

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3025/2019

M.A. No. 3347/2019

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

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

Naval Kishor Meena
Aged about 32 years
S/o Shri Girraj Prasad Meena
R/o V+P Ghoomana,
Tehsil Sikrai District Dausa
Rajasthan-303502
Post : Assistant Teacher (HI)
Group – B.

.. Applicant

(By Advocate : Shri Anuj Aggarwal with
Shri Tenzing Thinlay Lepcha)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Secretariat, I.P. Estate
New Delhi-110002.
2. Deputy Director (Admn.)
Department of Social Welfare
Govt. of NCT of Delhi
GLNSSSD Complex
Delhi Gate,
New Delhi-110002.

.. Respondents

(By Advocate : Ms. Esha Mazumdar)

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

The Govt. of NCT of Delhi published Notice dated 26.11.2018 inviting applications for appointment of 92 Special Teachers on contractual basis, for a period of one year. The applicant states that he was engaged as a Guest Teacher by the Social Welfare Department of the Govt. of NCT of Delhi for working in the Special Schools. It is stated that when the said arrangement was terminated, he, along with other similarly situated candidates filed O.A. No.2032/2015; and while disposing of the same, the Tribunal observed that as and when the respondents in that O.A. take steps for engaging Guest Teachers, the applicants therein shall be given preference. The grievance of the applicant is that in the context of appointing the Special Teachers in pursuance of the Advertisement issued in November 2018, no such preference is being given.

2. The representation submitted by the applicant and four other candidates was replied, through order dated

20.03.2019. It was mentioned that no steps have been taken to engage the Guest Teachers and in that view of the matter, the question of giving priority to the applicant does not arise.

3. This O.A. is filed challenging the order dated 20.03.2019 as well as the Advertisement dated 26.11.2018. Directions are sought to the respondents to re-engage the applicant as Special Teacher and thereby to implement the orders passed in the O.A. No.2032/2015.

4. The applicant contends that except for nomenclature, there is no difference between the duties and functions of a Guest Teacher on the one hand and Special Teacher on the other hand, and the benefits conferred upon him by this Tribunal, in its order in O.A. No.2032/2015 cannot be taken away.

5. We heard Shri Anuj Aggarwal with Shri Tenzing Thinlay Lepcha, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

6. It is not in dispute that the applicant was engaged as Guest Teacher by the Social Welfare Department in the Govt. of NCT of Delhi in the year 2014, and that was not extended beyond a point of time. Therefore, the applicant and other aggrieved candidates filed O.A. No.2032/2015. It was held that the applicants therein are not entitled for regularisation of their services, but a Guest Teacher cannot be replaced by another Guest Teacher. Further direction was that as and when the respondents appoint Guest Teachers, the applicants shall be given preference.

7. Had it been the case where the respondents are appointing the Guest Teachers, the exclusion of the applicant or refusal to give preference can certainly be held to be unlawful. The Advertisement in question is for the post of Special Teacher. There is no reference to the post of Guest Teacher. The Advertisement makes it clear that the Special Teachers are to handle the students, who are deaf and dumb or mentally retarded or visually handicapped. The qualifications stipulated are typical for those posts. The concept of Guest Teacher is

substantially different from that of a Special Teacher. The Tribunal cannot undertake the evaluation or cannot analyse the duties and functions of the two posts. When the Government itself has categorised those posts, based on the nature of duties and the method of recruitment, we cannot sit in judgment on that.

8. We do not find any merit in the O.A. and, accordingly, the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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