



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.68/TGT Eng.(F))/CAT Order/Bhanupriya/2017/92

Dated: 30/03/2017

ORDER

1. This order is passed in compliance of the order of the Hon'ble CAT in the matter of OA No.2216/2016 titled as Bhanupriya Shokeen Vs. GNCTD & Ors.

2. Ms. Bhanupriya Shokeen had applied for the post of TGT (English), Post Code 05/13 against the vacancies notified vide Advt. No.1/13. As per the eligibility conditions for TGT (English), the required Educational qualification, 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 Ms. Bhanupriya Shokeen at the time of verification of documents, it was found that the candidate had not studied the subject 'English' in all parts/years of her graduation. Since Ms. Bhanupriya Shokeen did not fulfil the eligibility conditions as prescribed in the Advt. No.1/2013, her candidature was accordingly rejected. Aggrieved by the said rejection, she approached the Hon'ble CAT vide application No.2216/2016.

3. The Hon'ble CAT vide order dated 01.03.2017 directed the DSSSB to examine the case of the applicant in the light of Hon'ble High Court judgment in Writ Petition No.4483/2012 in the case of GNCT Delhi & Ors. Vs. Vikram Singh and in case she is found to be covered by the above-referred judgment, she may be extended the same benefits as were given to the respondents in the aforesaid judgment. In any case, the decision of the respondents shall be communicated to the applicant by means of a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of the order.

4. The judgment of Hon'ble High Court dated 07.08.2013 referred in the OA in the matter of GNCTD & Ors. Vs. Vikram Singh has been thoroughly examined. 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 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.*

5. 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.'

6. Thus the Hon'ble High Court extended the benefits to Vikram Singh as he had studied three papers for 300 marks in two years. However, in the case of Ms. Bhanupriya Shokeen, she has studied the subject 'English' in her 1st & 3rd year of graduation, i.e. 2 papers for 200 marks and, therefore, she is not eligible for the benefit extended to Sh. Vikram Singh in the judgment dated 7.8.2013 of Hon'ble High Court.

7. Keeping in view the position explained above, decision of the DSSSB regarding the rejection of the candidature of Ms. Bhanupriya Shokeen for the post of TGT (English) Female, Post Code 05/13 is reiterated.


Dy. Secretary, DSSSB

Ms. Bhanupriya Shokeen,
D/o Sh. Ramesh Shokeen,
H.No.1112, Mangolpur Khurd,
Delhi-110083

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Dy. Secretary, DSSSB