

17

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.696/2000

New Delhi this the 9th day of January, 2002

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

Ms.Shikha Saxena
D/O Shri S.C.Saxena,
2454, D-II, Vasant Kunj,
New Delhi.

..Applicant

(By Advocate Shri Tej Bahadur Verma)

VERSUS

1. The Assistant Commissioner
Kendra Vidyalaya Sanghthan,
Regional Office, Sector -J,
Aliganj,Lucknow (UP)
2. The Commissioner,
Kendra Vidyalaya Sanghthan,
18, Institutional Area Shaheed
Jeet Singh Marg, New Delhi-16
3. Union of India through the
Secretary, Department of
Education,Shastri Bhawan, New Delhi.

..Respondents

(By Advocate Shri S.Rajappa)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A)

Applicant seeks appointment to the post of Primary Teacher (PRT)(1995) of general category as per the Memo.dated 30.7.1995, with consequential benefits.

2. Heard both sides.

3. From the pleadings, it is revealed that the respondents held selection for 35 vacancies of PRT in Lucknow Region, in which applicant appeared and was placed at Serial No.26 of the panel.

7

4. All the 35 vacancies for which selection were held, could not be filled up, because in the meantime, certain PRTs from other regions who had sought transfer to Lucknow region had to be accommodated, in accordance with the KVS Rules. Thus only 20 candidates in the general category (to which applicant belongs) from the aforesaid panel were appointed, and as applicant stood at Serial No. 26 in that panel, she was not appointed.

5. Respondents have stated that none below the applicant in the aforesaid panel have been appointed as PRT, and indeed the applicant had not succeeded in establishing that any candidates between Serial Nos 20-25 and/or after ^{Sl.No.} 27 has been appointed as PRT.

6. In this connection, our attention has been invited to Para 7 of the Hon'ble Supreme Court's ruling in **Shankarsan Dash Vs, UOI** (1991(3)SCC 47). In that ruling the Constitution Bench of the Supreme Court has held that a candidate included in merit list has no ^{de} infeasible right to appointment even if a vacancy exists, but while filling up the vacancies the authorities have to act bona fide and not arbitrarily. In the facts and circumstances of the present case, it cannot be stated that the adjustment of PRTs from other regions to Lucknow region was done malafidely or arbitrarily, merely to deny applicant appointment as PRT.

7. Apart that the respondents have pointed out that the

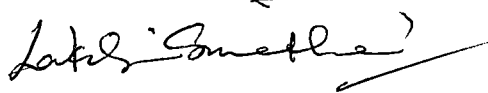
7

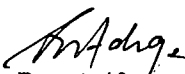
19

-3-

OA has been filed in April, 2000, and is grossly delayed and barred by limitation as the cause of action arose in July, 1995. There is not even any MA/for condoning ^{filed} ^{action of} ~~the~~ delay.

8. In the result, we find ourselves unable to grant the reliefs claimed by the applicant, and the OA is dismissed. No costs.


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)


(S.R. Adige)
Vice Chairman (A)

sk