

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 440/90  
T.A. No.

199 8.8.1990.

DATE OF DECISION

<u>Shri Ram Chander Dhankhar</u>	<del>»Petitioner»</del> Applicant
<u>Shri B.B. Raval</u>	Advocate for the <del>»Petitioner(s)»</del> Applicant
Versus	
<u>Delhi Admn. &amp; Ors.</u>	Respondent
	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. P.C. Jain, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NO*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *NO*

(Judgement of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice-Chairman)

The grievance of the applicant in the present application filed under Section 19 of the Administrative Tribunals Act, 1985, is that the respondents did not appoint him as a Teacher in Geography in the S.N. Jain Modern Senior Secondary School, Kamla Nagar, New Delhi, though he was found fit for such appointment by the Board which interviewed him. The Director (Education), Delhi Administration, is the first respondent and the Manager and the Principal of the said School are the second and third respondents. The relief sought is that a Mandamus should be issued directing the respondents to give an appointment letter to the applicant as a Geography Teacher in the Respondent school.

2. The application came up for admission on 16.3.90 when we heard the learned counsel of the applicant and went through the records of the case and reserved our orders.

3. The facts of the case in brief are that the applicant who is working as a Trained Graduate Teacher in the Universal Public School, Preet Vihar, Delhi, applied for the post of Geography Teacher in S.M. Jain Modern Senior Secondary School, Kamla Nagar, Delhi, pursuant to an advertisement issued in the Hindustan Times of 9th October, 1989. He was interviewed by a Board which included the Principal, the Manager, the President and Vice-President of the said School and the Education Officer of the Directorate of Education, Delhi Administration. He has stated that the Board found him fit for appointment but has not given him the offer of appointment. In the meanwhile, the School authorities issued another advertisement for the same post in the Hindustan Times of 14th January, 1990. The applicant has alleged that the action taken by the respondents is violative of Articles 14, 16 and 21 of the Constitution of India.

4. In our considered opinion, this Tribunal has no jurisdiction to entertain the grievance of the applicant and issue any direction to the respondents. Apparently, S.M. Jain Modern Senior Secondary School is a private school aided and recognised under the Delhi School Education Act, 1973. In Shri Narinder Gupta Vs. Union of India, 1986 A.T.C.<sup>(1)</sup>/414, the Principal Bench of this Tribunal has held that it has no jurisdiction to entertain an application under Section 19 of the Administrative Tribunals Act, 1985 to redress the grievance of an

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employee of a private aided school (see also B.L. Varma Vs. Union of India & Others, 1986 (3) SLJ (CAT) 402; Bal Krishna Vs. K.V.S., 1986 ATC<sup>(1)</sup>/372).

The legal position stated above holds good even in a case where a person seeks employment in such a school. This Tribunal has no jurisdiction to issue any directions to the authorities of such a school.

5. In B.L. Varma's case, mentioned above, the Tribunal observed that a private aided school may be an instrumentality of the State, answering the description of "other authorities", within the meaning of Article 12 of the Constitution of India against whom a writ could be issued but this Tribunal would not have the jurisdiction unless a Notification envisaged by Section 14(2) is issued. Consequently, in the absence of such a notification, the High Court continues to have jurisdiction in such cases.

6. In the light of the foregoing, we are of the opinion that this Tribunal has no jurisdiction to entertain the present application, in the absence of a notification under Section 14(2) of the Administrative Tribunals Act, 1985. The applicant will, however, be at liberty to seek redress in an appropriate civil court, in accordance with law, if so advised.

There will be no order as to costs.

*P.C. Jain*  
(P.C. Jain)  
Administrative Member

*P.K. Kartha*  
8/8/90  
(P.K. Kartha)  
Vice-Chairman(Judl.)