

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO. 291/95/2017**

**DATE OF ORDER:** 18.01.2019

**CORAM**

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER  
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Ruchi Pandey W/o Shri Ashok Kumar Pandey, D/o Shri Vinod Kumar Pandey, aged about 39 years, R/o 80/359, Patel Marg, Mansarovar, Jaipur-302004.

....Applicant

Mr. Narendra Kumar Saini, counsel for applicant.

**VERSUS**

1. Kendriya Vidyalaya Sangathan, through its Chairman/Secretary, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi – 110016.

....Respondent

Mr. Hawa Singh, counsel for respondent.

**ORDER (Oral)**

**Per: Suresh Kumar Monga, Judicial Member**

Pursuant to advertisement no. 07 (Annexure A/2) issued by the Kendriya Vidyalaya Sangathan (HQ), New Delhi, the applicant had applied for selection and appointment on a post of Primary Teacher. The requisite qualifications as laid down in the advertisement for the post of Primary Teacher are that one must possess Senior Secondary School Certificate with 50% marks or Intermediate with 50% marks or its equivalent apart from qualifying the Central Teacher Eligibility Test (CTET) conducted by CBSE in accordance with the guidelines framed by the NCTE.

2. Admittedly, the applicant was not having the requisite qualification for the post of Primary Teacher. However, still she submitted her application considering herself eligible for the said post as she is holding the qualification of Bachelor in Education (B.Ed). Her candidature was rejected by the respondents vide order dated 27.06.2016 (Annexure A/1). Aggrieved by the said order dated 27.06.2016 (Annexure A/1), the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

3. Learned counsel for the applicant contended that since the applicant is possessing higher qualification in the field of teaching, therefore, her candidature could not have been rejected by the respondent-KVS and the order dated 27.06.2016 (Annexure A/1) being violative of Articles 14 and 16 of the Constitution of India cannot be sustained.

4. Per contra, learned counsel for the respondents, while relying upon a judgment of the Hon'ble Supreme Court in the case of **State of Punjab and Others vs. Anita and Others** (Civil Appeal Nos. 7983-7986 of 2009, decided on 24<sup>th</sup> September, 2014), contended that the respondents are within their right to reject the applicant's candidature.

5. In view of the principles laid down by the Hon'ble Supreme Court in the case of **State of Punjab and Others vs. Anita and Others** (supra), we do not find any fallacy in the order

dated 27.06.2016 (Annexure A/1) passed by the respondent-KVS.

6. Accordingly, the Original Application is hereby dismissed. No order as to costs.

**(A. MUKHOPADHAYA)  
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)  
JUDICIAL MEMBER**

Kumawat