



**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-2742/2019
MA-3252/2019
MA-3728/2019**

New Delhi this the 26th day of November, 2019.

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

Ruchi
D/o Sh. Shyam Singh,
W/o Sh. Ankur,
Aged about 27 years
R/o WZ-1666, Nangal Raya,
New Delhi-46. Applicant

(through Sh. Ranjit Sharma, Advocate)

Versus

1. South Delhi Municipal Corporation, through
S.P. Mukherjee Civic Centre,
J.L.N. Marg, New Delhi-02.
2. Director of Education,
South Delhi Municipal Corporation,
S.P. Mukherjee Civic Centre,
J.L.N. Marg, New Delhi-02. Respondents

(through Sh. Yudhister Sharma, Advocate)

ORDER (ORAL)**Mohd. Jamshed, Member (A)**

The applicant had applied for the post of Primary Teacher (PT) MCD, under OBC category in terms of the Advertisement No. 02/17, Post Code-16/17. She was declared successful. The successful candidates were also advised to submit their preferences for allotment under one of MCDs i.e. South, North and East. The applicant submitted her representation dated 29.07.2019 requesting the respondents to allot her posting under South DMC in view of her son undergoing treatment at All India Institute of Medical Sciences (AIIMS). Vide "Final Merit Based Cooperation Allotment" Public Notice dated 05.09.2019, the applicant was allotted East DMC. Aggrieved by her allotment to East DMC, the applicant filed this O.A. seeking quashing of Public Notice dated 05.09.2019 allotting her to East DMC for posting and directions to



respondent to allot her to South DMC in view of the medical condition of her son.

2. The respondents have opposed the O.A. submitting that the recruitment has been made to fill up the vacancies in all the three Corporations and the allotment to respective Corporation has been made on the basis of marks secured by the candidates. The applicant's name has been recommended to East DMC on the basis of marks obtained by her in written examination. It was further submitted that any changes in the allotment on request shall disturb the entire allotment process.

3. The learned counsel of the applicant has argued that the applicant has made representation to the respondents for change of allotment from East DMC to South DMC in view of the critical medical condition of her son and such considerations have also been mentioned in the Transfer Policy/Posting Policy for Teachers issued



by South DMC dated 08.01.2019. The applicant has also drawn the attention of the Tribunal to South DMC Circular dated 14.07.2014 wherein it has been indicated that there is no provision in the DMC Act to consider the request of inter-Corporation transfer. The applicant has pleaded that she will suffer immense hardship & inconvenience if she has been posted to East DMC where she has to join before 30.11.2019.

4. Heard Sh. Ranjit Sharma, learned counsel of the applicant and Sh. Yudhister Sharma, learned counsel of the respondents.

5. The applicant has appeared in the selection of PTs under MCD in pursuance to Advertisement No. 02/17, Post Code-16/17 under OBC category and was declared successful. Further vide Public Notice dated 05.09.2019, she was allocated East DMC for her posting. It is submitted by the applicant that she had represented against her posting in East DMC in



view of the medical condition of her son, who is under treatment at AllMS. However, the same has not been considered by the respondents and her allotment has not been changed from East DMC to South DMC.

6. Respondents have drawn the attention of the Tribunal to the merit based allotment of candidates to respective Municipal Corporations. It is a fact that the applicant has been selected for appointment as PT and has been allotted East DMC, which is part of National Capital Territory of Delhi. Her insistence on being posted to South DMC, closer to AllMS, appears to be misplaced as many teachers, who are posted under East DMC, North DMC and South DMC are in Delhi and have their specific requirements. The allocation has been made by the respondents on the basis of the marks obtained by the candidates in the written examination and, therefore, is strictly merit based. This administrative decision of the respondents



appears as transparent and without discrimination. It is also not a case of transfer of a teacher from one city to another, which is the case in many other Central Government Schools like the Kendriya Vidyalaya Sangathan.

7. Allotments have been made in terms of the administrative policy laying down a merit based criteria by the respondents. The role of Tribunal to interfere in public policy is limited. The Hon'ble Apex Court in **UOI & Ors. Vs. M. Selvakumar & Ors.**, CA No. 858/2017 dated 24.01.2017 has laid down as under:-

"47.....It is not in the domain of the courts to embark upon an inquiry as to whether a particular public policy is wise and acceptable or whether better policy could be evolved. The Court can only interfere if the policy framed is absolutely capricious and non-informed by reasons, or totally arbitrary, offending the basic requirement of the Article 14 of the Constitution."

8. Therefore, we are of the view that there is no merit in this O.A. and the same is accordingly

dismissed. The two pending MAs are also
dismissed. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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