RA No.154/2019
OA No.4037/2018

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

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

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

.... Review Applicant

(By Advocate : Ms. Esha Mazumdar)

Vs.

1. Nidhi Shokeen,
   D/o Shri Trilok Singh, R/o C-246,
   Kuraat Mohalla, Chhawla,
   South West Delhi- 110071.
   (Computer Science)/.

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

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

... Respondent

(By Advocate : Mr. Ajesh Luthra)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

OA No. 4037/2018 was filed by a candidate who was

not successful for selection to the post of TGT (Computer

Science) on the ground that the graduation studied by her does not accord with the qualification stipulated under the Recruitment Rules framed by the Govt. of NCT of Delhi.

2.   The respondents in the OA filed counter affidavit and after hearing both the parties the OA was allowed through order dated 14.03.2019. It was observed that the applicant possesses a 03 years degree in Computer Science and that the subject of Computer Science was taught in all the 03 years.

3.   Learned counsel for the applicant in RA stated that the qualification stipulated for the post is a graduation Degree in Computer Science wherein subject of Computer Science is studied in all the 03 years as main subject and that the applicant who joined the B.Sc (Hons.) with Computer Science failed in Paper-603 and in that view of the matter she was denied the Hons. degree. It was also stated that the degree of B.Sc (General) without referring to the subject Computer Science, does not fit proper to the qualification prescribed.

4.   We heard Ms. Esha Mazumdar, learned counsel for the review applicant and Mr. Ajesh Luthra, learned counsel for the respondents in RA.

5.   The whole controversy in the OA was, as to whether, the applicant had fulfilled the qualification stipulated in the advertisement, which in turn is reflected in the Recruitment Rules. The qualification stipulated, reads 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.   The applicant stated that she fits into the second alternative, namely, graduation in Computer Science from recognized University (Provided that the Computer Science subject must be studied in all 03 years as main subject). The certificate filed by the applicant reveals that she was declared as 'pass' in B.Sc (General). The certificate did not reflect the subject Computer Science.

7.   In the order passed by us, we have taken into account, the preamble of the certificate which refers to the subject as B.Sc (Hons.) (Computer Science) and from that an inference was drawn that the applicant studied that very course. The further analysis of the certificate discloses that the applicant did not qualify B.Sc (Hons.) (Computer

Science), since she failed in Paper - 603. It is a different matter that she was awarded a degree of B.Sc (General). No where it was mentioned that degree is in Computer Science. Added to that, in the transcript of marks it was mentioned that in paper - 603 in VI Semester, it is essential for the applicant to repeat. In other words she failed in that subject. Result is that the degree awarded to the applicant is not the one is B.Sc (Hons.) (Computer Science) nor did she study Computer Science in that course.

8.   We, therefore, allow the RA and recall the order passed in OA No. 4037/2018 dated 14.03.2019 .Though we were about to dismiss the OA, Mr. Ajesh Luthra, learned counsel for the respondents in RA, submits that he would file necessary documents as well as an application to ensure that the OA is decided comprehensively.

9.   Post the OA on 25.11.2019.

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

/ankit/