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

+ W.P.(C) 13885/2018

DAYANAND AND ORS.

..... Petitioner

Through: Ms. Sangita Rai, Mr. Pradeep Singh
Tomar, Advocates.

versus

GNCT OF DELHI AND ORS.

..... Respondent

Through: Mrs. Avnish Ahlawat, ASC for
GNCTD (Services) with Ms. Palak
Rohmetra, Advocate for R1 to R3.
Mr. Ajesh Luthra, Advocate for
Caveators.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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21.12.2018

Cav No. 1208/2018

Caveator has put in appearance. The caveat, is accordingly,
discharged.

C.M. No. 54196/2018 (Exemption)

Allowed, subject to all just exceptions. The application stands
disposed of in the aforesaid terms.

W.P.(C) 13885/2018 & C.M. No. 54195/2018

1. Issue notice. Mrs. Ahlawat, accepts notice on behalf of
respondents No. 1 to 3. Mr. Luthra, appears for the private
respondents and accepts notice. Since the issue involved is small, we

have heard the learned counsels for the parties and proceed to dispose of the writ petition.

The petitioners, who have a three year BCA degree, have assailed the order dated 12.10.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in the Original Application preferred by the private respondents- who are holding the degree of MCA. The said respondents had applied for the post of TGT (Computer Science) which was advertised by Delhi Subordinate Services Selection Board (DSSSB) under Post code 192/14. Their applications were not accepted since one of the essential qualifications prescribed for the said post was Bachelor Degree in Computer Applications (BCA) from a recognized University. Consequently, they approached the Tribunal and the Tribunal permitted them to submit their application in physical form as an interim measure. The Tribunal, eventually, allowed the original application on the premise that the degree of MCA is higher than the degree of BCA, as evident from the very nomenclature. The reasoning found in the impugned order is as follows:

“9. We have considered the arguments of the learned counsel for the parties and have also perused the pleadings. It cannot be disputed that MCA is a higher degree than BCA which is evident from their very nomenclature. We are not in agreement with the contention of Ms. Sangeet Rai that something more is taught at BCA level which is not taught at MCA level. One has to bear in

mind that after acquiring of BCA degree, many students go in for MCA course. We have also perused the judgments relied upon by Ms. Sangita Rai in furtherance of her arguments. First of all, the judgments are not directly relating to the controversy involved and we also find that these judgments nowhere put an embargo on consideration of a candidate with higher educational qualification against a post requiring lower educational qualification”.

2. The submission of learned counsel for the petitioner is that the Tribunal has not undertaken a detailed and in-depth examination of the issue-whether a three year Bachelors degree in Computer Applications can be considered as either equivalent to, or inferior to a two year Masters degree in Computer Applications, obtained after a three year bachelors degree.

3. Mr. Luthra has sought to justify the findings returned by the Tribunal by relying upon *inter alia* on the judgment of the **Anamika Shakla v. State of Madhya Pradesh** in **WA No. 917/2016** decided on 14.12.2016. He also submits that the MCA Degree obtained by the respondents is equivalent to graduation in any subject with ‘A’ level course from DOEACC, Ministry of Information and Communication and Technology, Government of India, which is also one of the qualifications prescribed. In our view, the Tribunal should have undertaken a more detailed and in-depth examination of this particular issue i.e. as to whether the two year degree of MCA

obtained after graduation in any subject, could be considered to be a higher qualification, or at par., with the three year BCA degree, and whether the attainment of MCA qualification subsumes within it the qualification of BCA. The views of the Governing Councils such as AICTE, Association of Indian Universities, who are concerned with the field of Computer Education, should also have been called for.

4. Consequently, we set aside the impugned order and remand back the case to the Tribunal for a fresh consideration of the aforesaid issue. We make it clear that we have not expressed any view on the matter, one way or another.

5. Parties shall appear before the Tribunal on 24.01.2019. We request the Tribunal to decide the matter as early as possible.

6. The petition stands disposed of.

VIPIN SANGHI, J

A. K. CHAWLA, J

DECEMBER 21, 2018/j