

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9570 of 2014

Date of decision: 15.09.2015

Sarika Jindal

.....Petitioner(s)

Versus

Navodaya Vidyalaya Samiti & others

.....Respondent(s)

**CORAM:- HON'BLE MR.JUSTICE M. JEYAPPAUL
HON'BLE MR.JUSTICE DARSHAN SINGH**

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes**
- 2. To be referred to reporters or not? Yes**
- 3. Whether the judgment should be reported in the Digest? Yes**

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Present: Mr. N.P. Mittal, Advocate for the petitioner(s).

Mr. D.R. Sharma, Advocate for the respondents.

DARSHAN SINGH, J.

1. The present civil writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari, mandamus or any other suitable writ, order or direction quashing the impugned judgment/order dated 14.2.2014 in Original Application No.644/PB/2012 passed by the learned Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter called 'the Tribunal) with a further prayer for issuance of a direction to the respondents to grant the relief prayed by the petitioner in para

No.8 of the OA.

2. That the respondent-Navodaya Vidyalaya Samiti issued an advertisement in the year 2011 for "Recruitment of Teachers for Jawahar Navodaya Vidyalayas" vide which applications for the post of Social studies trained graduate teachers were invited under Post Code No.04. The upper age limit prescribed was 35 years as on 30.9.2011. The petitioner has passed her B.A. Examination from Punjabi University, Patiala. Thereafter, she passed B.Ed. from University of Jammu, MA in Political Science from Punjabi University, Patiala and PGDCA from Punjab Technical University, Jalandhar. The petitioner also appeared in Central Teacher Eligibility Test (CTET) held by the Central Board of Secondary Education (CBSE) in 2011 and secured 95 marks out of 150. She also had the teaching experience of 5 years. It is further pleaded that there was no stipulation in the advertisement qua the preparation of merit list on the basis of CTET result. However, the petitioner was not called for interview for selection/appointment to the post of TGT (Social Studies) in May 2011. The petitioner has prayed for declaring the criteria of calling for interview, selection/appointment to the post of TGT, Social Science etc. on the basis of marks obtained in CTET alone as invalid being against the specific terms and conditions of the advertisement. It was further prayed that the respondents be directed to consider and approve the selection of the petitioner against the advertisement, Recruitment Drive, 2011 (Annexure P-1) against one post of TGT (Social Studies) on the basis of her

academic and educational qualifications. Hence, she preferred the OA before the learned Tribunal.

3. The respondents contested the claim of the petitioner on the ground inter alia that 3318 applications were received against the 74 vacant posts of TGT (Social Studies) in response to the advertisement issued in the Employment News, 24-30 September, 2011. 33 vacancies were related to the General Category and rests were for OBC, SC and ST categories. After scrutiny of the applications, 733 candidates were found eligible under General Category for recruitment to the post of TGT (Social Studies) against 33 vacant posts. Considering the number of vacancies and urgent requirement of the teachers, a decision was taken to invite candidates for interview equal to 5 times of the number of vacancies, based on their performance in CTET conducted in June, 2011 by the CBSE. Since the petitioner did not fall within the zone of shortlisted candidates i.e. 5 times the number of vacancies, she was not invited for interview. Resultantly, her name did not figure in the selection list.

4. The OA filed by the petitioner was dismissed by the learned Tribunal vide order dated 14.2.2014. Hence, this petition.

5. We have heard Mr. N.P. Mittal, Advocate, counsel for the petitioner and Mr. D.R. Sharma, Advocate, counsel for the respondents and have meticulously perused the paper book.

