

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 8
O.A./3358/2022 (DELHI)
[APPOINTMENT]
Court No.: 2

No of Adjournment:


Order Dated: 17/11/2022

KOMAL
Vs
DSSSB

For Applicant(s) Advocate :

Shri Anuj Aggarwal

For Respondent(s) Advocate :

<u>Notes of The Registry</u>	<u>Order of The Tribunal</u>
	<p>The applicant appeared in the selection to the post of PGT (Economics) (Female) under Post Code 67/20 in response to the selection conducted by the DSSSB. The applicant claims that she has been successful in all the stages of the selection process and pursuant to that, she was also given an offer of appointment dated 12.04.2022 (Annexure-A/11). Subsequently, she was also declared fit in the medical examination. However, the offer of appointment did not further get converted into a letter of appointment and it was later learnt by the applicant that this is on the ground of the contention of the respondents that the applicant has obtained her Post Graduation in Economics from a University which has not been recognized by the University Grants Commission (UGC). Aggrieved by this decision/action of the respondents, she seeks the following relief(s) :-</p> <p>(i) Declare that the impugned action on the part of the respondent No.2/Directorate of Education in not issuing the appointment letter to the applicant thereby appointing the applicant on the post of PGT (Economics) (Female) (Post Code 67/20) in the Directorate of Education is illegal as well as unjustified;</p> <p>(ii) Declare that MA Economics degree, as obtained by the applicant from Annamalai University, is legal and valid qualification for appointment on the post PGT (Economics)</p> 

(Female) (Post Code: 67/20) in DOE;

(ii) Direct the respondent No. 1 & 2 to issue the appointment letter to the applicant thereby appointing the applicant on the post of PGT (Economics) (Female) (Post Code 67/20) in the Directorate of Education with all consequential benefits (monetary as well as non-monetary) thereof including the seniority, back wages/salary, etc.,

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

(v) issue any other 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."

There is no representation on behalf of the respondents, whereas the learned counsel for the applicant confirms that he has effected advance service upon them. Considering the background of the applicant's success and selection followed by an offer of appointment, learned counsel for the applicant presses for adjudicating upon her prayer for interim relief, in terms of para 9 of the OA, which reads as under :-

"Direct the Respondents to keep one post of PGT (Economics (Female) (Post Code 67/20) in the Directorate of Education vacant in the SC category during the pendency of the present Original Application;

Or, in alternative;

Declare that any appointment made by the respondents on the post of PGT (Economics) (Female) (Post Code 67/20) in the Directorate of Education will be subject to the outcome of the present Original Application."



Learned counsel states that applicant has obtained Post Graduate Degree in the year 2017 from Annamalai University, Tamil Nadu. He submits that the stand taken by the respondents that it is not a recognized University is incorrect and has probably been taken on ground of long pending litigation between the UGC and University. Learned counsel submits that this issue is a matter of litigation in the Hon'ble Madras High Court and is still pending. However, some of the petitioners who had similarly acquired educational qualification from the Annamalai University had agitated the denial of appointment to them by way of bunch of Writ Petitions, leading one being WP(C) No.16419/2022 in the Hon'ble High Court of Kerala and while disposing of the said Writ Petitions, the Hon'ble High Court had recorded as under :-

"Resultantly:

a) I allow these writ petitions and confirm the interim orders granted in W.P.(C) Nos.27945/2022, 25569/2022, 30593/2022 and 26231/2022.

(b) As far as W.P.(C) No.16419/2022 is concerned, I allow it, declaring that the petitioners will be entitled to apply for and to participate in any selection process/interview, based on their educational degrees from the Annamalai University, without having to obtain Equivalency Certificate from the Universities in Kerala; but that their appointments will only take place, subject to the decision to be taken by the High Court of Madras in the pending writ petitions, as are reflected in Exts.P4 to P6 interim orders produced therein."



Accordingly, he prays that applicant's prayer for grant of interim relief also deserves to be decided in the light of the aforesaid judgment of the Hon'ble High Court of Kerala.

We have heard the learned counsel for the applicant and gone through the pleadings available on record and also given careful reading to the directions given by the Hon'ble High Court of Kerala.

Against this background, we are of the view that in case the prayer for interim relief of the applicant is not considered, at this stage, third party interest may be created and the applicant may suffer long term adverse consequences. Accordingly, we direct the respondents to keep one post of PGT (Economics) (Female) under SC category in the Directorate of Education of the Government of NCT of Delhi vacant till the next date of hearing.

Respondents may file reply/short reply within 10 days.

List the matter for further consideration on 30.11.2022.

Order Dasti.

Tarun Shridhar
Member (A)

R. N. Singh
Member (J)

/rk/



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(Procedure Rules)
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दिनांक / Dated.....

अनुमान अधिकारी (न्यायिक)
Section Officer (Judicial)
केन्द्रीय प्रशासनिक प्राधिकरण
Central Administrative Tribunal
प्रधान न्यायपीठ, नई दिल्ली
Principal Bench, New Delhi