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

% *Decision delivered on: 04.08.2021*

+ **W.P.(C) 6006/2021 & CM Nos.18999-19000/2021, 19241-42/2021**

ANUJ & ORS. Petitioners

Through: Ms. Sneha Mukherjee, Adv.

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened via video-conferencing on account of COVID-19]

CM No. 18999/2021

1. Allowed, subject to just exceptions.

CM No. 19000/2021, CM No. 19242/2021

2. The prayer made in the captioned applications is to grant exemption from filing attested copies of the affidavit(s) in support of the accompanying writ petition and interlocutory applications.

2.1. The captioned applications are disposed of with a direction to the petitioners to place on record the duly sworn/notarised/affirmed affidavit(s), within three days of this court resuming its normal and usual work pattern, notwithstanding the order passed in the main matter.

W.P.(C) 6006/2021, CM No. 19241/2021

3. This writ petition is directed against the order dated 22.06.2021,

passed by the Central Administrative Tribunal (in short 'the Tribunal) in OA No.1141/2021.

3.1 The backdrop in which the instant writ petition has been filed is as follows: -

3.2 The Delhi Subordinate Services Selection Board (DSSSB) published a vacancy notice on 12.05.2021 for the purpose of selecting candidates qua various posts including Trained Graduate Teacher(s) (TGTs) for English, Maths & Social Science.

3.3 The essential qualifications prescribed, for applying for the post of TGT, *inter alia*, required the candidates, admittedly, to have qualified the Central Teacher Eligibility Test (CTET).

3.4. It is argued, on behalf of the petitioners, that the Central Board of Secondary Education (CBSE), which conducts the CTET examination, has not conducted the exam for over a year and a half.

3.5. According to Ms. Mukherjee, the CTET examination, which the CBSE intended to conduct in January 2021, has been postponed to a tentative date in December 2021.

3.6. Ms. Mukherjee says that CBSE's failure to hold the CTET exam has marred the petitioners' chance in applying for post advertised by the DSSSB.

3.7. It is Ms. Mukherjee's contention that, the petitioners should be permitted to sit in examination(s), qua the aforementioned posts, with a caveat that if they succeed, their appointment would be subject to the petitioners clearing CTET exam.

4. On the other hand, Ms. Avnish Ahlawat, standing counsel, who appears on behalf of the respondents, submits that, there can be no relaxation concerning essential qualification. In support of her contention,

Ms. Ahlawat relies upon the following judgments: -

1. ***Apoorva Dabas Vs GNCTD & Ors***, WPC No. 3621 of 2019, decided on 10.04.2019.
2. ***Annu & Ors Vs. GNCTD & Ors***, WPC No. 11328 of 2017, decided on 11.01.2018.
3. ***Puran Singh Rana & Ors Vs GNCTD & Ors***, WPC No. 13802 of 2018 decided on 20.12.2018.
4. ***GNCTD & Ors Vs Pradeep Kumar*** reported in (2019) 10 SCC 120.
5. ***GNCTD & Ors. Vs Anita Kataria & Ors***, WPC No. 1445 of 2019, decided on 30.01.2020.

4.1 Having heard the learned counsel for the parties, we are not inclined to interfere with the impugned order passed by the Tribunal.

4.2 To our minds, the contention advanced by Ms. Mukherjee, on behalf of the petitioners, cannot be accepted. An essential qualification, qua appointment to a post, cannot be relaxed.

4.3. The CTET Exam, 2021 may have been postponed due myriad reasons, however, that by itself, cannot be the basis for giving a leg-up to the petitioners.

4.4. Any which ways, the contention of the petitioners, in our view, is untenable, as clearing CTET is an essential qualification, for sitting for the exam and being considered for appointment to the post of TGT.

5. Accordingly, the writ petition is dismissed. Pending application shall stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

AUGUST 04, 2021/nk

Click here to check corrigendum, if any