



Item 76

**Central Administrative Tribunal
Principal Bench, New Delhi**

**MA No.544/2020
In
O.A. No.1241/2019**

This the 10th day of October, 2022

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Mr. Tarun Shridhar, Member (A)**

Chandrakant Thakur
S/o Sh. Chandeswar Thakur
Aged about 38 years
R/o Thakur Niwas, Plot No.541
Barachak Asansol
District Burdhan
West Bengal -713359
Mob. No.07908821857, 099327816672
09013909293
Post: Special Education Teacher
Post Code:87/17 Group B.

...Applicant

(By Advocate: Mr. Anuj Aggarwal)

Versus

1. Delhi Subordinate Services Selection Board
(DSSSB)
Through its Chairman
Govt. of NCT of Delhi
FC-18, Institutional Area
Karkardooma, Delhi – 110 092.
2. Directorate of Education
Director of Education
Govt. of NCT of Delhi
Old Secretariat Building
Civil Lines, Delhi – 110 054. ... Respondents

(By Advocate: Mr. Girish C Jha with
Mr. Dharmendra Singh)



ORDER (ORAL)

Hon'ble Mr. Tarun Shridhar, Member (A):

The applicant, who appeared in the selection process for the post of Special Educator in the Directorate of Education post code 87/17 pursuant to an Advertisement dated 20.12.2017 is aggrieved that despite having qualified in the said selection process on merit, his candidature has been rejected vide the impugned Notice dated 28.02.2019 on the ground that he does not possess the B.Ed in Spl. Education. By virtue of the present Original Application he seeks the following reliefs:-

“(i) Set aside the impugned Rejection Notice No.359 dated 28.02.2019 whereby the candidature of the applicant (Roll No.2290000063) was rejected by the Delhi Subordinate Services Selection Board (DSSSB) for appointment on the post of Special Education Teacher (Post Code 87/17) on the ground “No B.Ed. in Spl. Education.”

(ii) Declare that the applicant is duly qualified and fulfils all the requisite conditions for appointment on the post of Special Education Teacher (Post Code 87/17;

(iii) Direct the respondents to consider the candidature of the applicant for appointment on the post of Special Education Teacher (Post Code

87/17) in Physical Handicapped (Visual) Category and also direct the respondents to pay/grant to the applicant all the consequential benefits thereof including seniority (as per position in merit), back salary/wages, etc.;

(iv) allow the present Original Application with costs in favour of the applicant; and

(v) pass any other order as this Hon'ble Tribunal may deem proper in the interest of justice and in the favour of the applicant."

2. Learned counsel for the applicant draws attention to the Advertisement calling for application to the post of Special Educator wherein the essential educational qualifications for the said post, as contained in the relevant Recruitment Rules, have been mentioned as under :-

"(i) Graduate with (a) B.Ed. (Special Education) or (b) B.Ed with a two years Diploma in Special Education or (c) Post Graduate Professional Diploma in Special Education or any other equivalent qualification approved by the RCI.

(ii) Central Teacher Eligibility Test Conducted by Central Board of Secondary Education."

3. Learned counsel points out that the applicant is in possession of Post Graduate Professional Diploma in Special Education which is recognized by the Rehabilitation Council of India (RCI). He specifically draws attention to the supporting documents he has placed on record which includes the statement of his

marks issued by the Indira Gandhi National University in the examination of Post Graduate Professional Diploma in Special Education and also the registration certificate issued by the RCI with respect to this approval.

4. Learned counsel argues that since Post Graduate Professional Diploma in Special Education is one of the essential educations which the candidate possesses, he meets all the requirements of eligibility for appointment to the post of Special Educator for which he has been selected on merit.

5. On the other hand, learned counsel for the respondents argues that he has categorically stated in his counter reply that three qualifications mentioned against the column of essential qualification in the Advertisement have to be read together and the Post Graduate Professional Diploma in Special Education will be treated as a qualification only if it is accompanied by B.Ed in Education also. Since, the applicant does not possess B.Ed in Special Education, he is not entitled for appointment to the post of Special Educator.

6. No matter how many time we read the Advertisement setting forth the essential qualification of

the Recruitment Rules, we are unable to appreciate the stand taken by the respondents. The essential qualification columns says Graduate "with", and thereafter gives three options i.e. (a) B.Ed. (Special Education) or (b) B.Ed with a two years Diploma in Special Education or (c) Post Graduate Professional Diploma in Special Education or any other equivalent qualification approved by the RCI.

7. It is apparent and beyond the scope for any other interpretation that to be qualified to hold the post of Special Educator one has to hold one of the three qualifications set out in (a), (b) & (c). In this case sub-clause (c) says Post Graduate Professional Diploma in Special Education or any other equivalent qualification approved by the RCI. It is undisputed that the applicant possesses the Post Graduate Professional Diploma in Special Education which is approved by RCI. Therefore, in our considered view there is absolutely no ground or cause to deprive the applicant of his candidature for the post of Special Educator.

8. In view of the above, the Original Application is allowed and the impugned Notice/Order dated

28.02.2019 (Annexure A-1) is set aside to the extent it relates to the current applicant. Pursuant to the quashing of this order/notice to the aforesaid extent, if the candidate has qualified on merit in the said selection process, he shall be given appointment to the said post forthwith, with effect from the date other candidates who got selected pursuant to this selection process have been appointed as such. The applicant shall be entitled to all consequential benefits which may accrue to him, however, strictly on notional basis. The directions contained herein shall be complied with expeditiously, in any case not later than eight weeks from the date of this order.

OA stands disposed of in the light of this directions.

No order as to costs.

(Tarun Shridhar)
Member (A)

(R.N. Singh)
Member (J)