

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 28th day of August Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

RA 09/2018
in
O.A./310/00628/2015

Nisha K.,
W/o. C. Gangadharan,
Aged 39 years,
Residing at Block No.DA2/18,
Police Quarters, Gorimedu,
D. Nagar- 605 006,
Puducherry.

.....Applicant/Applicant

(By Advocate : M/s. Giridhar & Sai)

VS.

1. Union of India Rep. by
The Principal Secretary,
Education Department,
Government of Puducherry,
Puducherry;
2. The Director of School Education,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary,
Educational Complex,
Anna Nagar, Puducherry- 605 005.

... Respondents/Respondents

(By Advocate: Mr. R. Syed Mustafa)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard counsel for the applicant.

2. The applicant has filed this RA against the order of this Tribunal dated 16.03.2017 dismissing OA 628/2015 as the applicant had already crossed the age of 36 years on the date of issue of notification dated 23.01.2014 to fill up various posts of TGT including four posts of TGT Malayalam. It was observed that as per the recruitment rules for the post of TGT, the age limit for a direct recruit was 30 years with a relaxation of three years for OBC and, therefore, even allowing for the relaxation, the applicant had crossed the maximum age limit. Further, the applicant had also not acquired the TGT qualification as on the date of the recruitment notification. Accordingly, she could make no claims in respect of the 2014 notification which in any case was not pursued.

3. In this RA, the applicant submits that the respondents had issued a notification dated 2.09.1999 to fill up the vacancies through direct recruitment and the notification was not pursued. The respondents had made no appointment for as long as 20 years against direct recruitment vacancies but were only engaging hourly paid lecturers through back door employment, regularizing the services of such appointees subsequently. This deprived eligible candidates from participating in regular selection process through open competition. It is due to such failure on the part of the respondents that several candidates including the applicant had become

overaged by the time a notification was issued in 2014 for regular appointment which was also not pursued.

4. It is further submitted that in the meantime, recruitment rules (RRs) for the post of TGT were notified on 6.1.2011 with eligibility criteria as follows:-

"Age limit : 30 years

Educational Qualification:

- i. Bachelor's degree in respective subject/ language from any recognized university with main subject as Malayam.
- ii. B.Ed. or B.T. from recognized University,
- iii. Should have studied particular regional language."

However, as per Rule 6 of the RRs, the Lt. Governor was competent to relax the eligibility conditions. The applicant, therefore, made a representation dated 28.07.2011 seeking age relaxation which was rejected.

5. It is alleged that the Tribunal dismissed the OA without noticing the aforesaid facts. The Tribunal 'erroneously' observed that the applicant did not possess B.Ed. qualification whereas the applicant had qualified T.E.T. on 08.12.2014. The cut off date for determining eligibility criteria under the notification dated 28.10.2015 was 30.11.2015 and, therefore, the applicant had the requisite qualification as on the cut off date.

6. We have considered the submissions made by the learned counsel for the applicant on the lines of the grounds agitated in the RA. It is not in dispute that the applicant was overaged on both the occasions i.e. when the

2014 and 2015 notifications were issued. The applicant did not possess the requisite qualification at the time of 2014 notification and admittedly she acquired qualification only at the time of the 2015 notification. However, she was overaged on both the occasions and, therefore, it was immaterial that she acquired the requisite qualification in the meantime.

7. As the applicant had not acquired the requisite qualification before she became overaged for the posts, she could not complain against the failure of the respondents to fill up the posts on a regular basis for over 20 years. Even if regular appointments had been made during these years, the applicant would have been ineligible as she did not possess the requisite qualification. The mere fact that the Lt. Governor had the powers to relax the rules could not confer any right on the applicant for such relaxation of rules as she had no valid grievance.

8. All the grounds raised in the RA had already been agitated in the OA and dealt with in the order of this Tribunal dated 16.3.2017. The RA is found to be frivolous as there is absolutely no error apparent on the face of the record. Nor was there any omission to deal with a relevant fact or issue. RA is dismissed.