



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3828/2017

Today, this the 7th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Ms. Archana, Aged – 53 years
D/o Sh. Gauri Shankar,
Working as Asstt. Mistress (PRT)
Oak Grove School, Northern Railway,
Jharipani, Mussoorie, Distt. Dehradun.
R/o Staff Quarter, Oak Grove School,
Jharipani, Mussoorie, Distt. Dehradun

... Applicant

(By Advocate: Mr. Yogesh Sharma)

VERSUS

1. Union of India
Through the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The General Manager (P)
Northern Railway Headquarters Office,
Baroda House, New Delhi.

...Respondents

(By Advocates: Mr. V.S.R. Krishna with Mr. Krishna Kant
Sharma)

ORDER (ORAL)**Justice L. Narasimha Reddy:**

The applicant was initially appointed as Assistant Mistress, as Substitute in Oak Grove School (OGS, for short), Jharipani, a primary school established by the Northern Railway. Later on, she was regularized in that post w.e.f. 14.05.2002. According to the applicant, the post of Head Master/Head Mistress (HM) in that school is of Group 'C' and is required to be filled by conducting an examination for the eligible candidates.

2. The applicant contends that apart from the primary school, the respondents are running three more schools, at higher level and the posts of HM for them, are of Group 'B' (Gazetted) category. The grievance of the applicant is that the respondents issued an advertisement dated 20.09.2017 proposing to fill four posts of HM, by classifying them under Group 'B' category. She contends that whatever be the right of the respondents to fill three posts of HM for the other schools through that process, there is no justification to include the post of HM for the OGS.

3. The respondents filed a detailed counter affidavit. It is stated that though the post of HM of OGS is of Group 'C'

category, it was decided to appoint HM of Group-B (Gazetted) category for that also, and the applicant cannot have any grievance about it. It is also stated that the applicant is not eligible to apply for Group 'B' post.



3. Today, we heard Mr. Yogesh Sharma, learned counsel for the applicant and Mr. V.S.R. Krishna with Mr. Krishna Kant Sharma, learned counsel for the respondents.

4. The advertisement issued in the year 2017 was for 4 posts of HM, of Group 'B' (Gazetted) category. That includes the post of HM of OGS also, which is a primary school. There is adequate material to indicate that the post of HM for that school is of Group-C category whereas the posts of HM for other schools is Group-B (Gazetted). The respondents seem to have taken the decision to fill the Group-C post also, with a Group-B (Gazetted) officer. Though, we cannot take serious exception to this, the exercise appears to be somewhat impermissible, unless the classification or recruitment rules are changed. By now, all the four posts are filled up. We are of the view that if the same classification remains, the respondents shall be under obligation to fill the post of OGS with Group 'C' teacher, in accordance with the prescribed procedure.

4. We, therefore, dispose of the OA directing that as and when the post of HM in Oak Grove School in Category 'C' becomes vacant, the same shall be filled up in accordance with the procedure already *in vogue*. It shall also be open to the respondents to upgrade that post, in accordance with the procedure therefor. There shall be no order as to costs.



(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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