

**Central Administrative Tribunal  
Principal Bench**

**OA-2950/2016**

**New Delhi, this the 03<sup>rd</sup> day of January, 2018**

**Hon'ble Mr. Justice Permod Kohli, Chairman**  
**Hon'ble Ms. Praveen Mahajan, Member (A)**

Ms. Rinku Singh, Age 37 years,  
D/o Sh. Abhishek Singh,  
R/o A-57, Gali No. 1,  
Meethapur, Extensin, Part-II, Badarpur,  
New Delhi-110044. ... Applicant

(through Sh. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board (DSSSB),  
Through its Chief Secretary,  
FC-18, Institutional Area,  
Karkardooma,  
Delhi-110092.
2. Govt. of NCT of Delhi,  
Through its Chief Secretary,  
Delhi Secretariat,  
IP Estate, New Delhi-110002.
3. Director of Education,  
Directorate of Education,  
Government of NCT of Delhi,  
Old Secretariat Building,  
Civil Lines, Delhi-110054. ... Respondents

(through Ms. P.K. Gupta for R-1)

**ORDER(ORAL)****Hon'ble Mr. Justice Permod Kohli**

Even though rejoinder has not been filed, learned counsel for the applicant submits that the controversy in the present OA is covered by the judgment of the Hon'ble High Court of Delhi dated 07.08.2013 passed in bunch of Writ Petition including WP(C) No. 575/2013.

2. We have heard learned counsel for the parties. Brief facts leading to the filing of the present OA are that the applicant acquired Degree of B.Sc. from Himachal Pradesh University and also passed the certificate examination in the year 1999. She studied English during the said course of three years. She did her Master of Arts in English and successfully passed the examination in 2001. The applicant also qualified CTET conducted by Central Board of Secondary Education, Delhi in the year 2012 as is evident from the certificate dated 16.03.2012.

3. Respondent no. 1 issued advertisement No. 01/13 informing the candidates of the post of TGT (English) Female, Post Code 05/13. The applicant considering herself to be duly qualified applied for the post. She was allotted Roll No. 68008636 and also issued admit card for participation in the examination which was held on 28.12.2014. The candidature of the applicant was however rejected vide

rejection notice No. 39 dated 24.06.2016 (Annexure A/1) with the following remarks : "English not studied in II & III year of Graduation".

4. It is under these circumstances, the present OA has been filed seeking the following reliefs:

i. Set aside the impugned rejection notice No. 39 dated 24.06.2016 passed by the Delhi Subordinate Services Selection Board (DSSSB) (Annexure A-1) whereby the candidature of the applicant for the post of TGT English (Female) post code 05/13 has been rejected by the Delhi Subordinate Services Selection Board (DSSSB) on the ground 'English not studied in II & III year of Graduation...'.,

ii. Declare that the applicant is duly qualified for the post of TGT English (Female) post code 05/13;

iii. Direct the DSSSB to consider the candidature of the applicant for the post of TGT English (Female) post code 05/13 and after such consideration forward the dossier of the applicant for the appointment to the Directorate of Education, Govt. of NCT of Delhi;

iv. Direct to directorate of Education to appoint the applicant to the post of TGT English (Female) post code 05/13 w.e.f. the date when the counter parts of the applicant have been appointed and pay to the applicant all the consequential benefits including full back salary, seniority etc..

v. allow the present Application with costs, in favour of the applicant.

vi. issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicant."

5. The respondents have filed a detailed counter. It is stated that the Board strictly follows eligibility conditions as prescribed by the employer and in absence of any instructions, the recruitment agency has to act according to the recruitment rules and qualifications prescribed by the employer. Even though the claim of the applicant is resisted and disputed by the official respondents, the applicant however has brought to our notice a judgment of the Hon'ble High

Court of Delhi dated 07.08.2013 passed in bunch of petitions including the case of **Director of Education and anr. vs Neelam Rana**.

In Neelam Rana's case, the facts have been noticed by Hon'ble Delhi High Court in Para 47 which read as under:

"47. The controversy pertaining to Neelam Rana is not in the context of what would be an elective subject studied during Graduation. Admittedly Neelam Rana seeks appointment as T.G.T. English, a subject which she never studied in her Graduation course which we find was B.Sc. (Botany) but she fights the battle on the strength of having obtained a Post Graduate Degree in English i.e. M.A. (English)."

6. On consideration of the aforesaid facts, Hon'ble High Court proceeded to issue the following directions:

"50. In view of the aforesaid authoritative pronouncements, we hold that respondent Neelam Rana is eligible for being appointed to the post of T.G.T. (English), particularly when the Directorate of Education has placed no material before us to show that the person who has studied English at graduate level would be better equipped to teach English to students vis-a-vis a person who has obtained a Post Graduate degree in English language."

7. The case of the applicant is no different. The applicant is a Post Graduate. In support of her Post Graduate qualifications, i.e., MA (English), she has placed on record the Degree of MA (English) dated 27.12.2001 and also the mark sheet dated 05.11.2001. The subjects studied by her are indicated in the mark sheet and it is evident that all the subjects are of English.

8. In this view of the matter, the applicant, who possesses higher qualifications than prescribed in the Advertisement could not be said to be ineligible for the post in question. In view of the law laid down by the Hon'ble High Court of Delhi, this application is allowed.

The impugned rejection notice no. 39 qua the applicant is hereby quashed. As a result of the quashing of the impugned rejection notice, the respondents are directed to consider the candidature of the applicant for the post of TGT (English) on the basis of her merit in the examination held by respondent no. 1 and if the applicant falls within the merit, she may be given appointment on the basis of her merit. Let the entire exercise be completed within a period of two months from the date of receipt of certified copy of this order. In the event, the applicant is selected and appointed; she will be entitled to seniority and also fixation of pay on the basis of her merit. However, the applicant shall not be entitled to arrears of salary as such arrears shall become payable from the date of appointment. No costs.

**(Praveen Mahajan)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

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