

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A/351/1547/2019

Date of Order: 25.01.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

G. PARMESHWARI, daughter of Gunasekaran, aged about 31 years, residing at Near CPIM Office, AK Street, Anarkali, Post Office Haddo Port Blair, Pin 744102.

--Applicant

-VS-



1. The Union of India, service through the Secretary, Government of India, Ministry of Human Resource Development, Shastri Bhawan, New Delhi- 110 001.
2. The Lieutenant Governor, Andaman and Nicobar Islands, Raj Niwas, Port Blair- 744 101.
3. The Andaman & Nicobar Administration, service through the Chief Secretary, Andaman and Nicobar Administration, Secretariat Complex, Port Blair- 744 101.
4. The Secretary (Education), Andaman and Nicobar Administration, Secretariat, Port Blair- 744 101.
5. The Director of Education, Andaman & Nicobar Administration, VIP Road, Port Blair- 744 103.
6. The Deputy Director of Education (Personnel), Directorate of Education, Andaman & Nicobar Administration, VIP Road, Port Blair- 744 103.

---Respondents.

For The Applicant(s): Mr. P. C.Das, Counsel
Ms. T. Maity, Counsel
For The Respondent(S): Mr. R. Halder, Counsel

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard Id. counsel for both sides.

2. This OA has been filed to seek the following reliefs:

"a) To quash and/or set aside the impugned Press Note dated 11th January, 2019 being File No. 8-10(1427)Edn/CCB/PST-Rectt/2018 being Annexure A-6 of this Original Application issued by the Deputy Director of Education (Personnel) who is

the competent authority by which the entire selection process for the post of Primary School Teacher has been cancelled without assigning any reason by depriving the applicant who has declared successful candidate and her name was enlisted in the Merit List after fulfilling all the eligibility criteria prescribed by the Education Department in terms of the Notification dated 16.07.2018.

b) To declare that the decision of the Education Department of Andaman and Nicobar Administration vide Press Note dated 11th January, 2019 is wholly arbitrary and illegal because they themselves admitted in Press Note published on 19th December, 2019 in the Daily Telegrams that the process of recruitment to the post of Primary School Teacher has been conducted in a free, fair, transparent and objective manner. After such declaration by way of paper notification, the cancellation of the selection process to the post of Primary School Teacher is wholly arbitrary and illegally and which may be liable to be quashed and/or set aside in the eye of law by restoring the entire selection process in terms of the Notification dated 16.07.2018 and to hold that the merit list which they have published is in accordance with the Recruitment Rules and on the basis of the assessment of marks obtained by her in terms of the Merit List the applicant will get appointment in terms of the Order and direction contained in O.A No. 351/00120 of 2019 and M.A No. 351/67 of 2019 dated 30.01.2019.

c) To quash and/or set aside the cancellation order of selection process for recruitment for the post of Primary School Teacher and direct the respondent authority to issue the appointment order in favour of the applicant who is selected candidate and her name enlisted in the Merit List to the post of Primary School Teacher immediately in terms of the Recruitment Notification dated 16.07.2018.

3. Since the applicant has preferred a representation on 16.01.2019 seeking the same reliefs as in the present OA and has rushed to this Tribunal without waiting for a reply while her representation is yet to be disposed of, and since no fruitful purpose would be served in calling for a reply in this matter unless the representation is suitably decided by the respondent authorities, we propose to dispose of the OA at the admission stage itself.

4. Ld. Counsel for applicant submits that the order passed in OA.351/0095/AN/2019 (LitonBaroi & Ors.v. UOI & Ors.) has been challenged before the Hon'ble High Court and, therefore, he prays that the applicant's representation may be considered in the light of the decision taken in the matter filed before the Hon'ble High Court.



18

5. Accordingly, we direct the competent respondent authority to consider the grievance of the applicant, as highlighted in her representation dated 16.01.2019, after proper verification of records and decide the same in accordance with law. Let an appropriate order be issued within a period of 4 weeks from the date as and when the matter is decided by the Hon'ble High Court.

6. It is made clear that we have not entered into the merits of this matter and, therefore, all points are kept open for consideration.

7. The present OA accordingly stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss