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

+ LPA 658/2016 & C.M.No.43971/2016 (*stay*)

SHALINI SINGH

..... Appellant

Through: Mr.K.K.Jha, Adv. with appellant in person.

Versus

DIRECTORATE OF EDUCATION & ORS

..... Respondents

Through: Mr.Satyakam, ASC for GNCTD with Mr.Anil Kaushik, Legal Asstt., Dte. of Education. Mr.N.L.Sahay, Adv. for R-2. Mr.M.Tarique Siddiqui, Adv. for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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28.11.2016

C.M.No.43972/2016 (*exemptions*)

Allowed subject to all just exceptions.

LPA No.658/2016

1. This appeal is preferred against the order of the learned Single Judge dated 17.10.2016 in W.P.(C) No.7974/2015. The respondent No.3 in the writ petition is the appellant before us.

2. We have heard the learned counsel for both the parties.

3. As could be seen from the material available on record, the respondent No.3 herein/the writ petitioner filed W.P.(C) No.7974/2015 seeking a declaration that the appellant herein was not eligible for appointment to the post of PGT (English) and consequently to set aside her appointment. The appointment of the appellant herein was challenged primarily on the ground that she was not possessing the requisite qualification on the date of submission of application. The fact that while 24.06.2014 was the last date for submission of applications for the post of PGT (English), the result of the B.Ed. Degree course of the appellant herein was declared only on 13.10.2014 is not in dispute. However, the contention of the appellant is that as per the terms and conditions prescribed in the application form, it is mandatory to have the requisite 'academic qualification' on the date of submission of application but not 'professional qualification'. The learned counsel for the appellant would contend that by the date of submission of the application as the appellant possessed the requisite academic qualification, the learned Single Judge should not have set aside the appellant's appointment merely on the ground that she acquired the B.Ed. qualification subsequently. We are unable to agree. It was clearly stipulated in condition No.7 of the application form that the educational qualification, age, experience and other eligibility conditions against the post shall be determined as on the closing date. Condition No.3 also stipulates that those who are awaiting result of final examination are not eligible. The contention that the condition No.3 is applicable only with regard to academic qualification but not professional qualification is untenable and misconceived. The learned Single Judge, therefore, rightly held that the

appointment of the appellant herein was in contravention of the rules. Consequently, the order under appeal setting aside the appointment of the appellant and directing appointment of the respondent No.3 herein/writ petitioner cannot be held to be erroneous on any ground whatsoever.

4. Accordingly, the appeal is dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

NOVEMBER 28, 2016

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