

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.3047 OF 2015

New Delhi, this the 2<sup>nd</sup> day of November, 2016

CORAM:

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER**  
**AND**  
**HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER**

Ms.Rekha Hooda,  
Aged 28 years,  
D/o Shri Girdhari Lal Hooda,  
R/o House No.27, Extn.2C Nangloi,  
Delhi 110041

.....Applicant

(By Advocate: Mr.Anuj Aggarwal)

Vs.

1. Government of NCT of Delhi,  
through its Chief Secretary,  
Secretariat, I.P.Estate,  
New Delhi 110002
2. Directorate of Education,  
through Director of Education,  
Government of NCT of Delhi,  
Old Secretariat Building,  
Civil Lines, Delhi-54
3. The Joint Director (Planning Branch),  
Planning Branch, Directorate of Education,  
Govt. of NCT of Delhi,  
Old Patrachar Building,  
Timarpur, Delhi 110054

.....Respondents

(By Advocate: Ms.Rashmi Chopra)



**ORDER**

**Per Raj Vir Sharma, Member(J):**

The applicant has filed this Original Application seeking the following reliefs:

- “(i) issue an appropriate order or direction thereby quashing/setting aside the impugned circular dated 09.07.2015(Annexure A-1);
- (ii) issue an appropriate order or direction thereby directing the respondents to appoint the applicant to the post of TGT(Hindi), or, in alternative, to the post of TGT (Social Science), w.e.f. the date when her counterparts have been appointed and pay her all consequential benefits thereof;
- (iii) allow the present application with cost, in favour of the applicant; and
- (iv) issue any other appropriate order or direction as this Hon’ble Tribunal may deem fit and proper in the interest of justice and in favour of the applicant.”

2. Briefly stated, the case of the applicant is that she passed three-year B.A. (Programme) from the Delhi University in the year 2007, with Hindi subject in Parts I (1<sup>st</sup> Year) and II (2<sup>nd</sup> year). She also passed B.Ed. in the year 2009, M.A. (Political Science) from Maharishi Dayanand University, Rohtak, in the year 2012, and Central Teacher Eligibility Test (CTET) in September 2013. On applications made by her from time to time, the respondents selected and engaged the applicant as Guest Teacher (TGT-Hindi) during the academic session 2011-12, as Guest Teacher (Lecturer in Political Science) during the academic session 2012-13, as Guest Teacher (TGT-Hindi) during the academic session 2013-14, and as Guest Teacher

(TGT-Hindi) during the academic session 2014-15. At the end of each of the aforesaid academic sessions, i.e., in the month of May, the applicant's engagement was discontinued, and she was relieved of duties and was re-engaged at the commencement of the succeeding academic session, i.e., in the month of July. In the circular dated 26.6.2015 issued by the respondents, it was declared that the Guest Teachers who were disengaged with effect from 9.5.2015 were to be re-engaged with effect from 1.7.2015 during the academic session 2015-16. On the basis of the said circular dated 26.6.2015, the applicant was re-engaged as Guest Teacher (TGT-Hindi) with effect from 1.7.2015. On 15.7.2015, the applicant was verbally informed by the Head of School of the G.S.K.V, Block-H, D-41, Sultan Puri, Delhi, that she was relieved of duties on the ground of her being unqualified for the post of TGT-Hindi in terms of the circular dated 9.7.2015 issued by the respondents. Being aggrieved, she made representations dated 16.7.2015 and 8.8.2015 to the Hon'ble Education Minister, and the Hon'ble Chief Minister of the Government of NCT of Delhi. There being no response, she filed the present O.A. on 14.8.2015 seeking the reliefs as aforesaid.

3. Resisting the O.A., the respondents have filed a counter reply. It is, *inter alia*, stated by the respondents that the applicant had not studied Hindi in all parts/years of Graduation. Thus, she did not fulfill the eligibility criteria laid down in the Recruitment Rules. Therefore, her engagement as Guest Teacher (TGT-Hindi) was discontinued, and she was disengaged with effect from 15.7.2015.

