

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1685/2018

Dated Friday, the 21st day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1.Naga Madhurya Vatsavaya

2.Lakshmi Kranti Kumari

3.Neethipudi Ramakanth

4.Vasamsetti Rambabu

5.Vadaparthi Srinu

...Applicants

By Advocate M/s Giridhar & Sai

Vs.

1. Union of India, Rep., by Chief Secretary,
Chief Secretariat, Government of Puducherry,
Puducherry.

2. Under Secretary to Government
(School Education), Directorate of School Education,
Government of Puducherry, Puducherry.

3. Director of School Education,
Directorate of School Education,
Government of Puducherry, Puducherry.

...Respondents

By Advocate Mr.R.Syed Mustafa

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. MA 693/2018 filed by the applicants for joining together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)To call for the records relating to Order No:No.29118/DSE/Estt-II/D/2018, dated 30.10.2018 passed by the 3rd Respondent (in so far as prescribing the qualification of CTET at Clause 3(b) for the post of Guest Trained Graduate Teacher) and Order No: GO Ms.No.76 dated 18.03.2015 passed by the 2nd Respondent and to quash the same;

(ii)To direct the Respondents to consider and appoint the applicants to the post of Guest Trained Graduate Teacher with a pass in APTET (Andhra Pradesh Teacher Eligibility Test) in lieu of pass in CTET pursuant to Notification dated 30.10.2018 issued by the 3rd Respondent, with pay, and all consequential benefits;

(iii)To award costs, and pass such further and other orders as may be deemed fit and proper and thus render justice.”

3. It is submitted that the applicants possessed the APTET certificate which conferred eligibility on them to be Guest Trained Teachers in Government schools. Their qualification was recognized till March 2015 when the respondents took a policy decision that only those possessed CTET would be considered eligible for appointment as Guest Trained Teachers in Government schools. The interests of the holders of APTET was, however, protected to the extent of providing for their continued eligibility up to a period of seven years from the date of qualifying APTET.

4. It is alleged that in the case of the applicants they were unable to qualify for CTET in 2017 & 2018 as no CTET was conducted during this period. The 10th edition of CTET was held in September 2016 and the 11th edition of the examination in December 2018 for which results would be declared only around March-April 2019. In the mean time, however, they had obtained APTET during the year 2017-2018. As it is not the applicants' fault that no CTET was held in 2017 and in the first half of 2018, the applicants could not be deprived of their fundamental right to compete for appointment on the ground that they did not possess CTET. Accordingly, they seek appropriate intervention by the Tribunal.

5. Mr.R.Syed Mustafa, standing counsel for Government of Puducherry takes notice and submits that it is the policy of the Government to insist on CTET as there is no uniformity in the matter of assessment of candidates under the certificate courses conducted by the States and it was very difficult to arrive at the relative merit of the candidates seeking to be appointed as Teachers. Due protection had, however, been granted to persons who were already holding the certificate from the States and the decision of the respondents taken in March 2015 was only with prospective effect. However, if no examination under CTET had

been conducted in 2017 & 2018, the authorities would not be averse to taking this into account and take an appropriate policy decision at the appropriate level. He would also submit that in the event of a favourable decision, the respondents would also consider the applicants' claim in accordance with their merit. As only 5 candidates, (the applicants) had applied offline, the selection process may be allowed to proceed, keeping five posts in the appropriate category under vertical reservation vacant till such policy decision, it is urged.

6. Keeping in view the above submission, we deem it appropriate to dispose of the OA with a direction to the respondents to consider the fact that the applicants were unable to qualify for CTET because no examination was held in 2017 & 2018 and revisit that policy of allowing only the CTET qualified candidates for the purpose of contract appointment as per impugned notification. A policy decision may be taken in this regard preferably within a period of two months.

7. As it is submitted that the applicants have submitted offline applications in anticipation of a favourable decision, it is directed that their relative merit shall be taken into account for the purpose of appointment to the said post should the policy decision be favourable to them. Accordingly, the recruitment shall proceed in respect of other candidates, keeping adequate

number of posts vacant for such of the applicants who are otherwise meritorious.

7. OA disposed of with the above directions.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

21.12.2018

M.T.