

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**ORDER SHEET**

COURT NO. : 1  
18/01/2018  
O.A./227/2018  
M.A./241/2018

AMARPAL SAINI & OTHERS  
-V/S-  
GOVT. OF NCTD

ITEM NO:10

FOR APPLICANTS(S) Adv. : Mr. Ashok Aggarwal, Mr. Anuj Aggarwal and Mr. Tenzing Thinlay Lepcha

FOR RESPONDENTS(S) Adv.: Mr. R N Singh for respondent Nos. 1, 3 & 4  
Mr. Hanu Bhasker for respondent No.2

Notes of The Registry	Order of The Tribunal
	<p data-bbox="511 913 820 955"><u>M.A. No.241/2018</u></p> <p data-bbox="511 987 1421 1071">M.A seeking joining together in a single petition is allowed.</p> <p data-bbox="511 1113 820 1155"><u>O.A. No.227/2018</u></p> <p data-bbox="511 1186 1421 1270">Notice to respondent Nos. 1, 2, 3 &amp; 4 at the first instance.</p> <p data-bbox="511 1312 1421 1480">Mr. R N Singh, learned counsel and Mr. Hanu Bhasker, learned counsel, appear and accept notice on behalf of respondent Nos. 1, 3 &amp; 4 and respondent No.2 respectively.</p> <p data-bbox="511 1522 1421 1816">The respondent No.3 has issued Advertisement No.04/2017 dated 20.12.2017 inviting applications for various teaching posts in the Directorate of Education. The applicants claim to be duly qualified, except that they are not Central Teacher Eligibility Test (CTET) qualified, which is one of the essential qualifications for all these posts.</p> <p data-bbox="544 1848 1421 1890">The grievance of the applicants is that respondent</p>

No.5 (Central Board of Secondary Education), who is entrusted with the responsibility of conducting the CTET, has not conducted any test in the year 2017, and thus the applicants had no opportunity to appear and qualify the said test. On account of these circumstances, the applicants are not eligible to appear in the aforesaid selection process. The applicants have also referred to Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 whereunder the Central Government has powers to relax the prescribed qualifications, including the CTET, laid down by the National Council for Teacher Education.

*Prima facie*, we are of the opinion that the applicants' right cannot be defeated on account of non-holding of the CTET by respondent No.5. Thus, by way of interim relief, we direct the respondents to accept the hard copies of the applications of applicants to participate in the selection process for the posts invited vide Advertisement No.04/2017 dated 20.12.2017, notwithstanding the fact that they do not possess the eligibility of CTET. The applicants be allowed to participate in the selection process provisionally. We make it clear that such participation will not confer any right or equity in favour of the applicants. The result of the applicants shall not be declared till so directed by the Tribunal.

List on 19.03.2018.

Order **dasti**.

( K.N. SHRIVASTAVA )  
MEMBER (A)

( JUSTICE PERMOD KOHLI )  
CHAIRMAN

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