



GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092

F.1 (151)/CC-II/DSSSB/08/Pt.-II/

Dated:

ORDER

SUB:- Compliance of the order dated 11.04.2014 of LD. CAT in OA. 1229/2014 titled Ms. Kavita Rani Vs GNCT of Delhi & Ors.

1. Whereas, The applicant Ms. Kavita Rani (Roll No. 16415322) was a candidate for the post of Teacher (Primary) in MCD, under post code No.0165/07, under OBC category and secured 115/200 marks in part-II examination and was in zone of consideration. However, on scrutiny of dossier of Ms. Kavita Rani, it was noticed that the applicant Ms. Kavita Rani **does not fulfill the eligibility condition of the RRs for the post of having passed Hindi as a subject at secondary level.**

2. Whereas, Ld. CAT vide its order dated 11.04.2014 in OA No. 1229/2014 titled Ms. Kavita Rani V/s GNCT of Delhi & Ors has directed as under:-

"4. Taking into account the aforesaid facts, I dispose of this OA with the direction to the respondents to consider the representation of the applicant and pass a speaking order in the light of order of this tribunal in OA No, 2937/2013 (Shri Parvesh Meena V/s GNCTD & Ors.) and NDMC LPA No. 66/2000 within seven days of the receipt of a copy of this order. In case the applicant is dissatisfied with the order passed, he is at liberty to approach this tribunal again challenging the department's decision."

3. Whereas, in compliance of orders of Ld. CAT in the matter, the representation dated 24.01.2014 in respect of petitioner Ms. Kavita Rani was examined thoroughly wherein, based on the judgment passed by Hon'ble High Court of Delhi in the matter of Seema Tanwar V/s NCT of Delhi & Ors. and Parvesh Meena V/s GNCTD & Ors., petitioner has claimed similiarity in her case with the cases referred above and accordingly asked to consider her candidature for the post of Teacher (Primary), MCD, under post code 165/2007.

After compile examination of representation of petitioner and Judgment referred by her, it is further stated as under:-

4. Whereas, Recruitment Rules are framed after assessing the eligibility conditions, nature of work/duties and educational qualification, age limits, experience etc. so notified in Recruitment Rules are closely associated with the nature of duties.

5. Whereas, Hon'ble High Court of Delhi in the matter of Sachin Gupta & Ors. V/s DSSSB & Ors. in WP(C) 7297/2007 in order dated 28.08.2008 has observed that:-

"61. With regard to passing of Hindi subject at secondary level, we are in agreement with Mr. Paul, that even though a person may possess valuable skills of the language which he may acquire at a higher level, yet absence of knowledge of the basic and rudimentary building blocks of the same may prove be detrimental while teaching small children the basis alphabets of the same language in a simplistic yet interesting manner. Superior knowledge of scriptures or the ability to write reports, features complex essays or translate complex passage may not be an adequate substitute for the basic knowledge of grammar and the skill set which is exclusive to the secondary level and essential for teaching the same to the children at the primary level. Moreover, on perusal of the Government file, we find that the relevant considerations were discussed by the concerned authorities before prescribing Hindi as a compulsory subject.

63. After discussing the case of Mrs. Manju Paul V/s Govt. of NCT of Delhi & Anr. referred to by the petitioners, this Court in Farzana came to the conclusion that the essential educational qualification of having passed Hindi at secondary level was

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perfectly legal, valid and not violative of Article-14 of the constitution. The observations of the coordinate Division Bench are re-produced herein below:-

"21. We find sufficient justification/rational in providing for the aforesaid qualifying course at secondary level of the post in question. It is neither arbitrary nor discriminatory and specific object is sought to be achieved thereby for which sufficient justification/rational is given by the MCD. Once the respondents are able to satisfy such a rationally, further prove into a policy decision like this in prescribing these qualifications in the recruitment rules, which are of statutory nature, is not permitted as per the dictum noticed in various judgments in the foregoing paragraphs.

22. We, therefore, are of the opinion that the rule in question meets the constitutional requirement and it not violative of Article-14 thereof. We accordingly find the petition berefit of any merit and therefore, dismiss the same....."

In view of the above facts, the applicant Ms. Kavita Rani can not considered for selection to the post of Teacher (Primary) in MCD, under post code 016507.

This issues with prior approval of the competent authority.

(Prashant Raghav)
Dy. Secretary (CC-II)

**Ms. Kavita Rani D/o Sh. Jagbir Singh,
R/o, H. No.-754, VPO- Jounty,
Delhi-110081.**

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Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PA to Member-II, DSSSB.
3. Sr. PA to COE, DSSSB.
4. Dy. Secretary (Legal), DSSSB.
5. SA (IT), with the request to upload the same on the website of DSSSB.
6. Office order file.

Dated: 21/08/14

(Prashant Raghav)
Dy. Secretary (CC-II)