

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2684/2014

M.A. No. 3480/2016

New Delhi, this the 11th day of October, 2019

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

Parul, Aged 38 years
W/o Shri Anand Singh
C/o Ram Bhaj
R/o VPO Jassia, Distt. Rohtak
Haryana
For appointment as PGT.

.. Applicant

(By Advocate: Shri S.K. Rungta, Sr. Advocate with
Shri Shivankur Shukla)

Versus

1. Kendriya Vidyalaya Sangathan
Through its Commissioner
18, Institutional Area
Shahid Jeet Singh Marg
New Delhi-110602.
2. Union of India
Through its Secretary
M/o Human Resources Development
Shastri Bhawan, New Delhi.

.. Respondents

(By Advocate: Shri S. Rajappa)

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

The Kendriya Vidyalaya Sangathan (KVS), the 1st respondent, issued an Advertisement No.07 on 20.07.2013, inviting applications for various posts including PGT (Economics). The qualifications stipulated therefor is two years Integrated Post Graduate M.Sc. Course of Regional College of Education of NCERT in the concerned subject, or Masters Degree from a recognised University, with at least 50% marks in aggregate, in the concerned subject plus B.Ed. or equivalent degree from a recognised University. Another qualification is proficiency in Teaching in English and Hindi Medium.

2. The applicant is a Physically Handicapped candidate. She has studied B.Ed. (Special Education) Course and holds Post Graduation Degree in Economics. Her candidature was not considered on the ground that B.Ed. Course studied by her is not equivalent to B.Ed. (General).

3. This O.A. is filed with a prayer to declare that the action of the respondents in not allowing the applicant to participate in the interview for selection to the post of PGT (Economics) is contrary to law, and to quash letter dated 29.09.2015 and Notification dated 03.09.2001 issued in this behalf. Reliance is placed on a letter dated 03.06.2007 addressed by the Rehabilitation Council of India.

4. The applicant contends that once the Rehabilitation Council of India (RCI) declared the B.Ed.(Special Education) as equivalent to B.Ed. (General), there was no basis for the respondents in not treating the qualification held by her, as inadequate.

5. On behalf of the respondents, detailed counter affidavit and additional counter affidavit have been filed. According to them, the B.Ed. (Special Education) would become relevant only when the post is exclusively meant for physically handicapped candidates or the classes are required to be taken by the Teachers of that category.

Various other contentions urged by the applicant are rejected.

6. We heard Shri S.K. Rungta, learned Senior Counsel for the applicant and Shri S. Rajappa, learned counsel for the respondents.

7. The only controversy is as to whether the B.Ed. (Special Education) studied by the applicant can be treated as valid and equivalent to B.Ed. (General). The respondents, no doubt, have undertaken some comparison and rejected the case of the applicant. The fact, however, remains that the RCI addressed a letter dated 03.06.2007 to the Government of Uttar Pradesh, wherein it is clearly mentioned that the B.Ed. (Special Education) awarded to the Physically Handicapped candidates shall be treated as equivalent to B.Ed. (General). This was not taken into account by the respondents. It is also not known whether the applicant is still interested in pursuing the remedies claimed in this O.A.

8. We, therefore, dispose of the O.A. directing the respondents that in case the applicant approaches them with a representation along with a copy of this order, they shall take into account, the letter dated 03.06.2007 issued by RCI and take necessary steps in that behalf, within a period of six weeks from the date of receipt of such a representation. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/