



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.65/TGT (Maths)/CAT Order/Babita/2017/ 479

Dated: 03/04/17

ORDER

1. This order is being passed in compliance of the order of the Hon'ble CAT in the matter of OA No.321/2017 titled as Mrs. Babita Vs. GNCTD & Ors.

2. Mrs. Babita had applied for the post of TGT (Maths), Post Code 09/13 against the vacancies notified vide Advt. No.1/13. The candidates applying for various posts of TGTs including Post Code 09/13 were required to fill up the details in the OMR application form and the candidature of the candidates were considered for appearing in the one tier written examination purely on the basis of the information given by the candidates in the application form and no documentary proof of their qualification for eligibility for the applied post were received at the time of application.

As per the eligibility conditions prescribed in the said advertisement No.1/13 for Post Code 09/13, candidates were required to acquire following educational qualifications as on the crucial date, i.e. 20.03.2013

i) A Bachelor's Degree (Honors/Pass) or equivalent from a recognized University having secured 45% marks in aggregate

ii) Degree Diploma in Training Education or SAV Certificate

The qualification regarding Education Training as mentioned above and other Educational qualifications were checked for eligibility in respect of the short listed candidates, as per their merit, for consideration against the notified vacancies. Before proceeding for verification of documents, further clarification regarding the requirement of the standard of Teacher Training was also obtained from the User Department, i.e. Directorate of Education. The User Department vide their letter No.DE.3(07)/E-III/RR/Misc/2016/616 dated 18/03/2016 had clarified as under:-

"As per NCTE notification dated 4th September, 2001, minimum qualification for secondary/High School teachers i.e. TGTs has been prescribed as Graduate with Bachelor of Education or its equivalent. Hence, Diploma in Elementary Teachers Training from DIET is not eligible for the post of TGT/TGT (MIL as they are appointed to teach from Class-VI to Class-X. Accordingly, Bachelor of Education has been prescribed as an essential minimum qualification for the post of TGT/TGT (MIL)."

While checking the documents regarding qualification of Mrs. Babita, it was noticed that she had done B.El.Ed and M.El.Ed and not B.Ed as required for the post of TGT (Maths). As the said Mrs. Babita did not fulfil eligibility condition of having B.Ed qualification on or before the crucial date, her candidature was rejected. Aggrieved by the said rejection, she approached the Hon'ble CAT vide application No.327/2017.

3. The Hon'ble CAT vide order dated 30.01.2017 directed the DSSSB to examine the matter in the light of Hon'ble CAT order dated 21.11.2013 in O.A. No.3870/2012 in the matter of Ms. Monika Sharma Vs. GNCT Delhi and the judgment of Hon'ble High Court of Delhi dated 26.05.2016 in WP(C) No.8089/2015 in the matter of GNCT Delhi & Ors. Vs. Monika Sharma and in case the applicant is found to be similarly placed, then her candidature may be processed within a period of 60 days from the date of receipt of a certified copy of the order.

4. The judgment of Hon'ble High Court dated 26.05.2016 has been thoroughly examined. The said judgement was regarding the eligibility of a candidate, Ms. Monika Sharma for the post of Post Graduate Teacher (PGT). Ms. Monika Sharma did not possess the essential qualification of Bachelor degree in Education as provided in the Recruitment Rules for the post of PGT (Sociology). However, she had done M.Ed after having B.El.Ed qualification and as such her candidature was rejected by the Education Department for the post of PGT (Sociology).

The eligibility conditions for the post of PGT as prescribed in the RRs are furnished as under:-

"Essential Qualifications: for PGT (excluding Engineering Drawing/ Music/Home Science)

- I. Master's Degree (or its equivalent Oriental Degree in the case of PGT Sanskrit/Hindi in the subject concerned from any recognized University.
- II. Degree/Diploma in Training/Education
Qualifications mentioned at S. No.(II) above relaxable in case of candidates:
 - (i) Having obtained Ph.D Degree in the subject concerned from a recognized University/Institution; or
 - (ii) Having obtained First Division in Higher Secondary. Degree and Post Graduate Examination with the mandatory condition that the candidate will acquire the B.Ed./B.T. qualification within a period not exceeding three years from the date of joining the service".
- III. Desirable: 3 years experience of teaching in a College/Higher Secondary School/High School in the subject concerned.

5. Further, the clarifications issued by National Council for Teacher Education (NCTE) regarding qualifications prescribed for teachers at the Secondary/High School level and Higher Secondary level also finds a place in Para-9 of the said judgment. It has been clarified by NCTE that *notification dated 3rd September, 2001 of National Council for Teacher Education prescribes minimum academic and professional qualifications for teachers at the secondary and high school level. For Secondary/High School level,, the teacher must be a graduate with a Bachelor of Education degree or equivalent or should have done the 4 year integrated B.A. B.Ed, B.Sc. B.Ed or equivalent course. For teaching at Senior Secondary, PUC, Intermediate level, the teacher should have a Master's degree in the relevant subject with a Bachelor of Education or equivalent degree or*

should have studied the two year integrated M.A. M.Ed, M.Sc. M.Ed course or equivalent course. The NCTE further clarified that M.Ed course is meant for candidates desirous of pursuing a Post-graduate programme in Education, besides preparing teacher educators, professors and researchers.

