

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 2977/2018
MA 3297/2018

Reserved on 24.01.2019
Pronounced on 23.01.2019

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

Latesh Kumari,
D/o Sh. Radhey Lal
Aged about 24 years,
R/o Near Prem Nagar Public School,
Dayal Nagar Colony,
Faridabad-121102.
Post Guest teacher Lecturer Hindi
Emp ID 2017097238
Group-B.

... Applicant

(By Advocate : Mr.Khagesh B.J)

VERSUS

1. Govt. of NCT of Delhi
Through its Director Education
Old Secretariat, Civil Lines,
New Delhi-110054
2. Office of Deputy Director of Education
District South East
C-Block, Defence Colony,
New Delhi-110024.

.... Respondents

(By Advocate: Mr. MK Bhardwaj for Ms. Priyanka Bhardwaj)

ORDER

Hon'ble Mr. S.N.Terdal, Member (J):

We have heard Mr. Khagesh B.J, counsel for applicant and Mr. M.K.Bhardwaj for Ms. Priyanka Bhardwaj, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

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

- (i) direct the respondents to quash the Impugned Order dated 21.05.2018 issued by the office of Deputy Director of Education, District South East for arbitrarily and illegally rejecting the candidature of the applicant, Emp ID 2017097238, for engagement as Guest Teacher Lecturer Hindi;
- (ii). Direct the respondents to recalculate the merit list of other candidates for the above-mentioned post, who had entered the percentage of six subjects in secondary school examination and consider the candidature of the applicant as per the merit for the post applied;
- (iii). Issue any appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favor of the applicant; and
- (iv). Allow the present application with cost in favor of the applicant."

3. This is a second round of litigation. The relevant facts of the case are that in response to the public notice dated 26.05.2017 for drawing a panel of Guest teachers for engagement in Delhi Government School for the academic year 2017-18, the applicant had applied for the said posts. The application had to be made online. With respect to the percentage of marks obtained at secondary level, he should have given the marks obtained for two languages and three compulsory subjects which as per the mark sheet submitted by him come to 60% (300/500). But, however, he had intentionally stated that the marks obtained as 63.16%. When various representations were made by several candidates, the respondents vide a Circular dated 13.06.2017 provided 7 days time for making necessary corrections online upto 19.06.2017. In spite of such an opportunity given to the applicant, the applicant did not make any correction in the relevant column in his online application form regarding the above stated wrong information. As no correction was made and while document verification it was found that the applicant had made wrong entry, he was found unfit for

engagement as Guest teacher and his name was not found in the panel. The applicant subsequently made a representation. Simultaneously, he filed OA No. 1174/2018. This Tribunal vide its order dated 21.03.2018 directed the respondents to pass a reasoned and speaking order on the said representation within six weeks from the date of receipt of the certified copy of the order dated 21.03.2018.

4. In compliance with the said order dated 21.03.2018, the respondents passed a speaking order dated 21.05.2018. The said order is under challenge in this OA.

5. The counsel for the applicant vehemently and strenuously contended that the percentage of marks indicated by him i.e. 63.16% is correct percentage and as there is no indication as to the restriction of calculation of the percentage only for two languages and three compulsory subjects. At the time of hearing, the counsel for the respondents brought to our notice, para 6 of the guidelines with respect to the engagement of subject specific teacher-TGTs and Primary Teachers on contract basis by SSA, as per Annexure R-3 issued by the office of U.E.E. Mission dated 04.12.2015. The said guideline specifically directs the candidates to state about the percentage in the best five subjects including one language.

6. The counsel for the respondents equally vehemently contended that in the public notice dated 26.05.2017 inviting the online application it was clearly stated as one of the important conditions that any deviation in complying with the directions of filling up of the application form or concealment or wrong information given in the

online application form will lead to disqualification. The relevant condition is extracted below:

"6. The candidate shall fill up his/her name Date of Birth roll Number, year of passing etc. as they appear in the pass certificate of class XII Examination. Any deviation in this regard will lead to disqualification. Candidates in their own interest are advised to fill up all the items in the online application form carefully and before submitting the form online he/she shall check the particulars on the "Preview" Screen Requests for correction what so ever shall not be entertained at later stage."

7. In view of the facts and circumstances narrated above, we are of the opinion that the applicant is not entitled for the relief.

8. Accordingly, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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