Central Administrative Tribunal
Principal Bench

OA No.4037/2018

New Delhi, this the 14th day of March, 2019

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

Nidhi Shokeen,
D/o Shri Trilok Singh,
R/o C-246, Kuraat Mohalla, Chhawla,
South West Delhi-110071
Aged about 30 years,
(Group 'B')
(Candidate to the post of TGT (Computer Science)

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1.   GNCT of Delhi
     Through its Chief Secretary,
     5th Level, 'A' Wing,
     Delhi Secretariat,
     IP Estate, New Delhi.

2.   Delhi Subordinate Services Selection Board,
     Through its Secretary,
     F-18, Karkardooma Institutional Area,
     New Delhi.

3.   Directorate of Education,
     Through its Director,
     (GNCT of Delhi),
     Old Secretariat, Delhi-110054.

...Respondents

(By Advocate : Shri Amit Yadav)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The GNCTD intended to fill different kinds of posts in its Administration in the year 2014. One such post is Trained Graduate Teacher (Computer Science) with Post code No.192/14. As many as 2026 posts were to be filled. The applicant responded to the advertisement and was issued admit card for the written test. On the basis of the marks secured therein, she was shortlisted. An offer of appointment was also issued. However, at the stage of joining the duty, she was not permitted on the ground that the graduation course studied by her is not in Computer Science and that it is not the qualification prescribed under the Recruitment Rules and advertisement. A memorandum dated 08.10.2018 was issued in this behalf. The applicant challenges the same.

2. The applicant contends that she studied the B.Sc (Honours) Computer Science Course of three years duration in the Shyama Prasad Mukherjee College, affiliated to Delhi University, and in all the three years, the Computer Science was studied as a main subject. She contends that the view taken by the respondents is

absolutely without any basis. She asserts that the qualification held by her fits into the one, stipulated in the relevant Recruitment Rules and advertisement.

3.   Respondents filed counter affidavit opposing the OA. According to them, the applicant has passed a B.Sc course and the Degree certificate does not reflect the study in computer science.

4.   We heard Shri Ajesh Luthra, learned counsel for applicant and Shri Amit Yadav, learned counsel for respondents.

5.   The qualifications prescribed for the post in question, as reflected in the advertisement read as under:-

> "**Essential Qualification** : Essential : 1. Bachelors Degree in Computer Application (BCA) from a recognized University. OR Graduation in computer Science from a recognized University. (Provided that the Computer Science subject must be studied in all years as main subject). OR B.E./B. Tech. (Computer Science/Information Technology) from a recognized University. OR Graduation in any subject and 'A' level course from DOEACC, Ministry of Information & Communication and Technology, Govt. of India."

6.   From this, it is evident that not only a Bachelors Degree in Computer Application but also any graduation, in which the Computer Science is studied as a main subject in all the three years, is recognized as a valid qualification. The applicant studied B.Sc. (Honours) Computer Science. Unfortunately, the Degree certificate issued by the University to her did not reflect the "Honours" or "Computer Science". However, a perusal of the statement of marks issued to her for every year of study, reflects as under :-

"Subejct : B.Sc (Hons.) Computer Science"

7.   At the end of the course, she was issued a 'Transcript of Marks' dated 13.03.2018. The subjects that are studied by the candidates in all the six semesters spread over to three years, are mentioned in detail.

8.   A perusal of the same discloses that in every semester, Computer Science was studied as a main subject. The preamble of Transcript of the Marks, reads as under :-

"TRANSCRIPT OF MARKS

This is Transcript of Marks of Nidhi Shokeen who has appeared in B.Sc.

(Honours) Computer Science (Three years Degree Course) (Six Semesters) Examination from the Shyama Prasad Mukherjee College, University of Delhi. He/She has secured 330/650 marks in Semester-I, 369/650 in Semester-II, 340/650 in Semester-III, 392/650 marks in Semester-IV, 365/650 in Semester-V and ER in Paper 603 in Semester-VI under Examination Roll No.204949, in the year 2009. He/she has been awarded B.Sc (General) Degree without Division."

9.   It is clearly mentioned that the applicant studied the graduation of three years in Computer Science and the subject of Computer Science was taught in all the three years. Therefore, the view taken by the respondents cannot be sustained in law.

10.   The OA is accordingly, allowed and the impugned order is set aside. Since the applicant has already been selected and offer of appointment was issued, all the formalities enabling her to join the duties shall be completed within a period of four weeks from today. However, she shall not be entitled for any back wages. The appointment, if made, shall date back to the one, on which the candidate who was immediately below

the applicant in merit was appointed, and the same shall count for seniority.

There shall be no order as to costs.

(Mohd. Jamshed)   **(Justice L. Narasimha Reddy)**
      Member (A)   **Chairman**

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