

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 1st day of March, 2005.

QUORUM : HON. MR. JUSTICE S. R. SINGH, V.C.

HON. MR. S. C. CHAUBE, A.M.

O.A. NO. 1541 of 2003

Vijendra Singh Yadav, son of Shri Rameshwar Dayal, resident of Jawahar Navodaya Vidyalaya Compound, District Firozabad.

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.....Applicant.

Counsel for applicant : Sri N.L. Srivastava.

Versus

1. Director, Navodaya Vidyalaya Samiti, A-39, Kailash Colony, New Delhi.
2. Deputy Director, Navodaya Vidyalaya Samiti, 10-B, Sector-C, Aliganj, Lucknow.
3. Principal, Jawahar Navodaya Vidyalaya, Firozabad.
4. Union of India through Secretary, Ministry of H.R.D., A-39, Kailash Colony, New Delhi.

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.....Respondents.

Counsel for respondents : Sri Vinod Swaroop.

ORDER (Oral)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri N.L. Srivastava, learned counsel for the applicant, Sri Vinod Swaroop, learned counsel for the Respondents and perused the pleadings.

2. The applicant, who was appointed as a part time Teacher in Navodaya Vidyalaya has instituted this O.A. for issuance of a direction to the Respondents to regularize his services as Physical Education Teacher.

3. The case of the applicant is that he has been working since August, 1997 and therefore, he is entitled to be considered for regularization as Physical Education Teacher. The allegation that he has been working Since August, 1997 is disputed by the Respondents. However, the fact remains that the applicant has not invited the attention of the Tribunal to any provisions/scheme providing for regularization of the services of a Part time Physical Education Teacher. In the absence of any such provision, it would not be possible for the Tribunal to issue any direction commanding the Respondents to consider for regularization. It may be pertinent to note that in the appointment order dated 8.1.1999, it was made clear that part time appointment would not entitle the applicant in the Samiti.

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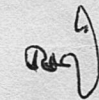
4. Counsel for the applicant then submits that keeping in view the services rendered by the applicant, the Respondents may be directed to consider the request of the applicant to continue as a part time teacher or adjust ^{him 2} on contract basis subject to availability of vacancy.

5. We are of the view that no mandamus can be issued in this regard but it would be open to the applicant to stake his claim to work on contract basis and the respondents shall be at liberty to engage the applicant on contract basis¹ Physical Education Teacher.

6. The O.A. is dismissed with the above observation.

No order as to costs.


A.M.


V.C.

Asthana/