

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.3709/2018
M.A.No.4103/2018
M.A.No.4104/2018
M.A.No.4105/2018

Wednesday, this the 5th day of December 2018

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

Latika Deswal w/o Mr. Sumit Kumar
Aged 28 years, Group D
r/o H.No.333G, Pocket 2
Phase I, Mayur Vihar, Delhi – 110 091

..Applicant
(Mr. Manoj Gupta, Mr. Praney Jain and Mr. Sudhanshu Arya, Advocates)

Versus

1. Kendriya Vidyalaya Sangathan
Through its Joint Commissioner
18, Institutional Area, Shaheed Jeet Singh Marg
New Delhi – 110 016
2. Central Board of Secondary Education
Central Teacher Eligibility Test Unit
Through its Director
PS 1-2, Institutional Area
IP Extension, Patparganj, Delhi – 110 0982
3. Secretary through, Union of India
Ministry of Human Resource Development
Shastry Bhawan, Delhi

..Respondents

(Mr. S Rajappa, Advocate for respondent No.1 –
Mr. Anil K Srivastava, Advocate for respondent Nos. 2 & 3)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

Pursuant to Annexure A-5 Notice dated 14.08.2018 and Annexure A-6 Advertisement No.14 of Kendriya Vidyalaya Sangathan (KVS), inviting applications for various posts, the applicant wanted to apply for the post of Primary Teacher (PRT). As per Annexure A-4 Advertisement No.14, the

candidates were required to register online from 24.08.2018 to 13.09.2018. As per the essential qualification prescribed for the post of PRT, a candidate was required to possess graduation degree with at least 50% marks and degree of Bachelor in Education (B.Ed.). The candidates were also required to possess Central Teacher Eligibility Test (CTET) qualification. The CTET comprises of two papers. The applicant has cleared Paper II. His contention is that as per the scheme of CTET, as prescribed by National Council for Teacher Education (NCTE), a candidate, possessing B.Ed. qualification, has to only pass Paper II of CTET. As such, the applicant was not required to appear in Paper I. However, online system of KVS did not allow the applicant to register his application within the prescribed period, i.e., 24.08.2018 to 13.09.2018 for the reasons that the applicant had not cleared Paper I of CTET.

2. The applicant approached the Hon'ble Delhi High Court in W.P. (C) No.9563/2018 on 12.09.2018 seeking the same relief that he has claimed in this O.A. However, after realizing that such matters are to be adjudicated by this Tribunal, he withdrew the *ibid* writ petition with the permission of the Hon'ble High Court.
3. The applicant filed the instant O.A. on 25.09.2018 praying for the following reliefs:-

- a. Direct the Respondent No.1 to allow the CTET Paper-II qualified candidates to apply for the Post of PRT as advertised vide advertisement no.14 dated 14/08/2018.OR
- b. Direct the Respondent No.1 to quash the advertisement No.14 dated 14/08/2018 as it suffered from grave irregularities and is not in consonance with the existing CTET rules and eligibility criteria prevailing on the date of advertisement.

c. Directing the Respondent No.2 to extend the time period for the candidates who have already cleared CTET Paper-II and also B.Ed. at par with applicants who have been given opportunity until 16/09/2018, to apply and appear in CTET Paper-I, AND,

d. directing the Respondent No.1 to postpone the process of the submission of Application form until result and marksheet/certificate of CTET-2018 Paper-I is declared.”

4. Arguments of learned counsel for parties heard today.

5. Mr. Manoj Gupta, learned counsel for applicant argued that candidates, like the applicant possessing B.Ed. degree were required to pass only Paper II of CTET and accordingly, the applicant has done, and as such, he ought to have been allowed to register online for the post of PRT. To buttress his contention, the learned counsel drew our attention to the qualification prescribed for the post of Trained Graduate Teacher in the aforementioned Advertisement of KVS wherein it is clearly stated as under:-

“i) B.Ed or equivalent degree from a recognized University.
ii) Pass in the Central Teacher Eligibility Test (CTET) Paper-II, conducted by CBSE in accordance with the Guidelines framed by the NCTE for the purpose.”

6. *Per contra*, Mr. S Rajappa, learned counsel for respondent No.1 submitted that the applicant has not cleared CTET fully, and as such he was not eligible for applying for the post. He further stated that the applicant has approached the Tribunal in the instant O.A. after the expiry of the period of registration of applications, and as such, the relief claimed by him cannot be allowed.

7. Mr. Anil K Srivastava, learned counsel for respondent Nos. 2 & 3 submitted that the Central Board of Secondary Education (respondent No.2) is only mandated to conduct the CTET and it has no role to play in resolution of the controversy involved.

8. We have considered the arguments of learned counsel for the parties. The main contention of the applicant is that he has cleared Paper II of CTET and by virtue of his possessing B.Ed. degree, he is deemed to have cleared Paper II of CTET. This contention of learned counsel for applicant cannot be accepted unless there are clarifications to that effect from NCTE.

9. As noticed hereinabove, the period for registration of applications expired on 13.09.2018. Any relief claimed by the applicant, including interim relief, if granted at this stage, would tantamount to extending the period of registration of applications, which is legally not permissible.

10. In the conspectus, we do not find any merit in this O.A. It is accordingly dismissed. No costs.

11. In view of the disposal of the O.A., all ancillary Applications shall also stand disposed of.

Order **dasti.**

(S.N. Terdal)
Member (J)

December 5, 2018
/sunil/

(K.N. Shrivastava)
Member (A)