

**Central Administrative Tribunal  
Principal Bench**

**OA No.770/2019**

New Delhi, this the 7<sup>th</sup> day of March, 2019

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

Pragati Mishra  
aged 25 years,  
D/o Shri Jugal Kishor Mishra  
R/o 105/1, Industrial Colony,  
Naini, Allahabad,  
Uttar Pradesh.

.... Applicant.

(By Advocate : Shri Kamlesh Kr. Mishra, Shri Rahul Kumar  
and Shri Raj Mishra)

Vs.

1. Kendriya Vidyalaya Sangathan  
Through its Commissioner  
18, Institutional Area,  
Shaheedjeet Singh Marg,  
New Delhi 110 016.
2. Ministry of Human Resource Development  
Joint Secretary (SE-I)  
Shastri Bhawan,  
New Delhi 110 001.
3. University Grants Commission (UGC)  
Bahadur Shah Zafar Marg,  
New Delhi 110 002. ... Respondents.

(By Advocates : Shri Kumar Onkareshwar and Shri S.  
Rajappa)

**: ORDER (ORAL) :**

**Justice L. Narasimha Reddy, Chairman:**

The 1<sup>st</sup> respondent issued Advertisement No.14  
inviting applications for selection/appointment of different  
categories of Post Graduate and Trained Graduate Teachers

(TGT) in their establishment. One such post is TGT in Science. The qualifications stipulated for that post is Bachelor's Degree with Botany, Zoology and Chemistry as subjects.

2. The applicant states that she studied the B.Sc course in Chatrapati Shahu Ji Maharaj University, Kanpur, and according to the pattern of course, all the three subjects referred to above are to be studied in 1<sup>st</sup> and 2<sup>nd</sup> year and in the 3<sup>rd</sup> year, one of the subjects needs to be dropped; and accordingly she dropped Chemistry in the 3<sup>rd</sup> year. She applied for the post of TGT and was issued Admit Card for the written test also. On being included in the short listed candidates, she was called for interview, but at that stage she was not considered on the ground that all three subjects, as mentioned above, were not studied in the 3<sup>rd</sup> year. The applicant contends that once she studied all the three subjects as per the curriculum prescribed by the University, there is no basis for the respondents in not considering her case.

3. We heard Shri Kamlesh Kr. Mishra, Shri Rahul Kumar and Shri Raj Mishra, learned counsel for the applicant and Shri Kumar Onkareshwar and Shri S. Rajappa, learned counsel for the respondents.

4. The record no doubt discloses that the applicant studied three subjects, Biology Zoology and Chemistry for the 1<sup>st</sup> and 2<sup>nd</sup> year in the Degree Course, but in the 3<sup>rd</sup> year she studied only Biology and Zoology. Whether the study of only 2 subjects in 3<sup>rd</sup> year is in accordance with the curriculum prescribed by the University, and what is the impact thereof, on the qualifications stipulated by the 1<sup>st</sup> respondent; can be considered, if the applicant makes a representation in this behalf.

5. We, therefore, dispose of the OA, leaving it open to the applicant, to submit a representation duly enclosing the relevant material, including the curriculum prescribed by the concerned university. In case such a representation is made, appropriate orders thereon shall be passed within a period of four weeks from the date of submission thereof. If the respondents take the view that the applicant was qualified, the mere fact that the post was filled cannot be treated as a ground not to appoint her. There shall be no order as to costs.

Order 'Dasti'.

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

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

/pj/