

**Central Administrative Tribunal
Principal Bench**

OA No.2821/2015

New Delhi, this the 7th day of March, 2019

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

Avneet Chaudhary, Age 28 years
S/o Hamveer Singh
R/o H. No.228, Gali No.9
Chanderloke Shahdra
Delhi-110093
Post Code-101/12
Adv. No.02/2012

...Applicant

(By: Applicant in person)

Vs.

1. Govt. of NCT through
its Chief Secretary
ASAF Ali Road, Civil Line, Delhi.
2. Delhi Subordinate Services
Selection Board
Through its Chairman
F-16-18, Institutional Area
Kakkardooma, Delhi-110092.
3. Directorate of Education
Through its Secretary
Old Secretariat
Govt. of NCT Delhi.

...Respondents

(By Advocates: Shri Amit Yadav)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The first respondent intended to fill various posts of Teachers under its administration. Advertisement No.2/2012 was issued for this purpose.

2. One of the posts, was with code 101/12 and the applicant submitted his application for the same. When he did not get the admit card for the written test, he filed OA No.2840/2013. In compliance with the orders passed therein, he was issued admit card and he participated in the examination. It is stated that the applicant secured 141.5 marks in the examination.

3. This OA is filed with a prayer to direct the respondents to declare the applicant as successful candidate for the post of Assistant Teacher(Primary) and direct them to select and appoint him for the post. The applicant contends that he is Orthopedically handicapped, and though candidates with 130.25 marks in that category were appointed, he was not issued order of appointment. It is also stated that even if he were to have been treated as a general category

candidate, he was entitled to be considered for appointment since those who secured the same marks i.e. 141.5 were also appointed.

4. The respondents filed a counter affidavit mostly in the context of granting of interim relief. It is also stated that the applicant secured 141.5 marks, whereas the last selected candidate under the UR category has secured 141.75 marks.

5. The applicant filed a rejoinder, disputing the averments in the counter affidavit and filed the select list which indicates that as many as six candidates who secured 141.5 marks in the general category, were short listed for appointment.

6. We heard the applicant who argued in person and Shri Amit Yadav, learned counsel for the respondents.

7. Though the applicant vehemently contends that he is an Orthopedically handicapped candidate, the record does not support his case. The OA is silent on that aspect and the application form indicates that he applied as an "O.H. Outsider". Since he did not place any material before us that any candidate of that

category who secured less number of marks than him has been selected, we do not intend to go into the same. Added to that, the affected candidates are also not made parties.

8. Coming to the claim of the applicant as a general category candidate, it is not in dispute that he secured 141.5 marks. Though in the counter affidavit it is stated that the last selected candidate under the general category secured 141.75 marks, the select list published by the respondents on 24.06.2015 discloses that as many as six candidates who secured 141.5 marks were short listed for appointment. Therefore, the plea of the respondents cannot be accepted.

9. We, therefore, dispose of the OA directing that if any candidate with 141.5 marks in the general category was appointed, the applicant shall also be considered for appointment as a Teacher. If there are no vacancies in that category, they shall accommodate him in an existing vacancy. The exercise in this behalf shall be completed within a period of eight weeks from the date of receipt of a copy of this order. The appointment, if made, shall be prospective in nature

and the applicant shall not be entitled to any back wages.

10. There shall be no order as to costs.

Order be served by **dasti**.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/