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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 890/2015

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Judgment dated 4th August, 2016

DIRECTORATE OF EDUCATION

..... Petitioner

Through : Mr.Naushad Ahmed Khan, ASC
(Civil) and Ms.Neelam Kholiya, Adv.
for the petitioner.

versus

ANJUM

..... Respondent

Through : Mr.M.A. Siddiqui, Mr.Adnan Siddiqui
and MsTibah Siddiqui, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

1. Present writ petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India seeking to quash the order dated 31.10.2014 passed by Central Administrative Tribunal in O.A.No.3074/2014 whereby the O.A. filed by the respondent herein was allowed.
2. The brief facts of the case are that vide public notice dated 9.6.2014, the petitioner invited applications for appointment to the post of Trained Graduate Teacher (TGT) for academic session 2014-2015 on contract basis. Pursuant to the said public notice, the respondent made an application, which was rejected on the ground that the respondent failed to provide B.Ed. degree for verification. The respondent

thereafter submitted her representation against rejection of her candidature, which was rejected. The respondent again submitted a representation, which was also rejected. Aggrieved by the decision of the petitioner, the respondent approached the Tribunal by filing O.A.No.3074/2014, which was allowed by the Tribunal vide impugned order dated 31.10.2014, operative portion of which reads as under:

“11. In view of the aforementioned, the impugned memorandum is quashed. Respondents are directed to reconsider the candidature of the applicant for her appointment as per the procedure. Needful be done within a period of two weeks from the date of receipt of a copy of this Order. No costs.”

3. Aggrieved by the impugned order, the petitioner has filed the present writ petition.
4. Learned counsel for the petitioner submits that since the respondent did not possess the necessary qualifications and even failed to produce her B.Ed. degree, her case was rightly rejected by the petitioner herein. Counsel further submits that the learned Tribunal has failed to take into account the fact that the qualification of the respondent was not equivalent to B.Ed. degree.
5. Learned counsel for the respondent submits that the present writ petition is not maintainable as the Tribunal has only issued a direction to the petitioner to reconsider the case of the respondent in the facts of this case and in the light of the observations made in the impugned order.
6. After hearing learned counsel for both the parties, it is agreed that the present writ petition may be disposed of leaving the rights of both the parties open. The petitioner will consider the case of the respondent within a period of two weeks from today in terms of the public notice

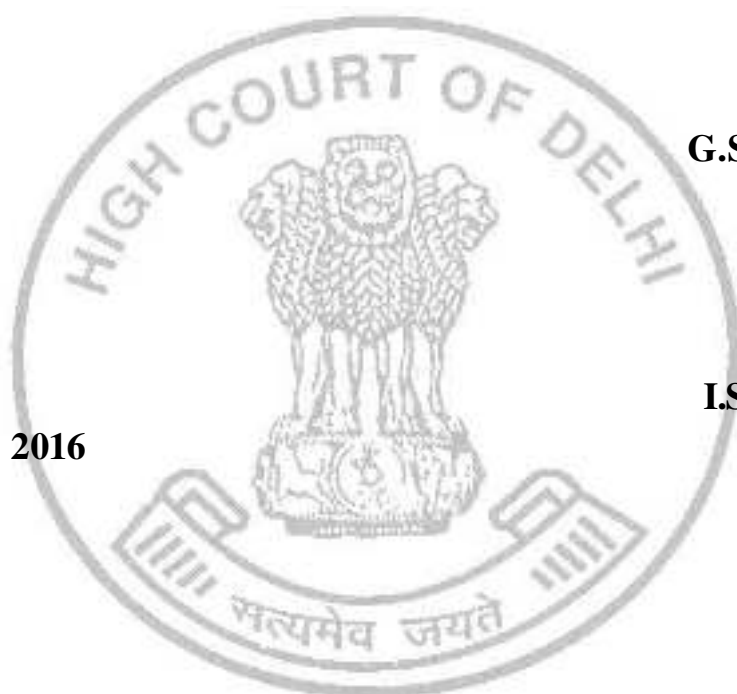
dated 9.6.2014. The petitioner will grant a personal hearing to the respondent wherein the respondent will be entitled to produce all the necessary documents.

7. Writ petition stands disposed of. It is made clear that this order has been passed in view of the peculiar facts of this case.

CM APPL. 1560/2015

8. Application stands disposed of in view of the order passed in the writ petition.

AUGUST 04, 2016
msr



G.S.SISTANI, J

I.S. MEHTA, J