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

Date of Decision: 09.12.2019

+ W.P.(C) 12920/2019

ANUJA SHARMA

..... Petitioner

Through: Mr. Vidya Sagar, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh,
Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

C.M. No.52724/2019 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

C.M. No.52723/2019 (additional documents)

Additional documents are taken on record, subject to all just exceptions.

Application stands disposed of.

W.P.(C) No.12920/2019

The present petition is directed against order dated 18.11.2019 passed by the Central Administrative Tribunal ('Tribunal') by which O.A. No.3286/2019 filed by the petitioner has been dismissed.

2. The petitioner applied for the post of TGT (Social Science) (Female) pursuant to an advertisement dated 20.12.2017 published by respondent No.2. It may be noted that the petitioner is presently employed as a Guest Teacher, TGT (Social Science) with the Directorate of Education, Government of NCT of Delhi. The petitioner accordingly made an application for regular appointment to the post of TGT (Social Science) (Female).

3. The petitioner was however surprised to receive a rejection notice dated 27.05.2019 disqualifying the petitioner on the ground that the petitioner was "*CTET qualified in Science instead of Social Science*" and that "*as per CBSE norms, Science subject is concerned with Science teachers only.*" A representation was made by the petitioner on 27.06.2019. The petitioner also sent reminders after that but received no response, which led to the filing of the O.A.

4. Counsel for the petitioner submits that as per the advertisement, the only qualification required was that a candidate should have qualified CTET from CBSE, which the petitioner has done. It is therefore contended that there was no reason for the respondents to have rejected the petitioner.

5. We have heard the learned counsel for the parties and have examined the order of the Tribunal; and also the advertisement, which contains the educational qualifications required, as under:

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<i>Educational Qualification</i>	<i>Essential</i>	<i>1. A Bachelors Degree (Honours/Pass) or equivalent from a recognized University having secured 45% marks in aggregate in two school subjects of which at least one out of the following should have been at the elective level</i> <i>A English</i> <i>B Mathematics</i> <i>C Natural/Physical Studies</i> <i>D Social Science</i> <i>Note: Main subjects for (i) TGT (Natural Science/Phy Science) shall be Physics Chemistry Biology, Botany and Zoology (ii) Social Science History/ Political Science / Economics / Business Studies / Sociology / Geography/ Psychology</i> <i>Provided further that the requirement as to minimum of 45% marks in the aggregate at graduation level shall be relaxable in case of</i> <i>(a) Candidates who passes a Post Graduate Qualification in any of the teaching subjects listed above</i> <i>(b) Belonging to SC/ST</i> <i>(c) Physically handicapped candidates</i> <i>2 Degree/Diploma in Training Education or SAV certificate</i>
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		<i>3 Working knowledge of Hindi</i> <i>4 Should have qualified CTET from CBSE</i> <i>Provided that Assistant Teachers (From MCD/Dte of Education) and Lab Assistant shall not be required to have received 45% marks in aggregate in Bachelor's Degree (Pass/Honours) or equivalent</i> <i>N B "The candidate should have studied the subject concerned as mentioned in the RR s for atleast 02 years during the Graduation course. The elective word may also include main subject as practiced in different Universities.</i>
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6. A reading of the advertisement would show that the essential qualifications were that a candidate must possess a Bachelor's Degree (Honours/Pass) or equivalent from a recognized university and should have secured 45% marks in aggregate in two school subjects, of which at least one out of the following subjects viz. English, Mathematics, Natural/Physical Science and Social Science, should have been at the elective level. Thereafter, the main subjects have been elaborated for TGT (Natural Science/Phy Science) to be Physics, Chemistry, Biology, Botany and Zoology; and for Social Science, the subjects required are History, Political Science, Economics, Business Studies, Sociology, Geography and Psychology.

7. It is the case of the petitioner that she was misled by term No. 4 of the advertisement which reads as under:-

“4. Should have qualified CTET from CBSE”

Without specifying that the CTET qualification should have been in Science or Social Science. This submission of learned counsel for the petitioner is however without any force. Having made an application for CTET (Social Science) the petitioner, who is already a Guest Teacher teaching Social Science, ought to have known that the CTET qualification required would also be in the relevant subjects of History, Political Science, Economics, Business Studies, Sociology, Geography and Psychology; and not in Physics, Chemistry, Biology, Botany and Zoology. If the CTET qualification was generic and not specific, there would not have been a CTET (Science) and a separate CTET (Social Science). To that extent term No.4 of the advertisement must be read meaningfully and so read, was clear and unambiguous.

8. In view of the above discussion, in our view, the Tribunal has correctly dismissed the O.A. Accordingly, we find no reason to interfere by way of the present writ petition; and we find no merit in the same. The petition is therefore dismissed.

G.S.SISTANI, J.

ANUP JAIRAM BHAMBHANI, J.

DECEMBER 09, 2019

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