

**Central Administrative Tribunal  
Principal Bench, New Delhi**

C.P. No.40/2018 in O.A. No.1108/2017

Monday, this the 25<sup>th</sup> day of February 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Manoj Kumar  
s/o late Shri Nanak Chand  
r/o 257-B, Daulat Pura, GT Road  
Kuwa Wali Gali, Ghaziabad  
Uttar Pradesh – 201001

..Applicant

(Mr. Ajesh Luthra, Advocate)

Versus

1. Ms. Geetanjali Gupta  
Chairman  
Delhi Subordinate Service Selection Board  
Govt. of NCT of Delhi  
FC-18, Institutional Area  
Karkardooma,  
Delhi – 110 092
2. Smt. Saumya Gupta, Director  
Directorate of Education  
(GNCT of Delhi)  
Old Secretariat, Delhi
3. Shri Rakesh Kumar Gupta  
Union Public Service Commission  
Dholpur House, Shahajan Road  
New Delhi – 110 069

..Respondents

(Mr. Anuj Kumar Sharma, Advocate for respondent No.1,  
Mrs. P K Gupta, Advocate for respondent No.2 &  
Mr. R V Sinha, Advocate for respondent No.3)

**O R D E R (ORAL)****Justice L. Narasimha Reddy:**

The applicant filed O.A. No.1108/2017 before this Tribunal, claiming relief in the context of appointment to the post of PGT (History) in the respondent establishment, by granting relaxation from the requirement as to fulfilment of the qualifications. Alternatively, it was pleaded that the respondents must review the Recruitment Rules, as provided for under O.M. dated 30.11.1988 issued by the Department of Personnel & Training (DoPT). At the admission stage itself, the O.A. was disposed of on 05.04.2017. The Tribunal recorded a finding that the applicant is not entitled to be extended the relief as regards the appointment, much less of relaxation of Recruitment Rules. However, an observation was made to the effect that the respondents shall consider the modification of the Recruitment Rules for the post in question, in accordance with DoPT guidelines, within a period of four months.

2. This contempt case is filed alleging that the respondents did not comply with the order passed in the O.A. in the context of reviewing the Recruitment Rules.

3. The respondents filed separate counter affidavits. The stand of the Delhi Administration (respondent No.2) is that the observation was made in the O.A. without feeling the necessity of issuing notice and it cannot be treated as mandatory. It is also

stated that the process of reviewing the Recruitment Rules was started and a Committee was also constituted for this purpose. It is represented that the cause of other stakeholders is invited through website and the procedure is in progress.

4. We heard Mr. Ajesh Luthra, learned counsel for applicant, Mr. Anuj Kumar Sharma, Mrs. P K Gupta and Mr. R V Sinha, learned counsel for respondent Nos. 1, 2 & 3 respectively.

5. The Tribunal was basically not inclined to grant the relief, which is personal to the applicant, namely, the appointment to the post of PGT or relaxation of the Recruitment Rules. It is true that one of the prayers made by the applicant was that the respondents be directed to review the Recruitment Rules. As regards that, the Tribunal observed as under:-

“5. We have considered the aforesaid submissions. In our opinion, no direction can be given by this Tribunal to the respondents for not insisting on 1st Division in Higher Secondary, Degree and Post Graduate Examination for relaxing the condition of having B.Ed/B.T. It is up to the respondents themselves to decide the eligibility conditions according to the requirement of the post. Moreover, even if applicant's prayer is accepted and Recruitment Rules are revised, the revision would be effective prospectively. Thus, the applicant's prayer clauses-(I), (II) and (III) cannot be accepted in any case.

6. There is, however, merit in his submission that as per DoP&T Guidelines, the Recruitment Rules need to be reviewed/modified periodically, which has not been done in this case.

7. In view of the aforesaid, while declining other prayers of the applicant, we dispose of this O.A. at the admission stage itself without issuing notice to the

respondents and without going into the merits of the case to consider revision/modification of the Recruitment Rules for the post in question in accordance with DoP&T Guidelines. The aforesaid consideration may be made within a period of four months from the date of receipt of a certified copy of this order. No costs.

6. This contempt case is about alleged non-compliance with the observation as regards consideration of revision / modification of the Recruitment Rules. Basically, no direction as such was issued by the Tribunal for modification of the Rules. Secondly, it is the prerogative of an employer, more so of the Government, whether or not to frame or amend or review the Recruitment Rules. Much would depend upon the needs and necessities of the concerned Department.

7. Be that as it may, the observation of the Tribunal was put into action by constituting a Committee and inviting opinions. We are of the view that there is no contempt on the part of the respondents. The C.P. is closed. At the same time, we fix six months' time for the respondents to complete the process, which has already been initiated in this behalf. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 25, 2019**  
**/sunil/**