



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 705/2017

New Delhi this the 26th day of February, 2020

**Hon'ble Mr. R. N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

Ms. Isha, Designation : Guest Teacher
 Age 26 years,
 Group 'C',
 D/o. Shri Vijay Pal Sharma,
 R/o. House No. 170, Village Kirari
 Delhi -110 086.Applicant

(By Advocate : Mr. Ritesh Patil for Mr. Ranbir Yadav)

Versus

1. Govt. of NCT Delhi
 Through its Chief Secretary,
 Secretariat, I.P. State, Delhi.
2. Director of Education
 Govt. of NCT Delhi
 Room No. 10 Old Secretariat
 Civil Lines New Delhi – 110 054.
3. Deputy Director of Education
 Govt. of NCT Delhi
 FU Block, Pitampura,
 Delhi – 110 088.Respondents

(By Advocate : Mr. Vijay Pandita)

O R D E R (ORAL)

Hon'ble Mr. R. N. Singh, Member (J)

The present application has been filed by the applicant alleging that neither any policy nor any criteria had been made public by the respondents while preparing the merit list of the Guest Teachers and the



principle of last come first go had not been followed to discontinue the engagement of the applicant who has rendered her services as a Guest Teacher under the respondents.

2. In the aforesaid background the applicant has prayed for the following reliefs in the O.A. :-

“(a) allow the O.A directing the respondents to re-engage the applicant as Guest Teachers (Primary) in SKV School, U. Block, Mangol Puri Delhi or any other School, Delhi.

(b) pass such other further order/orders as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

3. In response to the notice from this Tribunal the respondents have filed reply affidavit and the respondents have asserted therein that the applicant was relieved from her services as a Guest Teacher on 01.07.2016 on account of joining of the regular teachers.

4. They have further asserted that the applicant’s representation for her adjustment as a Guest Teacher was considered by the respondents, however, the applicant could not be adjusted due to lack of vacancies in the session 2016-17 in the schools under District North West (B). It is also pointed out by the learned counsel for respondents that not only the applicant but various other similarly placed persons are also



disengaged on account of the fact that regular selected teachers have since joined. In paras 4 (vii) and 4 (viii) of the reply the respondents have asserted as under :-

"(vii) In reply to para 4(vii) it is submitted that the contents of which admitted (Annexure A-6 of the O.A paperbook). The Guest Teacher if disengaged prior to 10.05.2016 due to lack of vacancy in their earlier schools, but not removed due to indiscipline/poor performance) during March-May, 2016 will be deployed suitably in different school as per the merit and the ranking of waiting candidates keeps on changing due to submissions of fresh representation of dis-engaged teachers time again. (Annexure R-1)

(viii) In reply to para 4 (viii) it is submitted that the contents of which are admitted. The applicant was disengaged due to the joining of a regular teacher irrespective of applicant's standing in the order of merit list initially drawn district-wise for the purpose of engagement. (Annexure A-5, Para-4 of the O.A paper book)"

5. In para 4(ix) of their reply the respondents have specifically stated that the list of candidates was displayed on 30.07.2016 and the name of the applicant finds place at Sl. No. 28.

6. Mr. Pandita further adds that the District authority under the respondents have prepared a pool of such disengaged Guest Teachers on District level on the basis of their marks and percentage and the applicant is one of them. Respondents have further contended that in the list so prepared the position of the candidates keep on changing depending upon the vacancies available.



7. In the facts and circumstances, once it is evident that the respondents have taken a policy decision to maintain the list of the disengaged teachers by applying uniform criterion and the learned counsel of the respondents submits that as and when there is a need to avail their services as a Guest Teacher, such merit list is taken into consideration, we do not find any illegality or infirmity in the action of the respondents more so, when the said list is not the subject matter of the challenge in the present O.A.

8. Accordingly, the O.A is dismissed. However, in the facts and circumstances there shall be no order as to costs.

(Aradhana Johri)
Member (A)

(R. N. Singh)
Member (J)

/Mbt/