

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

ORDER SHEET

COURT NO. : 4  
27.07.2018  
M.A./100/3166/2018

O.A./100/464/2018  
C.P./100/436/2018

ITEM NO:2

FOR APPLICANTS(S) Adv. :

NEELAM & OTHERS  
-V/S-  
GOVT. OF NCTD

Shri Anuj Aggarwal

FOR RESPONDENTS(S) Adv.:

Notes of The Registry

Order of The Tribunal

MA 3166/2018

The instant MA has been filed by applicant No.15, i.e. Shri Naveen and applicant No.20, i.e. Ms. Sonia Rana, seeking execution of the orders dated 30.01.2018 in O.A. No.464/2018, which was filed by them alongwith certain others. This Tribunal on 30.01.2018 directed as under:

"M.A. No.480/2018

M.A. seeking joining together in a single petition is allowed.

O.A. No.464/2018

Notice:

Mrs. Harvinder Oberoi, learned additional standing counsel and Mr. K M Singh, learned counsel, appear and accept notice on behalf of respondent Nos. 1, 3 & 4 and respondent No.2 respectively. Counter reply be filed within four weeks. Rejoinder, if any, within two weeks thereafter. Let notice go to respondent No.5.

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 to apply for the posts of TGT (Hindi) (Post Code 141/17) & TGT (Social Science) (Female) (Post Code 138/17), Assistant Primary Teacher (Post Code 89/17), TGT (Maths) (Post Code 134/17), Assistant Primary Teacher (Post Code 89/17), Assistant Teacher (Primary) (Post Code 89/17), Special Education Teacher (Post Code



*v. Anuj Aggarwal*

No.87/17), TGT (Hindi) (Post Code 141/17), TGT (Natural Science) (Post Code 136/17), PGT (Chemistry) ( Post Code 102/17), TGT (English) (Post Code 132/17), TGT (Punjabi) (Post Code 143/17), TGT (Natural Science) (Post Code 136/17), and TGT (Sanskrit) (Post Code 145/17), except that they are not Central Teacher Eligibility Test (CTET) qualified, which is one of the essential qualifications for all these posts.

The grievance of the applicants is that respondent 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 off-line applications (hard copies) from the applicants to participate in the selection process for the post 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 without the leave of the Tribunal.

List on 12.04.2018.

Order dasti."

3. It is submitted that the respondents complied with the aforesaid order in respect of the others, but not issued the admit cards to the applicants. Hence, the MA.

4. In the circumstances, the MA is allowed and the respondents are directed to comply with the order dated 30.01.2018 in O.A. No. 464/2018 in respect of the applicants in the instant MA, i.e. Shri Navin and Ms. Sonia Rana who are applicant Nos. 15 and 20 in the O.A., and to issue admit cards to them and permit them to participate in the Written Examination scheduled to be held on 29.07.2018, however,



V-7 *amun*

provisionally.

Order by DASTL.

( ARADHANA JOHRI )  
MEMBER (A)

( V. AJAY KUMAR )  
MEMBER (J)

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(Procedure Rules)

प्रमाणित सत्यप्रतिलिपि  
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दिनांक / Dated: 12/12/18

/jyoti/



अनुभाग अधिकारी (न्या.)  
Section Officer (J)  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रधान न्यायपीठ, नई दिल्ली  
Principal Branch, New Delhi