6. Mr. N.P. Mittal, learned counsel for the petitioner contended that in the advertisement (Annexure P-1), it was no where

mentioned that the merit list shall be prepared on the basis of the marks obtained by the candidates in CTET examination. He contended that the CTET examination conducted by the CBSE was only the eligibility criteria for appointment of TGT. The petitioner has also cleared CTET and secured 95 marks out of 150. So, she has cleared the eligibility criteria. He further contended that it was nowhere mentioned in the advertisement Annexure P-1 that the candidates shall be shortlisted for interview/selection on the basis of the marks obtained in the CTET. The said criteria adopted by the respondents was against the advertisement. He contended that the petitioner is well qualified, she has passed her B.A examination from Punjabi University Patiala, thereafter, she passed B.Ed from University of Jammu, MA in Political Science from Punjabi University, Patiala and PGDCA from Punjab Technical University Jalandhar. He contended that selection of the candidates should have been based on the basis of their educational qualifications and the marks obtained therein but the higher qualification obtained by the petitioner was not taken into consideration. Thus, the action of the respondents is violative of the advertisement Annexure A-1. Hence, the same is illegal.

7. On the other hand, learned counsel for the respondents contended that the marks obtained by the candidates in CTET was the best option available with the respondents to shortlist the candidates. He contended that this criteria has been applied to all the candidates. Large number of applications were received in

comparison to the vacancies available, so, the candidates have to be shortlisted in order to expedite the recruitment of the teachers on regular basis. He contended that no prejudice has been caused to the petitioner by applying this criteria. It is not the case of the petitioner that any person having less marks than the petitioner in CTET has been invited for interview. So, the criteria invoked by the respondents was rationale and justified.

8. We have duly considered the aforesaid contentions.

9. The respondents have invited applications vide advertisement (Annexure A-1) for recruitment to 74 vacant posts of TGT (Social Studies). Out of that 33 vacancies were related to the General Category and rests were reserved for OBC, Scheduled Castes and Scheduled Tribes category. Total 3318 applications were received. After scrutiny, 733 candidates were found eligible under General Category for recruitment to the vacant posts of TGT (Social Studies). In order to shorten the selection process and in view of urgent requirement of the teachers on regular basis, a decision was taken to invite the candidates for interview equal to 5 times of the numbers of vacancies. The candidates were shortlisted based on their performance in CTET conducted in June, 2011 by the CBSE. The persons falling in 5 times of the vacant posts were invited for interview. It is not disputed that the petitioner did not fell in the zone of the shortlisted candidates i.e. 5 times the number of vacancies. So, she was not invited for the interview.

10. This fact is also not disputed that the petitioner has taken

examination in the Social Studies/Social Science in CTET and secured 95 out of 100 marks in June, 2011 examination. Only those candidates who fell within the zone of consideration i.e. 5 times of the vacant posts on the basis of their marks in CTET were interviewed. The criteria adopted by the respondents to shortlist the candidates on the basis of their performance in the relevant subject in CTET does not appear to be irrational or arbitrary rather that was the best option available with the respondents to shortlist the candidates as in the CTET the knowledge of the candidates in subject concerned was tested. The CTET has been prescribed with a view to test the competence and knowledge of the aspirant teacher to teach the subject through the combined examination as it will be difficult to compare the marks obtained in the educational qualifications due to difference of standards of different Boards/Universities. So, no prejudice has been caused to the petitioner by adopting the said criteria. It is not the case of the petitioner that any person having less marks than her in the CTET has been invited for interview. The criteria on the basis of the performance in the CTET has been uniformly applied to all the candidates. The plea raised by the learned counsel for the petitioner that the criteria of the marks obtained by the candidates in the educational qualification should have been applied carries no substance as different Boards/Universities have different standards.

11. The learned Tribunal has rightly relied upon case **M.P.**

Public Service Commission versus Navnit Kumar Potdar and

another 1994(5) SLR 273 wherein the Hon'ble Supreme Court has upheld the shortlisting of the candidates on the basis of some rational and reasonable basis.

12. Thus, keeping in view our aforesaid discussion, we do not find any illegality or infirmity in the impugned order passed by the learned Tribunal and the action of the respondents.

13. Resultantly, the present writ petition has no merits and the same is hereby dismissed.

(M. JEYAPPAUL)
JUDGE

(DARSHAN SINGH)
JUDGE

September 15, 2015
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