

REPORTABLE

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

W.P.(C) 17238/2006

Date of Decision: February 27, 2007

SURESH KUMAR Petitioner
Through Mr.Vimal Wadhawan, Advocate.

versus

LT. GOVERNOR & ORS Respondent
Through Mr.V.K.Tandon for R. 1 to 4.
Mr.Arun Arya for respondent No.5.
Mr.Atul Kumar for respondent No.6.

CORAM:-

HON'BLE MS. JUSTICE REKHA SHARMA

1. Whether reporters of Local paper may be allowed to see the judgment? Yes
2. To be referred to the reporter or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

REKHA SHARMA, J.

Suresh Kumar is a teacher on the post of TGT (Maths) in C.L.Bhalla DAV Senior Secondary School, Jhandewalan, Karol Bagh, New Delhi. He seeks his promotion to the post of PGT (Maths). According to the respondents he does not possess the requisite qualification and therefore the prayer sought cannot be granted.

As per the Recruitment Rules to the post of Lecturer/ PGT a copy of which has been placed on record by the respondents, the

requisite qualification for appointment to the said post is a Masters degree in the subject concerned from a recognised university. Admittedly, the petitioner does not possess a Masters degree in Mathematics. What he possess is a Masters degree in Statistics. He is M.Sc (Statistics). His case is that a degree in M.Sc (Statistics) is as good as holding a degree of M.Sc (Maths) and on that basis he claims that he fulfills the qualification required for appointment to the post of PGT (Maths).

It is common knowledge and it was also so submitted by counsel for the respondents that 'Statistics' is only one of the branches of Mathematics. Whereas a degree in M.Sc (Maths) includes in its curriculum 'Statistics' as one of the subjects, vice versa is not true. Mathematics is a wider course than Statistics. It not only includes Statistics but many other related branches of Mathematics such as Algebra and Geometry etc. In this view of the matter, M.Sc (Statistics) cannot be treated as equivalent to M.Sc (Maths).

Learned counsel for the petitioner tried to draw a parallel with those teachers who have either done Masters degree in 'Zoology' or 'Botany' yet they are considered as eligible to the post of PGT (Biology). To this, the answer of learned counsel for the respondent was that there is no course of M.Sc (Biology). It is either M.Sc (Botany) or M.Sc (Zoology). Therefore, any teacher

possessing either of the qualification is eligible for promotion to the post of PGT(Biology). Faced with this, learned counsel for the petitioner had no counter submission to offer.

It was also sought to be argued that there have been cases where respondents appointed M.Sc (Statistics) to the post of PGT (Mathematics). However, nothing to the said effect finds mention in the writ petition. Even during the course of arguments, no specific instance was brought to the notice of the court. The submission thus was without basis.

Lastly it was argued that the petitioner had moved an application under the Right to Information Act, 2005 seeking to know from the Directorate of Education whether TGT (Maths) having qualification of M.Sc. (Statistics) with Maths as the main subject at graduation level and possessing teaching experience of more than five years could be considered as eligible for promotion to the post of PGT (Maths). The response that he received was in the affirmative. On being confronted with this position, it was submitted by learned counsel for respondents that the information which was passed on to the petitioner was false and contrary to the Recruitment Rules and he therefore could not stake any claim on such information. It was also submitted that departmental action was being taken against the person who had provided incorrect information to the petitioner. Since, as has

been noticed above, the Recruitment Rules do not contemplate that a person possessing a degree of M.Sc (Statistics) is eligible to be promoted to the post of PGT (Maths), the mere fact that some incorrect information was supplied to the petitioner on his application under the RTI Act will not confer any right for any such appointment.

For the foregoing reasons the writ petition is dismissed.

REKHA SHARMA, J

FEBRUARY 27, 2007
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