

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1489 of 1999

Allahabad this the 09th day of November, 2004

Hon'ble Mr.Justice S.R. Singh, V.C.
Hon'ble Mrs. Roli Srivastava, A.M.

Rajeev Rajput, Son of Sri Satish Kumar Singh, Vashnopuri,
New Madho Nagar, Saharanpur.

Applicant

By Advocate Shri Vikash Budhwar

Versus

1. Union of India through Kendriya Vidyalaya Sangathan,
18 Institutional Area Saheedjeet Singh Marg, New
Delhi, through its Commissioner.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan
Lucknow Region, Lucknow.

Respondents

By Advocate Shri N.P. Singh

O R D E R (oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

Heard Shri Vikash Budhwar, Counsel for the
applicant and Shri N.P. Singh, Standing Counsel for
the respondents.

2. The applicant herein was a candidate for appointment to the post of Lower Division Clerk in Kendriya Vidyalaya Sangathan. It appears that by means of an advertisement published in Rozgar Samachar in September-October, 1993, Kendriya Vidyalaya Sangathan, Lucknow Region, Lucknow invited applications from ^{the candidates of the} unit for the post of Upper Division Clerk and for 32 posts of Lower

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Division Clerk in Kendriya Vidyalaya, Lucknow Region possessing the requisite qualification mentioned in the said advertisement, copy of which has been produced before us during the course of arguments. A selection list was prepared on the basis of written examination, result of which was declared in September, 1995 and the name of the applicant finds place at serial no.25 of the panel prepared for appointment to the post of Lower Division Clerk, as stated in paragraph no.4 of the Supplementary Counter Affidavit, filed by Shri Satish Kukreja, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Lucknow. It appears that 23 candidates from the select list notified in 1995 were offered appointment. The applicant and others whose names figured in the panel, could not secure appointment. The instant O.A. seeks issuance of a direction to the respondents to offer appointment to the candidates already in the panel for appointment to the post of Lower Division Clerk and restrain them from filling the vacancies by Inter Region transfer or by making fresh appointment from subsequent selection ignoring the existing panel.

3. The case of the applicant is that the respondents have no valid reason to deny appointment to all the selected candidates. The appointment to only some of them, it is further submitted by Shri Vikash Budhwar, was arbitrary, illegal and violative of Article 14 and 16 of the Constitution.

4. For the respondents, it has been stated in suppl. counter affidavit and also submitted by Shri N.B. Singh during the course of arguments that due to shifting of some of the Kendriya Vidyalayas from ~~one~~ region to another and also due to inter-regional transfer of Lower Division

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Clerk, no appointment could be made from the panel after first 23 candidates of the panel were appointed. The case of the respondents is that due to shifting of some of the Kendriya Vidyalayas from Lucknow region to other regions, and also due to the reason of certain inter regional transfers, there was no need to make any further appointment from the panel prepared in July, 1995. The legal position is well settled that mere selection does not confer any indefeasible right to get appointment on the post. The applicant was, no doubt, in the panel but that by itself does not entitle him to get appointment to the post. The vacancy other than those ~~fixed~~ ^{filled in 2} by offering appointment to the 23 candidates of this panel and by adjusting the candidates who were transferred to this region from other regions, vacancies stood exhausted. In view of this, no direction can be given to the respondents to appoint the applicant who was in the select list. Even otherwise, life of the panel was only one year and panel automatically stood lapsed on expiry of period of one year, which comes to an end in the year 1996. The applicant, in our opinion, is not entitled to any relief. Accordingly, the O.A. fails and is dismissed. No order as to cost.

Brown
Member (A)

Reh
Vice Chairman

/M.M./