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

+ W.P.(C) 463/2019

MAYANK

..... Petitioner

Through: Mr. Yogesh Kumar Mahur, Adv.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondent

Through: Mr. Rakesh Kumar, CGSC for R-2.
Mrs. Avnish Ahlawat, St. Counsel,
GNCTD (Services) with Mr. N.K.
Singh, Advs. for R-1,3,4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
18.01.2019

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C.M. No. 2098/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 463/2019 & C.M. No. 2096-2097/2018

The petitioner has preferred the present writ petition to assail the order dated 1.11.2018 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 4219/2018. The petitioner had preferred the said Original Application primarily to seek the relief that his candidature should be considered for the post of Special Educator Primary, Post Code 15/17 even though he did not possess the necessary qualification

of having cleared the CTET examination. The tribunal has rejected the said Original Application on the premise that it is not for the petitioner to have a say in the matter of laying down the requisite qualifications for a post, and such exemption could not be demanded, as a matter of right, by an individual. The Tribunal has placed reliance on the decision of the Supreme Court, inter alia, in *Rakesh Kumar Sharma v. Govt. of NCT of Delhi & Ors.*, 2013(10) SCALE 42 and *Pawandeep Singh Dhaliwal v. The State of Punjab & Ors.*, CWP 10105/2010, decided on 28.07.2010.

The submission of learned counsel for the petitioner is that the petitioner did not qualify in respect of the advertisement No. 02/2017, dated 07.08.2017 on account of the fact the said CTET examination was not conducted by the CBSE for a span of two years.

Be that as it may, that is not a ground, in our view, to demand, as a matter of right, exemption from the said qualification. It is not the petitioner's case that sufficient number of candidates holding the said qualification was not available in respect of advertisement No. 02/2017.

We find absolutely no ground to interfere with the impugned order.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 18, 2019

N.Khanna