

**Central Administrative Tribunal
Principal Bench**

OA No.1292/2019

New Delhi, this the 1st day of November, 2019

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

Naveen Sharma,
S/o Sh. Dharam Raj Sharma
Aged about 30 years,
R/o H.N.364-F, Chirag Delhi,
New Delhi-110017.

...Applicant

(By Advocate : Shri R.S. Kaushik)

Versus

1. Union of India, Through
Secretary
Department of School Education and Literacy,
Ministry of HRD
Govt. of India
124-C, Shastri Bhawan
New Delhi.
2. Commissioner,
Kendriya Vidyalay Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016.

...Respondents

(By Advocates : Shri A.K. Pandey for Shri O.P. Shukla
and Ms. Neetu Mishra for Shri K.M. Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

Kendriya Vidyalaya Sangathan (KVS), the 2nd respondent here, issued an advertisement in August,

2008, proposing to fill the posts of Principals, Vice Principals, Post Graduate Teachers (PGT), Trained Graduate Teachers (TGT), Librarian and Primary Teachers. The applicant responded to the notification in respect of the post of TGT (Hindi). He has also taken part in the written examination, conducted for the purpose, and has secured fairly good marks. The interview was to take place on 15.02.2019. The applicant reported for interview on 15.02.2019 at Lucknow. However, on verification of his certificates, it was found that he did not fulfil the eligibility criteria stipulated for the post and he was not interviewed.

2. The 2nd respondent issued a tweet stating that the results of the various posts are ready and they have moved the requisite proposals for approval, in view of the impending Elections of the year 2019 and the result for the post of LDC would be declared after obtaining orders of the Hon'ble High Court in WP(C) No.12482/2018. The applicant filed this OA, challenging the tweet dated 13.03.2019 and to direct the respondents to consider his case for the post of TGT (Hindi), in terms of the Recruitment Rules (RRs), apart from directing the 2nd

respondent to allow the applicant to appear in the interview.

3. The OA was listed for hearing on 25.04.2019. Since the main grievance in the OA was against the tweet, we took note of the same and dismissed the OA on 25.04.2019. It was felt that the other issues can be addressed, once the results are declared. The applicant filed WP(C) No.4984/2019 before the Hon'ble High Court of Delhi, feeling aggrieved by the order dated 25.04.2019. Even while keeping the Writ Petition pending, the Hon'ble High Court directed the Tribunal to dispose of the OA on merits. The respondents have since filed their counter affidavit.

4. The applicant contends that the stipulation in the advertisement that a candidate must have studied the subject of Hindi in all the three years, at the graduation level, needs to be interpreted, by taking into account, the exact content of the course, imparted in the concerned University. It is pleaded that in the Delhi University, Hindi is not taught as a subject in all the three years at graduation level and the applicant studied Post Graduation also in Hindi. Reliance is placed upon the

judgment of Hon'ble High Court of Delhi in **Govt. of NCTD & Ors. Vs. Sachin Gupta** in WP(C) No.1520/2012 dated 07.08.2013 and order passed by this Tribunal in OA No.743/2017 **Sangeeta Vs. GNCTD & Ors.**, dated 19.08.2017.

5. The respondents filed a detailed counter affidavit opposing the OA. It is stated that according to the RRs as well as the stipulation in the advertisement, a candidate, for the post of TGT must have studied Hindi, as a subject in all the three years at graduation level. It is also stated that the RRs of the GNCTD are totally different from the Rules that are framed by the 2nd respondent. According to the 2nd respondent, the applicant did not fulfil the qualifications, prescribed for the post and accordingly was not interviewed and that his appearance in the written test was provisional, subject to his being found otherwise eligible. It is also stated that the selection process has been completed and the successful candidates have also been issued orders of appointment.

6. We heard Shri R.S. Kaushik, learned counsel for applicant and Shri A.K. Pandey for Shri Om Prakash

Shukla and Ms. Neetu Mishra for Shri K.M. Singh, learned counsel for respondents, in detail.

7. The post to which the applicant responded is, TGT in Hindi. The essential qualifications for all the posts of TGT in languages are stipulated in the advertisement as under :-

“ESSENTIAL QUALIFICATION FOR THE POSTS AT SL. NO.1 TO 6

(a) Four years integrated degree course of Regional College of Education of NCERT in the concerned subject with at least 50% marks in aggregate.

