

(2021) 03 CAT CK 0079
In the Central Administrative Tribunal
Case No : Original Application No. 860 Of 2016

Dharmendra Kumar & Others

APPELLANT

Vs

Govt. Of NCT Of Delhi & Others

RESPONDENT

Date of Decision : 17-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0079

Hon'ble Judges : L. Narasimha Reddy, J;A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : TN Tripathi, Surya Nath Pandey, Neetu Mishra

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicants responded to the notification issued by the Delhi Subordinate Services Selection Board (DSSSB) for the post of Special Education Teacher. One of the conditions stipulated in the advertisement was that the candidate should have cleared the Central Teacher Eligibility Test (CTET) conducted by the Central Board of Secondary Education. They participated in the written test, but the candidature was rejected on the ground that they did not clear the CTET by the time the applications were filed. This OA is filed, challenging the Rejection Notice dated 03.02.2016.

2. The applicants contend that the CTET is not a requirement under the Recruitment Rules and there was absolutely no basis for the respondents in incorporating the same in the advertisement.

3. A detailed counter affidavit is filed. It is stated that once the CTET was stipulated, the applicants were under obligation to possess it and admittedly, they did not clear it by the time the applications were filed.

4. We heard Mr. T.N. Tripathi, learned counsel for the applicants and Mr. Surya Nath Pandey and Ms. Neetu Mishra for Shri K.M. Singh, learned counsel for the

respondents.

5. It is not in dispute that the applicants did not clear the CTET, by the last date for submission of the applications. It is stated that they cleared the examination in the recent past. In several OAs, this Tribunal took the view that CTET being a stipulation by the NCERT, the candidate cannot be appointed as Teacher unless he clears it.

6. It is brought to our notice that in WP(C) No. 9040/2019, titled Praveen Khatri & Ors. vs. Government of NCT of Delhi, the Hon'ble High Court passed an order on 21.08.2019, directing that the candidates, who cleared the CTET subsequent to conducting of the written test and before conclusion of the selection process, can also be considered for the post of Special Education Teachers. It is also stated that the DSSSB passed an order on 04.09.2020 in this behalf.

7. We, therefore, dispose of the OA, directing that if the cases of the applicants are covered by the order passed in WP(C) No. 9040/2019 and the order dated 04.09.2020 issued by the DSSSB, necessary order shall be passed in this behalf after verification of the compliance with the other conditions. There shall be no order as to costs.