed the instant OA, praying for the reliefs, as indicated in para-1 supra.

4. Pursuant to the notices issued, the respondents entered appearance and filed their reply.

5. When the case was taken up for consideration today, the learned counsel for the respondents submitted that the controversy involved in this OA is squarely covered by the judgment of this Tribunal in OA No.2673/2016 with MA No.2410/2016 & batch – **Puran Singh Rana & Ors. etc. etc. v. GNCTD & Ors.**, decided on 20.03.2018.

6. We have perused the *ibid* order of the Tribunal. The relevant paras from the order are extracted below:

“9. We have gone through the contents of Annexure A-2 Advertisement 02/2012. Paragraph 4 (ii) of Section C „eligibility conditions“ clearly prescribes that “The educational qualifications, age, experience etc. as stipulated in Section-A shall be determined as on the closing date of receipt of applications”. It emphatically states that the candidates applying for the advertised posts must possess the requisite essential qualifications on the date of closing date. It is, therefore, logical to assume that the applicants were well aware that they were not fulfilling all the requisite qualifications in terms of not possessing the CTET qualification.

10. The pleading of the applicants that they acquired the CTET qualification well before the appointment letters were issued to the selected candidates, would not help them in the matter. The rule of game cannot be changed midway as per the ratio of law laid down by Hon`ble Supreme Court in Chairman, Vizianagaram

Social Welfare Residential School Society v. M. Tripura Sundari Devi, [(1990) 3 SCC 655]. 31

11. The contention of the applicants that in its order dated 11.09.2013, the Directorate of Education has also contemplated that all the requisite qualifications, including CTET, should have been acquired at the time of appointment, is repelled for the simple reason that the controversy involved has to be adjudicated strictly in accordance with the terms of appointment, as notified in the Annexure A-2 Advertisement. Any deviation from it would be illegal.

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13. To fortify our view, we refer to a recent judgment of Hon^{ble} Delhi High Court in Annu & others v. Govt. of NCT of Delhi & others (W.P. (C) No.11328/2017) decided on 11.01.2018, wherein it has been observed that the petitioners having taken part in the process of selection despite being aware of the mandatory eligibility criteria prescribed therein, had waived their right to challenge the mandatory condition of CTET contained in the Advertisement. Thus, it was held that the respondents were fully justified in not appointing the petitioners to the post of TGT especially in light of the admitted position that none of the petitioners were holding the CTET qualification on the crucial date.”

7. We have perused the pleadings and have gone through the contents of the Tribunal’s order dated 20.03.2018 in **Puran Singh Rana** (supra). We are convinced that the controversy involved in the instant OA is squarely covered by the judgment of the Tribunal in **Puran Singh Rana** (supra). Accordingly, for parity of reasons, we dismiss this OA as per the said order.

8. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

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