OR

Bachelor's Degree with atleast 50% marks in the concerned subject/combination of subject and in aggregate. The elective subjects and languages in the combination of subjects are as under :

Sl.No.	Post (Subject)	Subjects(s)
1	TGT (English)	English as a subject in all the three years
2	TGT (Hindi)	Hindi as a subject in all the three years
3	TGT (S.St)	Any two of the following: History, Geography, Economics and Pol. Science of which one must be either History or Geography.
4	TGT	Botany, Zoology

	(Science)	and Chemistry
5	TGT (Sanskrit)	Sanskrit as a subject in all the three years
6	TGT (Maths)	Bachelor Degree in Maths with any two of the following subjects:- Physics, Chemistry, Electronics, Computer Science, Statistics

- i) B.Ed or equivalent degree from a recognized University.
- ii) Pass in the Central Teacher Eligibility Test (CTET) Paper-II, conducted by CBSE in accordance with the Guidelines framed by the NCTE for the purpose.
- iii) Proficiency in teaching in Hindi and English medium.”

8. The applicant studied the Graduation with Hindi as a subject. However, it was not taught as a subject, in all the three years. It is stated to be only for two years. Though the applicant was permitted to appear in the written examination and was also called for interview, the actual verification of the qualification was conducted at that stage. On finding that the applicant did not study Hindi, as a subject in all the three years at graduation level, he was not permitted to participate in the interview.

9. It is not the case of the applicant that qualifications stipulated in the advertisement are at variance with those in the RRs. The 2nd respondent made it clear that only such of the candidates who have studied the concerned languages in all the three years at graduation level, are eligible for appointment. If some of the Universities framed the courses in a different way, and not provided the study of Hindi or other languages in all the three years, that is not the concern of the 2nd respondent. The record also discloses that there are many Universities that are offering courses with the language, as a subject, for 3 years.

10. Reliance is placed upon the judgement of the Hon'ble High Court of Delhi in **Sachin Gupta's** case (supra). In that case, the issue was about the appointment to the post of Teachers in GNCTD. The qualifications stipulated for TGT, even in languages are at total variance from those stipulated by the 2nd respondent. For the post of TGT in Hindi, the stipulation was as under :-

1	8
<i>Trained Graduate Teachers</i>	1. A bachelor's Degree (Pass/Hons) from a recognized

	<i>University or equivalent having secured at least 45% marks in aggregate of having studied to a level not lower than ancillary/ subsidiary subjects indicated in any of the following groups:-</i>
<i>English</i>	<p>1. English as main subject at graduation level with one of the following subjects :-</p> <p>(i) History, (ii) Pol. Science, (iii) Economics, (iv) Commerce, (v) Geography, (vi) Agriculture, (vii) Horticulture</p>
<i>Mathematics</i>

11. There was no requirement that English as a subject should have been studied in all the three years at graduation level. Despite that, the GNCTD and DSSSB insisted that it is only those candidates who have studied English in all the three years at graduation level are eligible. That contention was repelled by the Tribunal as well as the Hon'ble High Court. It was held that once the requirement is about bachelor's degree from a recognized University with at least 45% marks in aggregate in the concerned subject, much would depend upon the nature of the contents of the course stipulated in the University and the languages taught as a subject. The qualification,

therefore, needs to be treated as adequate. In contrast, in the RRs, stipulated by the 2nd respondent, the requirement is that the language should have been studied in all the three years. Therefore, the judgment of the Hon'ble High Court in Sachin Gupta's case (supra) cannot be treated as a binding precedent on the facts of the present case.

12. Reliance is also placed upon the judgment of the Hon'ble High Court in **Govt. of NCTD Vs. Naveen Sharma**. Here again, the facts of the case are identical to those of the Sachin Gupta's case and following the judgment in that case, the Writ Petition was allowed.

13. The applicant contends that he studied MA in Hindi, and if that is taken into account, he can be treated as satisfying the requirement under the Rules. In support of this contention, he placed reliance upon the judgment of this Tribunal in OA No.743/2017 (**Sangeeta Vs. GNCTD & Ors.**). That was a case pertaining to the post of Guest Teacher and the candidature was rejected on the ground that she did not hold the requisite qualifications. The qualifications prescribed for the post of TGT (Pol Science) were graduation in History/ Political Science/ Economics / Sociology/ Geography/

Phychology/Commerce/ Agriculture/ Horticulture. The applicant therein studied the main subject 'Public Administration' at graduation level. In one of the judgments, the Hon'ble High Court accepted the contention that the 'Public Administration' and 'Political Science' are interchangeable subjects. Applying that ratio, the OA was allowed. That is not the case here.

14. Therefore, we do not find any merits in the OA and the same is accordingly, dismissed.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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