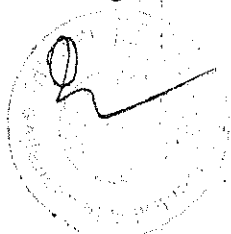
4. No rejoinder reply has been filed by the applicant.
5. We have perused the pleadings of the parties, and have heard Mr. Anuj Aggarwal, the learned counsel appearing for the applicant, and Ms. Rashmi Chopra, the learned counsel appearing for the respondents.
6. In view of the decision of the Hon'ble High Court of Delhi in *Government of NCT of Delhi & Ors., etc. Vs. Sachin Gupta, etc.*, MANU/DE/2360/2013, the respondents ought not to have discontinued the engagement of the applicant as Guest Teacher (TGT-Hindi) with effect from 15.7.2015 on the ground of her not having studied Hindi in all parts/years of Graduation. Therefore, we have no hesitation in holding that the impugned disengagement of the applicant is unsustainable.
7. The engagement/re-engagement of Guest Teachers is made by the respondents purely on ad hoc and daily basis till the posts are filled up on regular basis. Such Guest Teachers are not entitled to regular appointment. The engagement/re-engagement of Guest Teachers is purely a stop-gap arrangement. The candidates so engaged are not entitled to claim salary, allowances, facilities, and other benefits accruing to regular teachers. The Guest Teachers are liable to be disengaged from the school as soon as regular teachers join the school. The engagement of Guest Teachers is made on academic year basis, and at the end of the academic session, their engagement is discontinued, and they are relieved of duties. Therefore, the applicant or, for that matter, of any disengaged Guest Teacher cannot claim to be engaged/re-engaged as a matter of right. We also do not find any

substance in the submissions of Mr. Anuj Aggarwal, the learned counsel for the applicant that the disengagement of the applicant being void *ab initio*, she is entitled to back wages from the date of disengagement till re-engagement as Guest Teacher. The decisions in *Govt. of NCT of Delhi Vs. Rakesh Bantiwal*, MANU/DE/1782/2014; *Jasmer Singh Vs. State of Haryana*, MANU/SC/0026/2015; and *Shobha Ram Raturi Vs. Haryana Vidyut Prasaran Nigam Limited and others*, Civil Appeal No.11325 of 2011, decided on 9.12.2015, which have been relied on by Mr. Anuj Aggarwal in support of the claim of the applicant for payment of back wages from the date of her disengagement till her engagement, besides being distinguishable on facts, do not come to the aid of the applicant.

8. After having given our anxious consideration to the facts and circumstances of the case, we dispose of the present O.A. with the following directions:


- (1) The applicant, within fifteen days from today, shall make a detailed representation to the Director of Education (respondent No.2), along with copies of her previous engagement letters and certificates of educational qualifications, etc., for re-engagement as Guest Teacher (TGT-Hindi) for the remaining period of academic session 2016-17 in the school where she claimed to have been previously engaged or in any of the schools, where vacancies in the post of TGT (Hindi) are still available.


- (2) If the representation, as directed above, is made by the applicant, respondent no.2, within fifteen days from the date of receipt of representation, shall consider the same and take appropriate decision by passing a reasoned and speaking order. The decision to be so taken shall be communicated to the applicant.
- (3) In view of the decision in **Govt. of NCT of delhi & others, etc. Vs. Sachin Gupta, etc.** (supra), respondent no.2, while considering the representation of the applicant, shall not declare the applicant ineligible for re-engagement as Guest Teacher (TGT-Hindi), on the ground that she, having not studied Hindi subject in all parts/years of Graduation, does not fulfill the eligibility criteria laid down in the Recruitment Rules. As regards other eligibility conditions laid down in the Recruitment Rules for the post of TGT(Hindi) and the provisions of the scheme for engagement/re-engagement of Guest Teacher Guest Teacher(TGT-Hindi), respondent no.2 shall specifically examine and record his findings whether, or not, the applicant fulfills the same.
- (4) In the event the applicant feels aggrieved by the decision to be so taken by respondent no.2, she can make a representation against the same before respondent no.1.



In the event of her grievance not being redressed by respondent no.1, she, if so advised, is at liberty to approach appropriate legal forum.

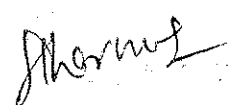
9. With the above observation and direction, the O.A. is disposed of. No costs.

  
(RAJ VIR SHARMA)  
JUDICIAL MEMBER

  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER

AN



17/11/18  
  
Director of District, Meerut