



Central Administrative Tribunal Principal Bench: New Delhi

O.A. No.1635/2021
M.A. No. 2107/2021

This the 19th day of August, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Pawan Kumar Gupta, S/o Santosh Kumar Sahu,
Age: 28 years,
R/o Village Rampur, PO: TB Rampur,
Silli Ranchi, Jharkhand, Pin Code: 835101,
Phone: 798942727,

...Applicant

(By Advocate: Mr. Harpreet Singh Hora)

Versus

1. Navodaya Vidyalaya Samiti,
Autonomous Organization under the Ministry of HRD,
Through Commissioner,
Department of School Education and Literacy,
B-15, Institutional Area,
Sector 62, Noida, Uttar Pradesh – 201309.
2. Union of India (Ministry of HRD),
Through Secretary,
Department of School Education and Literacy,
ShastriBhawan, Dr. Rajendra Prasad Road,
Central Secretariat, New Delhi.

...Respondents

(By Advocate: Ms. Harvinder Oberoi for respondent
No.2)



ORDER (ORAL)

Hon'ble Ms. Manjula Das:

The Navodaya Vidyalaya Samiti (NVS), the respondent No.1, issued a notification for recruitment drive 2019 dated 06.07.2019 to 12.07.2019 for recruitment to various posts, including the post of Trained Graduate Teacher (TGT) (Mathematics). The applicant applied for the said post and appeared in the Computer Based Test for the post. On 24.12.2020, he was issued the call letter for attending interview at Goa. It is stated that when he reported for interview, he was not allowed to enter and appear in the interview by the respondent on the ground that he has less than 50% marks in the concerned subject.

2. It is submitted that Bachelor's Degree (Hons), with at least 50% marks in concerned subject/combination of subjects and also in aggregate, is essential for the



candidates applying for the post. The applicant completed his Bachelor's Degree with B.Sc. Hons. in Mathematics and secured more than the essential marks.

3. Learned counsel for the applicant submitted that the decision of the respondents in not permitting him to enter and appear in the interview is illegal and arbitrary. Hence, he filed the instant O.A. seeking the following reliefs:

- I. Quash and set aside the decision of the Respondent/s in respect of the applicant and direct the Respondents to consider the applicant for appointment in the recruitment process, and;
- II. Pass orders to nominate petitioner's name to NVS in the order of preference as per choice opted by him, for issuance of appointment letter without further delay protecting his seniority with reference to his batch-mates, and;
- III. Award all consequential benefits to the applicant, and;
- IV. Pass any further orders or directions in favour of the applicant as this Hon'ble Tribunal may



deem fit and proper in the present facts and circumstances and in the interest of justice.

4. Being hurt by the inaction of the respondents, the applicant preferred representation on 26.05.2021 before the respondents, wherein he categorically stated that since he secured more than 50% marks in the concerned subject, i.e., Maths, he has been deprived of his rightful opportunity to appear in the interview. It is stated that the said representation is not responded to by the respondents. He, thus, prayed for a direction in this regard.

5. Having regard to the facts and circumstances of the case, we dispose of the O.A. at the admission stage itself, with a direction to the respondents to decide the aforesaid representation of the applicant, within six weeks from the date of receipt of a copy of this order, by passing a reasoned and speaking order, under intimation



to the applicant. It is, however, made clear that we have not expressed any opinion on the merits of the matter.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

August 19, 2021
/sunil/mbt/vb/dd/