

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.3527 of 2017

This the 24th day of December, 2018

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

Nitu Pandey, aged about 32 years,
D/o Sh. Daya Shankar Pandey,
R/o H.No.A-697 Part-I,
Gali No.7, Sonia Vihar Delhi 110094.
Worked in School : GGSSS, Sonia Vihar,
School ID : 1104335
Worked as : TGT Maths
From 16.01.2015 to 9.5.2015 &
From 1.07.2015 to 06.07.2015

....Applicant

(By Advocate : Shri T.N. Tripathi)

VERSUS

1. GNCT of Delhi, through
Chief Secretary,
Delhi Secretariat,
I.P. Estate, Govt. of NCT of Delhi,
New Delhi.
2. Director of Education,
Directorate of Education,
Old Secretariat, Delhi.
3. The Principal,
Govt. Girls Sr. Sec. School,
Sonia Vihar, Delhi-110094.

.....Respondents

(By Advocate : Shri Anuj Kumar Sharma)

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA, the applicant is seeking the following reliefs:-

- “(i) set-aside/quash the order of the respondent dated 25.02.2017 passed by the respondent vide No.F.52/ DDE/ NE/ PRBR/ 16/79.
- (ii) direct the respondent to consider the request of the applicant for engagement as Guest Teacher, T G T (Social Science) in view of the long experience of the applicant as a Guest Teacher and also in view of the fact that the applicant fulfilled all the requisite criteria as mentioned in RR for TGT (Social Science), hence the respondent may be directed to consider the applicant as Guest Teacher T.G.T. (Social Science), instead of T.G.T. Math.
- (ii) to pass such other and further orders which their lordships of this Hon’ble Tribunal deem fit and proper in the existing facts and circumstances of the case.”

3. This is the third round of litigation, as earlier applicant along with other candidates filed OA 2689/2015 before this Tribunal, which was disposed of by this Tribunal vide Order dated 27.7.2015 with the following observations:-

“5. In the circumstances and in the interest of justice, the O.A. is disposed of at the admission stage, without going into the merits of the case, by permitting the applicants to make an appropriate representation to the respondents within one week from today and on receipt of such a representation from the applicants, the respondents shall consider the same and pass appropriate speaking and reasoned orders thereon, in accordance with law, within four weeks therefrom. No order as to costs.”

4. Thereafter applicant filed another OA (OA No.10/2017) before this Tribunal and this Tribunal disposed of the same

with direction to the respondents to consider the representation of the applicant dated 17.8.2016 and pass a reasoned and speaking order. In compliance of the said Order, the respondents have passed the order dated 25.2.2017, the contents of the same reads as under:-

“With reference to the subject mentioned above it is to be informed that the Recruitment Rules for the post of TGT Maths are as under

“Bachelor degree in the concerned subject with B.Ed. and working knowledge of hindi can apply for TGT. Candidate with graduation in two school subjects of which at least one out of the four namely (i) English (ii) Mathematics (iii) Natural Science/Physical Science (iv) Social Science should have been at elective level.”

You have neither done graduation in Mathematics (subject concerned) nor studied mathematics as an elective subject at graduation level and hence you do not fulfill the Recruitment rules for TGT Mathematics. So your claim as Petitioner in Hon’ble CAT for the post of TGT Maths is hereby rejected.

So far your candidature as TGT S.Sc. is concerned you are hereby advised to wait for fresh advertisement from Department because as per the decision of Hon’ble CAT regarding Guest Teachers only those Guest Teachers can be re-engaged as guest teachers who have worked against the post claimed and you have not worked as TGT S.Sc. (Guest Teacher), so your request for engagement as TGT S.Sc. Guest Teacher cannot be considered.”

5. Aggrieved by the aforesaid order dated 25.2.2017, the applicant has filed this OA seeking the reliefs as quoted above.

6. Counsel for the applicant contended that the applicant having worked as Guest Teacher, T.G.T. (Maths) in the

respondents' department, her case should have been considered for appointment to the post of Guest Teacher, T.G.T. (Social Science).

7. Counsel for the respondents contended that the applicant does not fulfill the condition of the RRs for the post of TGT (Maths) and has also not studied Mathematics as a main subject at graduation level hence, the request of the applicant for engagement as TGT S.St. (Guest Teacher) cannot be considered.

8. After hearing the counsel for the parties and after perusing the pleadings on record, this Court finds that applicant herself admitted that she does not fulfill the conditions of recruitment rules for TGT (Maths) and as such she could not be engaged as Guest Teacher TGT (Maths) and the plea of the applicant that as she had earlier worked as Guest Teacher (Maths), her candidature should have been considered for Guest Teacher (S.St.) is concerned, the respondents have taken a categorical stand that only those Guest Teachers can be re-engaged as Guest Teacher who had worked against the post claimed and since the applicant had not worked on the post of Guest Teacher TGT (S.St.), the question of re-engagement as such does not arise. Applicant has not produced any rule or law which supports the claim of the applicant.

9. In the result, this Court does not find any illegality in the impugned order and accordingly, the present OA is dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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