

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH  
CIRCUIT BENCH, RANCHI  
OA/051/00547/2018**

Reserved on: 22.01.2020  
Pronounced on : 23.01.2020

**C O R A M**

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER  
HON'BLE MR. M.C. VERMA, JUDICIAL MEMBER**



Bajinath Yadav, son of Sri Banshi Yadav aged about 29 years resident of village Durginiyan, Post Chandwara, Police Station Chandwara, District- Koderma, Pin- 825409.

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Applicant

By Advocate(s): - Mr. Ravi Kumar Singh

-Versus-

1. Union of India through Department of Human Resource Development, Government of India, New Delhi.
2. Navodaya Vidyalaya Samiti, Department of School Education and Literacy, B-15 Institutional Area, Sector- 62, Noida, Gautam Buddh Nagar, Uttar Pradesh- 201309.
3. The Commissioner, Navodaya Vidyalaya Samiti, B 15 Institutional Area, Sector-62, Noida, Gautam Buddh Nagar, Uttar Pradesh- 201309.
4. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office Patna, Karpuri Thakur Sadan, Karyalaya Parishad, 5<sup>th</sup> Floor, Block-A&B, Patna.
5. The Principal, Jawahar Navodaya Vidyalaya, Koderma, Village- Puti, Post- Karma, District- Koderma.

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Respondents.

By Advocate(s): - Mr. K.P. Narayan

**ORDER  
[ORAL]**

**Per Dinesh Sharma, A.M.:-** In the instant OA, the applicant has prayed for quashing the letter dated 19.12.2017 from Dy. Commissioner,

Navodaya Vidyalaya Samiti (NVS) by which the applicant has been intimated that all recruitments of Non- teaching staff at JNV level has been banned by the Samiti vide Office Order No. F. No. 11-39/2010-NVS (Estt.)/900 dated 27.04.2011. The applicant has claimed that he had applied for the post of Electrician cum Plumber at Navodaya Vidyalaya, Koderma following advertisement dated 04.09.2015. He has been duly selected for this job and has been continuously working on daily wages on the said post for the last more than 9 years. Not issuing appointment letter in the light of the aforementioned decision of the NVS is, therefore, wrong and hence, this OA.



2. The respondents have filed a written statement in which they have quoted their letter of NVS Headquarters dated 27.04.2011 by which it has been decided that recruitment of non-teaching staff presently being done at JNV level is to be stopped immediately and further recruitment process will be carried out by the Regional Officer as per the provision of recruitment rules. Following this decision, a communication was sent to all the Principals of Navodaya Vidyalayas vide letter dated 06.05.2011 (Annexure R/1) advising them to stop the recruitment process of Non-teaching staff with immediate effect till further orders. Since there has been no change in the situation since then, the applicant was informed about this position by their letter dated 19.12.2017.

3. No rejoinder has been filed.

4. We have gone through the pleadings and heard the learned counsel for the parties. The Id. Counsel for the applicant argued that a decision not to allow recruitment at the level of Navodaya Vidyalaya Principal is a violation of autonomy of an institution. He also argued that such decision should not have been communicated by the Dy. Commissioner. The learned counsel for the respondents, on the other hand, argued that the decision regarding not allowing recruitment of non-teaching staff at the JNV level is a decision taken by the NVS and there are sufficient reasons given in the letter dated 27.04.2011 (Annexure R/2) when this decision was taken. The applicant does not have any right to get appointed as Electrician cum Plumber only because he has responded to an Employment Notice issued by the Koderma Navodyala Vidyalaya and has been found to be suitable for that job by a Committee constituted under the Navodaya Vidyalaya Principal of that school. Since the NVS Samiti has decided not to let such selections and recruitments to be made at the level of the Principal no appointment orders have been issued to the applicant and he has no right to claim relief from this Tribunal.



5. After going through the pleadings and hearing the arguments of the learned counsel for both the parties, it is clear that the applicant who has been working as Chowkidar/Electrician/Plumber for a long time under JNV at Koderma was recommended for appointment as Electrician cum Plumber by the Principal of JNV, Koderma after he found



him suitable for the job following his application responding to the Employment Notice (issued in Newspaper at Annexure A/4) issued by the Principal, JNV, Koderma. The recommendations of a Committee under the Principal along with a list of the qualified candidates, in order of merit was sent to the Regional Office of NVS for approval. However, no approval was received to this proposal. The applicant has been informed following the raising of his grievance that the recruitment of non-teaching staff has been banned. It is clear from the above that no appointment letter was issued to the applicant for want of approval by the competent authorities of the NVS. In the absence of such approval, the applicant cannot claim to get appointed only because he had responded to a Employment Notice and was found suitable for appointment by a Committee constituted at the JNV level. The argument of the learned counsel for the applicant that this is violation of the autonomy of the institution at the school level may sound reasonable but cannot form ground for granting a relief which can be given only when a legal right accrues to a person under the relevant rules. Since it has been made very clear that the NVS has taken away the power of recruitment of non-teaching staff from the school level and banned all such recruitments since 2011, this Tribunal cannot force them to act against their own declared policy. The action of the Principal which was only to seek applications cannot be found fault with since the Principal sent the result of their selection process for approval by the Regional Office who did not approve the recommendations because it was against

the policy stated in their letter dated 27.04.2011. Under these circumstances, since the applicant has no vested right to get himself appointed as Electrician cum Plumber at Navodaya Vidyalaya the relief sought by him to quash a policy decision of the NVS, informed to him by letter dated 19.12.2017, cannot be granted. The OA is, therefore, dismissed. No costs.



**[M.C. Verma ]**  
**Judicial Member**  
**Srk.**

**[ Dinesh Sharma ]**  
**Administrative Member**