



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092
Website: www.dsssb.delhigovt.nic.in

No.F.69/TGT Eng.(M)/CAT Order/Akhil Tanwar/2017/ 4181

Dated: 08/04/17

ORDER

1. This order is passed in compliance of the order of the Hon'ble CAT in the matter of OA No.3447/2016 titled as Akhil Tanwar Vs. GNCTD & Ors.

2. Sh. Akhil Tanwar had applied for the post of TGT (English), Post Code 04/13 against the vacancies notified vide Advt. No.1/13. As per the eligibility conditions for TGT (English), the required educational qualification, on or before the crucial date, as prescribed in the said Advt. No.1/13 are reproduced as under:-

"A Bachelor's degree (Honours/Pass) or equivalent from a recognised 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:- 1.English, 2.Mathematics 3.Natural/Physical Science 4. Social Science. Provided further that the requirement as to minimum of 45% marks in the aggregate at graduation level shall be relaxable in case of :- (a) candidate who passes a Post Graduate qualification in any of the teaching subjects listed above (b) belonging to SC/ST (c) Physically handicapped candidates.

N.B.:- The candidate should have studied the subject concerned as mentioned in the RRs in all parts/years of graduation. The elective word may also include main subject as practised in different Universities."

On scrutiny of the documents produced by Sh. Akhil Tanwar at the time of verification of documents, it was found that the candidate had studied Economics and Political Science in all the parts/ years of his graduation and studied English and Hindi as language subjects only in 02 years and not in 03 years of his graduation. He studied the subject English in his 1st and 2nd year of his graduation for 100 marks each. Since Sh. Akhil Tanwar did not study the subject English in all parts/years of his graduation, as per the eligibility conditions prescribed in the Advt. No.1/2013, his candidature was accordingly rejected. Aggrieved by the said rejection, he approached the Hon'ble CAT vide application No.3447/2016.

3. The Hon'ble CAT vide order dated 28.02.2017 has directed the DSSSB to consider the candidature of the applicant in the light of Hon'ble High Court judgment dated 07.08.2013 in the matter of Govt. of NCT of Delhi & Ors. Vs. Sachin Gupta and offer him appointment alongwith consequential benefit of seniority and pay fixation to the applicant if he is not eligible for any other reasons. The aforesaid may be granted to him within six weeks from the receipt of certified copy of this order.

4. The judgment of Hon'ble High Court dated 07.08.2013 referred in the OA in the matter of GNCTD & Ors. Vs. Sachin Gupta has been thoroughly examined. In para-9 of the Judgment, the Hon'ble High Court observed that *"It is an undisputed fact that in the year 1994 the subject of Economics was taught in only the 2nd and the 3rd year of the three years Bachelors degree i.e. not in all the three years of the course; students opting for B.Com (Hons.) Course had to clear a **total of three papers in Economics** in the examinations conducted by the University in the **2nd and 3rd year of the course and each paper was of 100 marks.** Needless to state, **Sachin Gupta studied Economics** in only the **2nd and 3rd year** of B.Com (Hons.) course undertaken by him and **cleared the three papers of Economics** in the examination conducted by the University."*

5. The literal interpretation of the meaning that the candidate should have studied the subject concerned in all parts/years in which the subject was taught during the Graduation Course has been further explained in para 42 of the said judgment which is reproduced as under:-

42. It has also to be kept in mind that whereas the University of Delhi was teaching the concerned subject and was testing the knowledge of students each year by assigning 100 marks to the paper, i.e. three papers were being taught in the three years, as a result of restructuring, the number of papers continued to be three with marks assigned to each paper, being 100, except that now the three papers are taught in only two years. In other words the previous and the current position continues to be practically the same. It hardly matters whether three papers of 100 marks each are taught in two years.

6. The Hon'ble High Court has also observed in the concluding para 54 of the judgement that 'the hitherto fore practice of teaching a subject each year with a paper of 100 marks in each year is giving way to the subject being taught in the second and the third year of the Graduation Course but retaining the three papers each having 100 marks.'

7. The Hon'ble High Court considered Sachin Gupta eligible for the post of TGT (Social Science) on the reason that he had studied the subject Economics in the 2nd and 3rd year of B.Com (Hons) course

undertaken by him, thereby **clearing three papers of Economics of 100 marks each** in the examination conducted by the University which were earlier required to be cleared in 3 years of graduation.

8. The applicant, Sh. Akhil Tanwar, however, unlike Sachin Gupta has passed 02 papers of English of 100 marks each in his 1st and 2nd year of graduation and as such does not fall in the same category as that of Sachin Gupta who was considered eligible by the Hon'ble High Court for having studied 03 papers of 100 marks each in 02 years of his graduation. The applicant, Sh. Akhil Tanwar, therefore, does not deserve to be extended the benefit of the judgment of Hon'ble High Court dated 07.08.2013 in WP(C) No.1520/2012 in the matter of GNCTD & Ors. Vs. Sachin Gupta.

9. Keeping in view the position explained above, decision of the DSSSB regarding the rejection of the candidature of Sh. Akhil Tanwar for the post of TGT (English) Male, Post Code 04/13 is reiterated.


Dy. Secretary, DSSSB

Sh. Akhil Tanwar,
S/o Sh. Shiv Kumar Tanwar,
H.No.WZ-479, Naraina,
New Delhi-110028

Copy to:-

1. **Sr. System Analyst** with the request to upload the order on the website of the Board
2. Notice Board.


Dy. Secretary, DSSSB