



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

O.A. No. 410/2016

This the 19th Day of July, 2021

(Through Video Conferencing)

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

1. Madhusudan Upadhyay
Aged 25 years
S/ o Ramavtar Sharma,
R/o Kathumar Alwar,
near JP School (Raj.)-021605
2. Krishan Gopal,
Aged 21 years
S/o Jagdeesh Prasad,
R/o Nagla Kalyan,
Post Milak Pur,
Tehsil Roopwas, Bhartpur,
Rajasthan-321302
3. Meeta Das,
Aged 27 years
D/o Madhu Das
R/o A-25, Kasturba Niketan Complex,
Lajpat Nagar-II
4. Lalita,
Aged 32 years,
D/o Dharamveer,
R/o H. No. 399 Gali Brahman Wali
V.P.O. Bavana Delhi
5. Govind Singh,
Aged 28 years,
S/o Lakhman Singh,
R/o Village Nagla Kalyan,
Post Milak Pur, Tehsil Roopwas,
Bhartpur, Rajasthan-321302
6. Sangeeta Thakur,
Aged 29 years,

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- D/o Chattar Singh,
R/o K-21/70, Street No.20,
Gangotri Vihar,
West Ghonda, Shahadara, Delhi
7. Poonam,
Aged 32 years
W/o Parveen Kumar
R/o VPO Sunarrien Kalan,
Tehsil Rohtak-124001
8. Geetanjali,
Aged 33 years,
D/o Topan Das,
R/o X-2850, Gali No.5,
Raghubar Pura No.2,
Gandhi Nagar, Delhi
9. Nita Kumari,
Aged 35 years,
D/o Dauli Ram Bharti
R/o 12/455, Mandoli Extn.,
Delhi
10. Asmat,
Aged 29 years,
D/o Mohd. Ilyas,
R/o B-910, Gali No. 18, Shree Ram Colony,,
Rajeev Nagar, Khajoori Khas,
Delhi-110094
11. Farah
Aged 38 years,
W/o Mohd. Shoaib,
R/o FA, 14/15, 3 Floor,
Thokar No. 04 Abul Fazal,
Part I, Okhla-25
12. Sulkashna Yadav
Aged 33 years,
D/o Veer Singh
R/o RZ-148/74, Gali No. 10,
Sagarpur East, New Delhi-110046

... Applicants

(By Advocate: Shri Anuj Aggarwal with
Shri Shubham Pundhir)

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**Versus**

1. Govt. of NCT of Delhi,
Through its Chief Secretary
Delhi Secretariat,
I.P. Estate
New Delhi-11 0 002
2. Union of India Ministry
Through its Secretary
Human Resource & Development,
Shastri Bhawan,
New Delhi-110001
3. Delhi Subordinate Services Selection Board (DSSSB),
Through the Chairman,
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi-110 092
4. North Delhi Municipal Corporation (NDMC)
Through its Commissioner (North)
Dr. SPM Civil Centre,
J.L. Nehru Marg,
New Delhi – 110002
5. South Delhi Municipal Corporation (SDMC)
Through its Commissioner (South)
23rd Floor, Civic Centre,
Minto Road,
New Delhi - 110002
6. East Delhi Municipal Corporation (EDMC),
Through its Commissioner (East)
Vishwas Nagar Extension, Shahdara,
Delhi- 110032

... Respondents

(By Advocates : Ms. Sriparna Chatterjee, Ms. Neetu Mishra for
Mr. K.M. Singh and Ms. Punam Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The respondents issued an Advertisement in the year 2014 for various posts, including the post of Special Education Teacher. One of the qualifications stipulated for the post is holding of the Central Teacher Eligibility Test (CTET) as on the cut-off date. The applicants did not have the CTET. Accordingly, their candidature was rejected vide Notice dated 29.12.2015. They filed this O.A. with a prayer to direct the 1st respondent to make a proposal to the 2nd respondent for relaxation of the condition as to the CTET, in terms of Section 23(2) of the Right to Education Act, 2009 and for ancillary reliefs.

2. The applicants contend that the concerned agency did not conduct the Examination leading to the issuance of CTET for quite many years and, at any rate, the CTET is not relevant for the post of Special Education Teacher.

3. The respondents filed separate counter affidavits. They stated that the CTET is an essential qualification for the post and once the applicants did not hold that qualification, they are not entitled to be considered. It is also stated that the relaxation is not provided under the Rules and nobody can claim it as of right.

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4. Today, we heard Mr. Anuj Aggarwal with Mr. Shubham Pundhir, learned counsel for the applicants and Ms. Sriparna Chatterjee, Ms. Neetu Mishra proxy for Mr. K.M. Singh and Ms. Punam Singh, learned counsel for the respondents.

5. The applicants want them to be exempted from holding the CTET. Once it is prescribed as essential qualification, the question of exempting the applicants from holding that, does not arise.

6. Identical issue was dealt with by us in O.A. No.860/2016. An order passed by the Hon'ble High Court of Delhi in Writ Petition No.9040/2019 on the same subject, was taken note of. It was observed as under:

“6. It is brought to our notice that in WP(C) No. 9040/2019, titled Praveen Khatri & Ors. vs. Government of NCT of Delhi, the Hon'ble High Court passed an order on 21.08.2019, directing that the candidates, who cleared the CTET subsequent to conducting of the written test and before conclusion of the selection process, can also be considered for the post of Special Education Teachers. It is also stated that the DSSSB passed an order on 04.09.2020 in this behalf.

7. We, therefore, dispose of the OA, directing that if the cases of the applicants are covered by the order passed in WP(C) No. 9040/2019 and the order dated 04.09.2020 issued by the DSSSB, necessary order shall be passed in this behalf after verification of the compliance with the other conditions. There shall be no order as to costs.”

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7. Therefore, we dispose of the O.A. in terms of the order dated 17.03.2021 in O.A. No.860/2016.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/vb/sd/akshaya/