6. As per the Recruitment Rules for the post of Post Graduate Teacher (PGT), even the requirement of Degree/ Diploma in Education Training is also relaxable in certain cases. As against this, no relaxation in qualification has been provided in the Recruitment Rules for the post of TGT (Maths). The Hon'ble High Court while examining the issue related to the eligibility of Ms. Monika Sharma has taken the following points into consideration.

- (a) That as per the Recruitment Rules, a candidate is required to have Degree/Diploma in Education Training. However, the requirement did not specify the nature of Degree or Discipline. In fact even B.Ed has not been specified and even a person with diploma was eligible.
- (b) Even though as per 2009 regulation of NCTE, the students with B.Ed qualification with 55% marks in aggregate were eligible for admission in M.Ed course, the modified regulation issued by the same authority in 2014 allowed the students with B.El.Ed qualification to take admission for M.Ed course.
- (c) As per the guidelines of NCTE notified on 3rd September, 2001, the minimum qualifications prescribed for teaching at Senior Secondary level also include integrated M.A. M.Ed., M.Sc. M.Ed. course.
- (d) Taking all the above factors in view, the Hon'ble High Court considered the candidate suitable for the post of PGT(Sociology) with M.Ed degree which is a higher qualification comparing to B.Ed even though Recruitment Rules don't specifically provide for M.Ed as one of the required qualifications for eligibility.

7. Further, there is a citation of Supreme Court Judgment in **Yogesh Kumar Vs. Government of NCT Delhi & Ors., (2003) 3 SCC 548** in the referred judgment of Hon'ble High Court which is reproduced as under:-

"The Hon'ble Supreme Court held that B.Ed degree although a well recognised qualification in the field of teaching and education, when not prescribed in the advertisement, would not be a valid degree for the post of Assistant Teacher in Primary Schools of Municipal Corporation of Delhi. Only those with Teacher Training Certificate were considered eligible. This distinction was justified as the nature of training imparted for grant of Teacher Training Certificate and the B.Ed degree were different. B.Ed course equips the students for teaching higher classes, albeit, specialized Teacher Training Certificate or equivalent courses for teaching small children at the primary level cannot be compared with the training given to students undergoing B.Ed degree. The Court cannot direct and hold that B.Ed candidates were eligible. The B.Ed holders were, therefore, rightly excluded from appointment as primary teachers."

8. Mrs. Babita is a candidate for the post of TGT (Maths) where she is required to teach students upto Secondary level (upto 10th level). The candidate has done her B.El.Ed and, thereafter, M.El.Ed meaning thereby she is sufficiently qualified for teaching students at Elementary level, i.e. upto 8th Std and not for teaching Secondary level students. The order of Hon'ble CAT dated 30th January, 2017 in the matter of Mrs. Babita Vs. GNCT of Delhi in OA No.321/2017 has a mention that she has M.Ed qualification and, therefore, is required to be given the benefit of the judgment of the Hon'ble High Court dated 26.05.2016 in the matter of GNCT Delhi & Ors Vs. Monika Sharma in WP(C) No.8089/2015 which is factually incorrect. In fact, Mrs. Babita has M.El.Ed qualification and not M.Ed as stated in the order. It appears that facts regarding her M.Ed qualification were misrepresented before the Hon'ble CAT who considered the case at par with Ms. Monika Sharma in the matter of WC(P) No.8089/2015 as referred to above. However, the facts remain that the candidate/applicant, Ms. Babita who has B.El.Ed and M.El.Ed qualifications and not B.Ed or M.Ed qualifications cannot be said to be falling in the line of judgment of the Hon'ble High Court in WP(C) No.8089/2015 in the matter of Monika Sharma Vs. GNCT Delhi.

9. In view of the facts and position explained above, the DSSSB is of the considered view that the case of Mrs. Babita is required to be treated in the light of the observations of Hon'ble Supreme Court in the matter of Yogesh Kumar & Ors. Vs. GNCT of Delhi as referred to in para-7 above as she doesn't possess the required level of Teachers Training for teaching students upto Secondary level, there is no need to revive the candidature of Mrs. Babita and treat her as eligible for the post of TGT (Maths.) under Post Code 111/12 and 09/13. It is, therefore, ordered accordingly.


Dy. Secretary, DSSSB

Mrs. Babita,
W/o Sh. Bhupinder Kumar,
54, Bazar Lane, Jangpura, Bhogal,
New Delhi-110014

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