

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 10TH DAY OF FEBRUARY, 2004

Original Application No.96 of 2004

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.D.R.TIWARI, MEMBER(A)

Lallan Prasad Dwivedi, son of
Shri Sarjoo Dwivedi, Resident of
Mohalla Sakarmandi, post office
Sakarmandi (Sadar), district Jaunpur.

.. Applicantt

(By Adv: Shri N.L.Srivastava)

Versus

1. Union of India through Secretary
Ministry of Human Resources
Development Department of
Education, New Delhi.
2. Director Novodaya Vidyalaya Samiti,
Ministry of Human Resources
Development Department of
Education, A-39 Kailash Colony
New Delhi.
3. Deputy Director,
Novodaya Vidyalaya Samiti
Ministry of Human Resources Development
Department of Education, Lekhraj
Panna-IIIrd Floor, Sector 2,
Vikas Nagar, Lucknow.

.. Respondents

O R D E R (Oral)

JUSTICE S.R.SINGH,V.C.

The applicant, herein had earlier instituted a civil writ petition no.10932/92 in the High court of Judicature at Allahabad with the allegation that he was engaged as a Part time Post graduate teacher(Biology) in Jawahar Navodaya Vidyalaya, Mariah, district Jaunpur on 2.9.1991 and worked upto 23.3.1992. There after he was not allowed to work on the post. The writ petition was accordingly filed for issuance of an appropriate writ order or direction but in the meantime a notification u/s

104(2)(b)

14(2) of the Administrative Tribunal's Act 1985 was issued ~~conferring &~~ ^{concurring} the jurisdiction on this Tribunal to hear the disputes in respect of Navodaya Vidyalaya and consequently the writ petition was transferred to this Tribunal whereupon it was registered as T.A. 07/99. The Tribunal by its judgment dated 12.11.03 held that there was no basis to direct the respondents to appoint the applicant permanently in the institution and the applicant was held not entitled to any reliefs. However, considering the facts and circumstances of the case, the Tribunal disposed of the TA with liberty to the applicant to make representation before the Deputy Director, Navodaya Vidyalaya Samiti, Ministry of Human Resource Development, Department of Education, B-159 Nirala Nagar Lucknow who was directed to consider the case of the applicant and provide engagement if work was there and to allow him to participate for regular selection if vacancy was there. The applicant filed a representation dated 2.12.02 which came to be disposed of by the concerned Authority vide order dated 31.1.03 holding there by that there was no vacancy on the post of PGT(Biology) at the regional level and further that the regular appointment on All India level is made after due advertisement of vacancies and in case vacancies are advertised the applicant would be at liberty to apply on the post. We find no manifest error in the order dated 31.1.03 and none has ^{been} ~~been~~ pointed out by learned counsel which ~~was~~ not even been impugned in this OA.

The OA is devoid of merit and is dismissed in limine.

[Signature]
MEMBER(A)

[Signature]
VICE CHAIRMAN

Dated: 10.2.2004

Uv/