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Central Administrative Tribunal, Principal Bench

Original Application No.1278 of 2003

New Delhi, this the 8th day of December, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

Karam Vir Singh,
S/o Shri Randhir Singh,
C/o Shri Ved Singh,
994, Pooth Kalan,
Delhi-41

.... Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Govt. of N.C.T. Delhi, through

1. The Chief Secretary,
Delhi Administration,
Old Secretariat,
Delhi
2. The Secretary (Education),
Directorate of Education,
Establishment III Branch,
Old Secretariat,
Delhi
3. Shri Prakesh Chand,
Administrative Officer,
Establishment-III,
Directorate of Education,
Old Secretariat,
Delhi

.... Respondents

(By Advocate: Shri Ajesh Luthra)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The respondents had invited applications for filling up the posts of Trained Graduate Teacher (TGT) and Language Teacher prescribing eligibility conditions. One of them is that the candidate for the post of TGT must have a Bachelor Degree (Hons./Pass) or equivalent from a recognised University in two subjects of which at least one out of English, Maths, Natural/Physical Science and Social Science should have been an elective subject.

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2. So far as the applicant is concerned, he has graduated as an external candidate from Osmania University, Hyderabad.
3. The respondents contend that applicant is not eligible because he has passed the examination for Bachelor of Arts Degree in one sitting from Osmania University.
4. The matter has become simpler because the learned counsel for the applicant relied upon the decision of this Tribunal in the case of **Manoj Kumar vs. Govt. of N.C.T. Delhi and another** (O.A.886/98) decided on 26.11.99. The applicant therein had also passed the same examination from Osmania University in one sitting. This Tribunal had held that the applicant is eligible and should be considered alongwith successful candidates. Our attention has also been drawn to another decision of this Tribunal in the case of **Ashok Kumar Tripathi vs. Govt. of N.C.T. Delhi and another** (O.A.711/98) decided on 6.12.99. In the cited matter, the applicant had passed the Bachelor of Degree examination from Allahabad University. He had not studied English subject in the 3rd year. In that case also, this Tribunal had decided accordingly as we have referred to above.
5. Respondents have contested the petition. Learned counsel for the respondents, in the first instance, took up the objection that the petition is highly belated and is barred by time. According to him, it is a stale claim

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which should not be granted. However, in all fairness, he did not dispute the fact that in the case of **Manoj Kumar** (supra), the benefits have been accorded to the said applicant.

6. So far as the question of limitation is concerned, our attention had been drawn to the representation/request of the applicant dated 11.6.98. Therein, the applicant had stated:

"I sent representations to the Director of Education, but did not get any response. On enquiring personally, I was told that I had studied English as a main subject, carrying 200 Marks at Graduation level. And this was the only reason for rejection of my candidature, I sent another representation alongwith one copy of syllabus of English. I have studied at Graduation level, but in vain."

7. On the strength of the same, learned counsel for the respondents contended that the applicant was aware of the reasons as to why his candidature is being rejected and, therefore, it would be unfair to state that there should be a formal rejection of the request.

8. We have gone through the abovesaid paragraph. It simply states that on enquiry, the applicant had been told that he had studied English as a main subject. There is nothing to indicate that the information had been given by a person duly authorised or that it is on appraisal of the representation/request of the applicant. It only conveys the reasons for rejection on an earlier occasion rather than rejecting the representation.

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9. The applicant had represented in June, 1998. We are informed that the rejection of the representation had been effected only on 23.12.2002. In such a situation, the applicant was justified in claiming the period of limitation to run from the said date because he had been requesting and obviously running from pillar to post in this regard.


10. Once such a relief had been granted in the case of **Manoj Kumar** (supra) who was identically placed as the applicant, we find no reason as to why for the same selection, benefit should not be accorded to the applicant. Therefore, as at present advised, we do not accede to the plea of the respondents.

11. For these reasons, we direct:

(a) respondents shall consider including the name of the applicant in the list of successful candidates of TGTs as per qualifications originally advertised; and

(b) the necessary exercise in this regard should be completed preferably within six months of the receipt of the certified copy of the present order.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman