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

+ **W.P.(C) 533/2017 & CM Nos. 2435-36/2017**

DELHI TRANSPORT CORPORATION Petitioner

Through **Mr L K Passi, Advocate**

versus

TARA CHAND AND ORS Respondents

Through **Mr M K Bhardwaj, Advocate**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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13.04.2017

Learned counsel for the petitioner has placed on record the circular dated 05.04.17 issued by the petitioners.

On 23.01.2017, we had noticed and referred to anomaly in the Recruitment Rules. For the sake of clarity and convenience, the order dated 23.01.2017 is being reproduced hereunder:-

“Earlier, the essential requirement prescribed for the post of Ticket Tally Collector was Higher Secondary or equivalent public examination conducted by a board/university established by law, such as High School, Matriculation, etc. Due to stagnation in the post of Conductors, they were considered for promotion to the post of Ticket Tally Collector. In 2013, controversy arose whether the Conductors having Matric/High School were eligible and would meet the essential requirement. Legal opinion from the Standing Counsel dated 20th November, 2013 was obtained. The Standing Counsel had opined that at that time there was no board for Matric Examination, etc. The

chances of procuring 10th or 11th pass certificate from school without appearing in exams were more. This obviously should be avoided as only certificates given pursuant to board/university examinations would have value and credence. Recommendation was made to amend the recruitment rules and till then High School/Matric, etc. should be treated as Higher Secondary, though in fact Matric was not equal to Higher Secondary.

2. Thereafter, the Board of Directors of the petitioner Corporation examined the matter and had passed Resolution No.93/2015 dated 13th November, 2015 and circular dated 13th November, 2015 was issued. Monthly rated regular Conductors, who are desirous of being considered for the post of Ticket Tally Clerk, were informed that they can submit their applications, provided they have Delhi Senior Secondary certificate from the CBSE or an equivalent public examination conducted by a recognized Board.

3. The petitioner Corporation obviously forgot that prior to 1979 only Higher Secondary Examinations or 11th Class examination were being conducted by the CBSE or the equivalent boards. The first batch under the 10+2 scheme had appeared and cleared the said examination in the year 1979. There are Conductors in the petitioner Corporation, who had joined service in early 1980's and they have cleared the Higher Secondary Examination. These examinations were conducted by the Board. It is obvious that the petitioner's Board had passed the resolution being oblivious or unaware of the said position.

4. The Board of Directors of the petitioner Corporation should immediately examine the position so that this anomaly and absurdity is taken care of. The matter will be placed before the Chairman, Delhi Transport Corporation, who will personally examine and the required steps would be taken."

In view of the fact that the petitioners have now issued circular dated 5th April, 2017, we do not see any reason to interfere with the impugned order passed by the Tribunal.

The writ petition is dismissed.

SANJIV KHANNA, J.

ANU MALHOTRA, J.

APRIL 13, 2017

SM