

\$~21

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

+ **Date of Decision: 31.5.2019**

% **W.P.(C.) No. 6545/2019**

SANTOSH

..... Petitioner

Through: Mr. V.K.Tandon, Mr. Ajesh Luthra
and Mr. Mayank Joshi, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Ms.Avnish Ahlawat (standing counsel
for GNCTD) with Ms. Ankita Ahuja,
Ms. Palak Rohmetra and Ms. Sakshi
Shairwal, Advocates for R-1,2 and 3.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

VIPIN SANGHI, J. (ORAL)

CM No.27709/2019 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C.) No. 6545/2019

1. The petitioner has preferred the present writ petition to assail the order dated 24.8.2018 passed by the Central Administrative Tribunal, Principal Bench in CP No. 679/2017 in OA No. 3424/2016. The Tribunal

has dismissed the said contempt petition preferred by the petitioner, by holding that the respondent had complied with the order passed in the aforesaid OA on 11.8.2017.

2. The petitioner had participated in the selection process undertaken by the respondents for the recruitment of TGT (Hindi) Female advertised vide Notification No.2/12. In the said advertisement one of the essential requirements prescribed was that the candidate should have studied the subject concerned in all three parts/years of Graduation. The petitioner had not studied the subject i.e. Hindi in all the three years of her Graduation Course, and consequently, though she had otherwise qualified, her candidature was rejected. The rejection of the petitioner's candidature came on 19.8.2016. It appears that in relation to similar eligibility requirement pertaining to other recruitment examinations conducted by the respondent DSSB, certain candidates raised a challenge that the requirement of having studied the subject concerned in all three years of Graduation Course i.e. in all parts/years, was not reasonable. The challenge was raised before this Court in W.P.(C) 1520/2012 and several other writ petitions, which came to be decided on 7.8.2013. This Court held that such a requirement was not justified. Pertinently, the said decision was not in relation to the examination in question, in which the petitioner participated.

3. In the light of the judgment delivered by this Court on 7.8.2013 in W.P.(C) 1520/2012 and other connected writ petitions, the respondents issued the Corrigendum dated 5.7.2017 wherein the requirement of the Recruitment Rules was amended to "*The candidates 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”.

4. The petitioner then approached the Tribunal seeking implementation of the said Corrigendum in her case as well. The petitioner's original application was disposed of on 11.8.2017 with the following order:-

“3. With the consent of both the parties, the OA is also disposed of with a direction to the respondents to take a decision in view of the corrigendum No.DE.3(15)DR/E-III/Elective/2017/4366-71 dated 05.07.2017, passed by the Director of Education within a period of four weeks from the date of receipt of a certified copy of this order.

4. Accordingly, the OA is disposed of. However the applicant is at liberty to agitate the same if any grievance arises in future in accordance with law.”

5. In compliance of the said order, the respondents issued an order dated 18.12.2017. Eventually, the respondents passed the order dated 2.8.2018 and the Tribunal had accepted that the same was sufficient for compliance of the direction.

6. The submission of Mr. Tandon, learned counsel for the petitioner is that in terms of the Corrigendum, the respondents had themselves taken steps for appointment of the petitioner. In this regard he has sought to draw our attention to the correspondence placed on record.

7. Having heard the learned counsels, we are of the view that there is no merit in the petition.

8. Firstly, the purport of the order dated 11.8.2017 passed in OA No.3424/2016 was not to direct the respondents to apply the said corrigendum to the petitioner's case and to declare her as selected. All that the Tribunal observed was that the respondents should take a decision in view of the said Corrigendum dated 5.7.2017 within a period of four weeks. The recruitment process in which the petitioner participated was of the year 2012. Neither the petitioner, nor any other candidate apparently challenged the requirement of the graduates studying the main subjects in all three parts/years of graduation. The challenge to the said condition was raised only in the year 2013, in respect of some other examination having a similar eligibility criteria. The Corrigendum did not specifically state that it was applicable retrospectively, much less to the recruitment process in which the petitioner participated. The stand taken by the respondents in their compliance order, is that the recruitment process stood concluded and all dossiers were returned, and therefore, the matter could not be reopened. In our view, there was sufficient compliance of the directions issued by the Tribunal in the order dated 11.8.2017.

9. We do not find any merit in this petition. Dismissed.

VIPIN SANGHI, J.

RAJNISH BHATNAGAR, J.

MAY 31, 2019

ib/jitender