

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 970/2016

Reserved on 13.02.2019
Pronounced on 25.02.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)**

Muni Ram Meena, Age-33 years
(Fresh Appointment)

S/o Sh. Lal Ram Meena,
R/o VPO-Basai, Th-Bheror,
District- Alwar (Rajasthan).

... Applicant

(By Advocate: Mr. Sachin Chauhan)

VERSUS

1. Govt. of NCTD
Through the Chief Secretary,
Govt. of NCTD,
Nava Sachivalya I.P.Estate,
New Delhi.
2. The Secretary,
DSSSB
FC-18, Institutional Area,
Karkardooma
(Near Railway Reservation Centre)
New Delhi-110092
3. The DY. Secretary (CC-1),
DSSSB
FC-18, Institutional Area,
Karkardooma
(Near Railway Reservation Centre)
New Delhi-110092
4. Directorate of Education,
Govt. of NCTD,
Through its Director,
Directorate of Education,
Govt. of NCTD, Old Secretariat,
Delhi-110 054.
5. Rehabilitation Council of India (RCI)
Through the Chairperson, RCI &
Secretary, B-22, Qutab Institutional Area,
New Delhi-110 016. ... Respondents

(By Advocate: Mr. Awanish Kumar for R 1 to R-3 and
Mrs P.K.Gupta for R-4)

O R D E R**Hon'ble Mr. S.N.Terdal, Member (J):**

We have heard Mr. Sachin Chauhan, counsel for applicant and Mr. Awanish Kumar and Mrs.P.K.Gupta, counsel for respondents, perused the pleadings and all the documents produced by the parties.

2. In this OA, the applicant has prayed for the following reliefs:

"(i) To quash and set aside the Rejection Notice No.436 dated 03.02.2016 in respect of applicant (at Sl.No-116) whereby the applicant is being declared 'Not Eligible' on the ground of 'Qualification Not As per RR' and to further direct the respondent that applicant one year diploma in Special Education (2001-02) be treated equivalent to two years duration Diploma in special Education in the light of RCI clarification dated 10.02.2016 and to further give the appointment to the post of Special Education Teacher against Post Code-146/14 in present selection process with all consequential benefit including seniority, promotion and pay & allowance.

Or/and

(ii) Any other relief which this Hon'ble court deems fit and proper may also be awarded to the applicant."

3. The relevant facts of the case are that the applicant had applied for the post of Special Education Teacher under post code No. 146/14 in the Directorate of Education, Govt. of NCT of Delhi in response to the advertisement issued by Delhi Subordinate Service Selection Board (DSSSB) in the year 2014. The essential qualification for the said post as per the advertisement is as under:-

"(i) Graduate with B.Ed (Special Education) or B.Ed. with two years Diploma in special Education or Post Graduate Professional Diploma in Special Education OR any other equivalent qualification approved by Rehabilitation council of India.

(ii) CTET conducted by CBSE."

4. The applicant was successful in the written examination and he had secured 65 marks which were above the cut off marks in the relevant category, he was called for document verification also. On scrutiny of the document it was noticed that he was not qualified as per Recruitment Rules (RRs) provided by the user department. The applicant had done diploma for Primary School Teachers for the Visually Handicapped through National Institute of Visually Handicapped (NIVH) Dehradun, Uttarkhand, whereas the user department had required the said Special Education Teacher for teaching Middle and Secondary level (class VI to X) and as such they held that the applicant was not qualified and his candidature was rejected. The counsel for the applicant referring to the advertisement notification dated 4.11.2010 submitted that in the advertisement they have not indicated that the candidates were required to teach middle and secondary level and that he is qualified as per the essential qualifications notified in the advertisement and as such the action of the respondents is unreasonable and discriminatory particularly in view of the fact that the respondents have appointed a candidate who had secured less marks than the applicant.

5. We have perused the above said advertisement notification dated 4.11.2010 and the averment made by the respondents in their counter affidavit. We are of the view that when the requirement of the user department is with respect to teachers for teaching middle and secondary level classes (class VI to X) and the applicant is having diploma only for teaching primary level children, we do not see any unreasonableness or

discrimination meted out to the applicant in the impugned rejection of the candidature of the applicant. In view of these facts and circumstances, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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