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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7974/2015**
VANDANA RICHARD

..... Petitioner

Through: Mr. M. Tarique Siddiqui, Ms.
Rakhshan Ahmad, Mr. Harsh Priya and Mr.
Tanveer Ahmad, Advs.

Versus

DIRECTORATE OF EDUCATION AND ORS.

..... Respondent

Through: Mr. N.L. Sahay, Adv. for R-2
Mr. M.G. Vacher, Adv. for R-3
Mr. Satyakam, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **17.10.2016**

It is the petitioner's case that since respondent No. 3 was not eligible for the post of PGT (English) as on 24.04.2014, i.e., the last date for submission of application form for the said post, she could not have been appointed to the said post. It is the petitioner's case that she has all the requisite qualifications for appointment and being the first in the Waiting List of selected candidates, she would be appointed, should the appointment of R-3 be quashed.

The petitioner relies upon the advertisement dated 15.05.2014 which prescribes the minimum requisite qualification as:

*“Qualification: M.A./ M.SC/ M.Com, B.ED/ M.ED OR
PH.D”*

It is clear from a reading of the advertisement and the standards of the Directorate of Education which prescribed two minimum qualifications, i.e.

(i) Master's Degree (M.A.); (ii) Degree in Education (B.Ed.) or PHD in the subject concerned. The minimum requirement is not in dispute. It is also not in dispute that as on the last date for filing the application, i.e., 24.06.2014, respondent No. 3 possessed a Post Graduate Degree in English Literature but the results of her B.Ed. degree from Maharshi Dayanand University were awaited. Quite clearly, as on the said date, said respondent (R-3) did not have the requisite minimum qualification of B.Ed. for the said post of PGT (English). The advertisement did not provide for consideration of such qualification which may be subsequently acquired.

The learned counsel for respondent No. 2 - School submits that the results of B.Ed Degree course of respondent No. 3 were declared on 13th October, 2014 and the interviews for the said post of PGT (English) were held thereafter, therefore it would prejudice nobody if respondent No. 3, who by that time had acquired the requisite qualifications, is appointed as PGT (English) in the School.

Mr.Satyakam, the learned Standing Counsel for the Govt. of NCT of Delhi draws the Court's attention to the terms and conditions of the form filled by respondent No. 3, in particular the conditions No. (3) and (7) which read as under:

“(3) Candidates should have requisite academic qualification on the date of submission of application. Those who are appearing at and/or awaiting results of final examination are not eligible. Academic qualification must be from a recognized Institution/Board, otherwise candidature will be rejected. Candidates having higher qualification may

also apply.

(7) The Education qualification, age, experience and other eligibility conditions against the post shall be determined as on the closing date.”

Quite clearly, the aforesaid terms specify that the prospective candidates’ must possess the requisite minimum qualifications as on the cut off date, i.e., 14.06.2014, which respondent No. 3 did not possess.

Insofar as the said respondent did not possess the requisite minimum qualification on the cut-off date, she would not be eligible for consideration to be appointed. Accordingly, her appointment, which is in contravention of the Rules, is set aside.

Two persons were selected and appointed to the two posts of PGT (English), namely the respondent No.3 and one Ms. Priyanka Singh. The petitioner is shown at serial No. 3, in the list of selected candidates, therefore, is the first one in the Waiting List.

Insofar as respondent No. 3, Ms. Shalini Singh’s appointment has been set aside, the petitioner will automatically get the opportunity to be appointed. Let her be so appointed. A letter of appointment shall be issued by the School/R-2 within a week from today.

The writ petition is disposed off in the above terms.

Dasti, under the signature of the Court Master.

NAJMI WAZIRI, J

OCTOBER 17, 2016/acm