

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.2332/2019

New Delhi, this the 21st day of October, 2019

Hon'ble Mr. Pradeep Kumar, Member (A)

Hon'ble Mr. Ashish Kalia, Member (J)

Ms. Neetu Aged 33

Group 'B'

Fresh Appointment

PGT Biology, Female

D/o Shri Balmukund

R/o R-877/1, Swantantra Nagar

Narela, Delhi.

.... Applicant

(By Advocate: Shri Yogesh Sharma)

VERSUS

1. Govt. of NCT of Delhi

Through the Chief Secretary

New Secretariat, New Delhi.

2. The Secretary

Delhi Subordinate Services Selection Board

Govt. of NCT of Delhi, F-18, Institutional Area

Karkardoma, Delhi -92.

3. The Director

Directorate of Education

Govt. of NCT of Delhi, Old Sectt.

New Delhi.

.... Respondents.

(By Advocate: Shri Anuj Kumar Sharma for
Ms. Sarita Aggarwal)

ORDER (ORAL)

By Hon'ble Mr. Ashish Kalia, Member (J)

The applicant in the present original application is seeking the following reliefs :-

- “(i) That the Hon'ble Tribunal may graciously be pleased to pass an order, declaring to the effect that the inaction on the part of the respondent No.3 not issuing the appointment order of the applicant is illegal and arbitrary and consequently pass an order directing the respondents to issue pass an order of appointment of the applicant of the post of PGT (Biology) in respect of post code No.125/2012 immediately on the date of appointment to the similarly situated and junior persons with all the consequential benefits including notional fixation of pay and notional seniority.
- (ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant.”

2.0 The applicant has applied for appointment to the post of Graduate Teacher (Biology) (Female) under post Code 125/2012 in Directorate of Education, Govt. of Delhi. The applicant is having B.Sc. (General) and M.Sc.(Biotechnology).

Till date, despite being selected by DSSSB, the applicant has not been given any appointment. The respondent-DSSSB, Respondent No.2 has filed reply, but pleaded that cause of action lies against Respondent No.3. However, Respondent No.2 has not recommended the name of the applicant. Feeling aggrieved by this, the applicant has made a representation for redressal of her grievance.

3.0 The Applicant pleaded that in the case of **Paramjit Kaur Versus Govt. of NCT of Delhi & Ors**, W.P. (C) No.4293/2016

decided on 17.2.2017, the controversy was that minimum prescribed qualification for the post of PGT (Biology) was M.Sc. degree in Botany or Zoology. The petitioner therein had B.Sc. (Hons.) in Botany and M.Sc. (Biotechnology). Her case was rejected. Hon'ble High Court made following observations:

“11. The petitioner possesses a B.Sc. (Hons) Degree in Botany and M.Sc. degree in(Biotechnology) which, as per the opinion of the expert Committee state above, is equivalent to M.Sc. (Botany) as required in the advertisement and Recruitment Rules for the post of PGT (Biology).

12. In view of the specific affidavit of the NCERT dated 15.12.2016, we are of the opinion that the petitioner possesses the necessary qualifications as required under the advertisement and recruitment rules for the post of PGT (Biology) and would be eligible for appointment to the said post. Equivalence is never examined in a vacuum but with reference to the Recruitment Rules and the work and job requirements on the post.

13. The question of equivalence, in the light of the aforesaid specific opinion of the NCERT, that the degree of M.Sc. (Biotechnology) with a degree in B.Sc. (H) in Botany at the graduation level is an equivalent degree, must be answered in favour of the petitioner.

14. Hence, in view of the aforesaid discussion and opinion, we find that there is merit in the present writ petition and the same is accordingly allowed. The impugned order of the Tribunal dated 29.07.2015 is quashed and set aside. We direct the respondents to consider the candidature of the petitioner for appointment as Post Graduate Teacher (Biology) (Female), Post Code No.040/10. The petitioner, however, would not be entitled to the arrears of pay and the appointment to the said post would take effect from the date the petitioner is so appointed. The respondents would complete the aforesaid exercise within a period of two months from the date of this judgment. There would be no order as to costs.”

Applicant pleaded that based on this ratio, she needs to be appointed.

4.0 We are of the view that a detailed representation be made by the applicant stating her grievance with all necessary certificate to the respondent no.3 within a period of two weeks and after receiving the same, the respondents shall decide the same within

four weeks. In case, any grievance still subsists the applicant may approach this Tribunal again. The OA is disposed of at admission stage, without going into merits. No costs.

(Ashish Kalia)
Member (J)

(Pradeep Kumar)
Member (A)

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