

* **HIGH COURT OF DELHI : NEW DELHI**

+ **Writ Petition (Civil) No.3386 of 2000**

Judgment reserved on: November 17, 2009

% Judgment delivered on: November 23, 2009

Shri Ram Kishan
S/o Late Shri Asha Ram
R/o D-4, Nala Road, South Anarkali
Delhi-110052 Petitioner

Through In person.

Versus

1. The Administrator
Union Territory of Delhi
Raj Niwas, Delhi-110054
2. Govt. of NCT of Delhi
Through its Chief Secretary
5, Sham Nath Marg,
Delhi-110054
3. The Director of Education
Govt. of NCT of Delhi
Old Secretariat
Civil Lines, Delhi-110054
4. Union Public Service Commission
Through its Chief Secretary
Dholpur House, Shahjahan Road
New Delhi-110003 Respondents

Through Ms. Latika Choudhary, Adv. for
Respondent Nos. 1 to 3.
Mr. Naresh Kaushik with Ms. Aditi
Gupta, Adv. for Respondent No.4/
UPSC.

Coram:

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MS. JUSTICE MUKTA GUPTA

1. Whether the Reporters of local papers may
be allowed to see the judgment? Yes

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|---|---------------|
| 2. To be referred to Reporter or not? | Not necessary |
| 3. Whether the judgment should be reported in the Digest? | Not necessary |

MADAN B. LOKUR, J.

The Petitioner applied for the post of Principal in a Government Senior Secondary School in response to an advertisement issued by the Union Public Service Commission (UPSC).

2. The Petitioner belongs to a Scheduled Caste. There were 8 posts reserved for male Scheduled Caste candidates and against them, 262 applications were received by the UPSC. In view of the large number of applications, it became necessary for the UPSC to fix a short listing criteria.

3. The short listing criteria are as follows:-

“Since the response is considerably good in case of Male SC, Male OBC, Female general and Male general candidates, before doing PS following guide-lines have been adopted in computing the experience towards EQ (iii) as were adopted in the previous case i.e. F.1/168/94-R.IV:-

1. **Experience towards EQ (iii) has been counted only after acquiring EQ(i) i.e. P.G. Degree with second class.**
2. Experience of teaching has been considered relevant only when it has been acquired in teaching 10th or higher class in a high/higher secondary school or an intermediate college.
3. **Experience gained as PGT has been considered full experience but experience gained as TGT has been counted 75% equivalent to PGT.** It means 25% of experience as TGT has been deducted while equating this with PGT. In other words, 20 years experience as TGT has been equated with 15 years experience of PGT.
4. The mandatory period of three years teaching experience as PGT has been laid down for short listing the candidates. In case a candidate possess sufficient number of years of

experience towards TGT but possess less than 3 years experience as PGT has not been included in the list of called candidates.

5. Additional weightage towards experience as PGT has been given for the following qualifications:

1. Double or Triple M.A. (with second class) – 1 year
2. M. Ed. - 1 year
3. M. Phil - 1 year
4. Ph.D. - 3 years

(Candidates possessing Ph.D and M. Phil both have been given weightage of 3 years only)

6. Experience gained as Headmaster, Vice Principal or Principal for atleast two years.

7. Experience gained as Lecturer, Headmaster, Vice Principal and Principal has been equated to PGT experience under EQ (iii). (Emphasis supplied)

4. Elsewhere (and this is not disputed) it is provided that a candidate having 13 years experience as a Post Graduate Teacher (PGT) would be eligible for appointment. In case a candidate falls short of this period, then as indicated in the short listing criteria, the services rendered by him as a Trained Graduate Teacher (TGT) after having obtained a post graduation degree would also be counted to the extent of 75% thereof.

5. The Petitioner obtained his post graduation degree on 19th July, 1983 and his service record insofar as material to this case is as follows:-

Delhi Administration : TGT from 19th December, 1981 to 3rd February, 1986.

Delhi Administration : PGT from 4th February, 1986 to 29th February, 1996.

It will be seen from the above that the Petitioner had a clear 10 years and about 1 month experience as a PGT. He also had 2 ½ years experience as a TGT after having obtained a post graduation degree on 19th July, 1983. Since the Petitioner did not have 13 years experience as a PGT, he was found not eligible in terms of the short listing criteria.

6. According to the Petitioner, 75% of the period from 19th December, 1981 to 19th July, 1983 ought to have been included for the purposes of calculating his experience and if that period is taken into consideration (along with approximately 12 years and 7 months experience that he has as a PGT) he would fulfill the short listing criteria of having 13 years experience.

7. Since this view was not accepted by the Respondents, the Petitioner preferred an Original Application before the Tribunal being O.A. No.2134/1998. This Original Application was dismissed by the Tribunal by the impugned order dated 17th December, 1999. It is under these circumstances that the Petitioner has filed this writ petition.

8. The Petitioner appeared in person and reiterated his contention that he has more than 13 years experience and he ought to have been short listed for appointment. Additionally, it is submitted by him that the UPSC has mixed up the distinction between the post of PGT and the qualification of post graduation. According to the Petitioner, all that was required of him was a post graduate qualification and it was not necessary for him to work as a PGT. In our opinion the Petitioner has not made out any case for interference with the order passed by the Tribunal.

9. It appears to us that the short listing criteria clearly requires

experience gained as a PGT. It is undisputed that the Petitioner has only 10 years experience as a PGT. While he was working as a TGT he obtained a post graduation degree but did not acquire the experience of a PGT. Even if the date from which the Petitioner acquired his post graduation degree is taken into consideration, that is, 19th July, 1983 the Petitioner effectively has 12 years 7 months and 10 days experience as a PGT. This falls short of the short listing criteria of 13 years experience.

10. In our opinion, the period that the Petitioner worked as a TGT, that is, from 19th December, 1981 to 19th July, 1983 cannot be taken into consideration for calculating his experience as a PGT because during this period he did not have a post graduation degree.

11. Therefore, even if the contentions of the Petitioner were to be accepted that there is a mix up between the post of PGT and the qualification of post graduation, at best the Petitioner can urge that he has 12 years 7 months and 10 days experience as a PGT; otherwise it is much less. Either way the Petitioner does not have 13 years experience as a PGT and, therefore, he was rightly not shortlisted for appointment.

12. There is no merit in the writ petition. Dismissed.

MADAN B. LOKUR, J

November 23, 2009
VK

MUKTA GUPTA, J

Certified that the corrected copy of the judgment has been transmitted in the main Server.