



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

**O.A. No. 1950/2021
MA No. 2471/2021**

This the 9th day of September, 2021

Through Video Conferencing

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

1. Adesh Kumar,
Aged about 27 years,
S/o Sh. Braham Dutt Yadav
R/o RZ-24-B, Block-C, New Gopal Nagar,
Najafgarh, South West Delhi-110043,
Post: Primary Teacher, Group: B.
2. Satish Kumar
Aged about 31 years,
S/o Sh. Rishipal Thakran
R/o H. No. 182, Nangal Thakran, Delhi- 110039,
Post: Primary Teacher, Group: B
3. Tukaram Nerlikar,
Aged about 29 years,
S/o Sh. Gangadhar Nerlikar,
R/o Keshar Niwas, AT. Post Nerli TQ. Distt.
Nanded, Maharashtra-431605,
Post: Primary Teacher, Group: B.

...Applicants

(By Advocate: Shri Anuj Aggarwal)

Versus

1. Kendriya Vidyalaya Sangathan,
Through its Commissioner,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi- 110016
Email: commissioner-kvs@gov.in,
kvs.commissioner@gmail.com



2. Union of India,
 Through its Secretary,
 Ministry of Education,
 109-C, Shastri Bhawan,
 New Delhi – 110001.
 Email: secy.dhe@nic.in

...Respondents

(By Advocate: Mr. R Gowrishankar for Mr. S Rajappa)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

MA No.2471/2021

This application is filed by the applicants under Rule 4(5) of CAT (Procedure) Rules 1987, seeking permission to join in a single application.

OA No.1950/2021

2. This Application is filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief(s):-

“(i) Declare that Rule 8(2) of the Kendriya Vidyalaya Sangathan (KVS) (Appointment, promotion, seniority, etc.) Rules, 1971 to the extent it provides that the life of a panel shall be normally one (01) year is ultra vires, unconstitutional and in violation of



Articles 14, 16 & 21 of the Constitution of India;

- (ii) Declare the impugned action on the part of the Kendriya Vidyalaya Sangathan (KVS) in not filling 298 unfilled vacancies of Primary Teacher (Group-B), out of total 3000 vacancies, as advertised in the Advertisement No.14 dated 14.08.2018 issued by the Kendriya Vidyalaya Sangathan (KVS), as illegal and unjustified;
- (iii) Direct the respondents to fill 298 unfilled vacancies of Primary Teacher (Group-B), from the waiting list panel candidates, including the applicants herein, and accordingly consider the candidature of the applicants for appointment on the post of Primary Teacher (Group-B) in Kendriya Vidyalaya Sangathan (KVS) with all consequential benefits (monetary as well as non-monetary) including back wages/salary, seniority, etc.;
- iv. Allow the present Original Application with costs in favour of the applicants; and
- (v) Pass any such other or further orders as this Hon'ble Tribunal may deem appropriate in the facts and circumstances of the case and in favour of the applicants herein.”

3. At the outset, learned counsel for the applicant Sh. Anuj Aggarwal, fairly submitted that the applicant will be satisfied if his Legal Notice dated 16.08.2021



issued to the respondents is decided in a time bound manner.

4. In view of that, the OA is disposed of at the admission stage itself, without expressing any opinion on the merits of the case, with a direction to the respondents to decide the legal notice dated 16.08.2021 of the applicant, within a period of two months from the date of receipt of a copy of this order, by passing a reasoned and speaking order, under intimation to the applicant.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

rk/vb