

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 65/2017

Reserved on: 27.03.2019
Pronounced on: 09.04.2019

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

Robins Badesra,
S/o Shri J.K.Badesra,
R/o G-Blk, 2504, Sector-49,
Sainik Colony, Faridabad-121001.
Group-C, Age 31

... Applicant

(By Advocate: Mr. Atul T.N. with Mr. Manoj Nagar)

VERSUS

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, ITO,
New Delhi.
2. The Director of Education,
Directorate of Education,
Govt. of NCT of Delhi
Old Sectt. Delhi-110054
3. The Delhi Subordinate Services Selection
Board, Govt. of NCT of Delhi,
FC-18, Institutional Area, Karkardooma,
Delhi-110092. ... Respondents

(By Advocate: Ms. Esha Mazumdar)

O R D E R

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

We have heard Mr. Atul T.N. counsel for applicant and Ms. Esha Mazumdar, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

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

- i) quash/set aside the impugned rejection notice no. 56 dated 01.08.2016 (Annexure-) issued by the respondent no.3 being arbitrary, illegal, malafide, unjustified and in violation of the

principle of natural justice and also contrary to the advertisement, policy and rules as well as directives implemented itself by the respondents and further against the provisions of the Article 14, 15 and 21 of the Constitution of India AND;

- ii) direct the respondent no.3 to select the applicant from the merit list as per the existing vacancies for the appointment of TGTs (Annexure P-2) and accordance with the policy already in vogue with the respondent no. 1& 2 and other rules and directives AND;
- iii) grant any other or further relief, which this Hon'ble Tribunal may deem fit and proper under the above facts and circumstances of the case, may also be passed in favour of the applicant and against the respondents.

3. The relevant facts of the case are that the applicant applied for the post of TGT (Natural Science) Male in response to the advertisement No.01/13 of DSSSB and he cleared the written examination conducted by the respondents and was shown in the merit list at serial no.50 vide result notice dated 14.01.2016. After verification of his documents regarding educational qualification, it was noticed that the applicant had a qualification of only diploma in Education from Maharishi Dayanand University, Rohtak and he had not possessed Degree in Education (B.Ed) as per the National Council for Teacher Education (NCTE) Notification dated 29.07.2011, as such his candidature was rejected vide rejection notice no. 56 dated 1.08.2016. Challenging the rejection notice no. 56 dated 1.08.2016 this application has been filed for setting it aside.

4. The respondents in their counter affidavit have specifically stated the reason for the rejection at para 5 which is extracted below:-

"5. That in view of the submissions made herein above none of the grounds supports the cause of the applicant as the answering respondents (DSSSB) had examined and decided(rejected) the case of the petitioner as per the eligibility conditions prescribed by the user department, i.e. the Directorate of Education. The board strictly follows the eligibility conditions prescribed by the employer and does not

act on its own. That the Respondent board however before processing the result again requested the user department to clarify the provisions for Education Training. Assistant Director of Education vide his letter dated 18.03.2016 informed tht "As per NCTE notification dated 4th September 2001, minimum qualification for secondary/High School teachers i.e. TGT's has been prescribed as Graduate with Bachelor of Education or its equivalent."

That the board accordingly processed the result on the basis of the clarification dated 18.03.2016 issued by the Directorate of Education and on scrutiny of documents produced by the applicants, it was found that the applicant had obtained Diploma in education from Maharishi Dayanand University, Rohtak, accordingly his candidature was rejected as he does not possess degree in education (B.Ed) as per the clarification furnished by the user department."

The counsel for the respondents based on the above stated Notification which was produced at the time of hearing as well as on the basis of the above extracted averments of the respondents vehemently and strenuously submitted that the applicant do not possess the educational qualification as required by the user department. In view of the facts and circumstances narrated above, we do not find any illegality in the rejection notice passed by the respondents.

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

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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