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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No.305 of 2006

Allahabad this the 30th day of March 2006

Hon'ble Mr. Justice Khem Karan, V.C.
Hon'ble Mr. A.K. Singh, Member (A)

1. Mahendra Pratap Singh Solanki, S/o Shri Prataphan Singh Solanki, At present posted as Post Graduate Teacher in English, Jawahar Navodaya Vidyalaya-AGSOLI, District Hathras. At present R/o Staff Quarters Jawahar Navodaya Vidyalaya AGSOLI, District Hathras.

2. Ram Babu Yadav, S/o Shri Ashrafi Lal Yadav, At present posted as Post Graduate Teacher in Physics, Jawahar Navodaya Vidyalaya-BEGAUR, District Etah. At present R/o Staff Quarters Jawahar Navodaya Vidyalaya, BEGAUR, District Etah

Applicants

By Advocate Shri Mahesh Gautam

Versus

1. The Union of India through Secretary, Ministry of Human Resources & Development, Department of Education, New Delhi.

2. Navodaya Vidyalaya Samiti (At Autonomous Organization of Ministry of Human Resources & Development, Department of Education) A-28 Kailash Colony, New Delhi Through its Commissioner.

Respondents

ORDER

By Hon'ble Mr. Justice Khem Karan, V.C.

The brief facts giving rise to this Original Application are that pursuant to advertisement dated 06/12-09-2003 for making direct recruitment to the post of Principal in Jawahar

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Navodaya Vidyalaya Samiti, New Delhi, the applicants applied and ~~also~~^{they} were successful in the written test. They were called for interview but before the same could take place, the process of selection was dropped or postponed twice. However, after a lapse of about 2 years, another advertisement on 11/17-06-2005 (annexure-1) for filling the same post was issued. It was mentioned in the advertisement that the candidates, who had applied pursuant to the earlier advertisement, need not ~~be~~^{apply} applied. The present applicants appeared in the written test so held pursuant to this subsequent advertisement. A list of candidates so announced on Internet for interview did not include the name of the applicants, implying thereby that they could not get through the written test. Now they have come to this Tribunal contending inter alia that there was no justification for dropping the earlier process of recruitment and also there was no justification for requiring the present applicants to appear again in the written test and that the suitability test is being held without any set of rules or executive instructions[;] and without disclosing in the advertisement as to what would the suitability test whether Written Test only or Written Test and Viva Voce both or Viva Voce only.

2. Learned counsel for the applicant has also tried to say that there should have a clear cut indication in the advertisement to the effect that the candidates would have to go through a written test etc. and when these two applicants have^d already passed the written test, they ~~would not~~^{ought to} have been asked to appear again in the written test.

3. We are of the view that once the applicants have taken a chance by appearing in the subsequent test held pursuant to the subsequent advertisement, ~~and~~^{now} they cannot turn

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around and say that subsequent advertisement was unjustified or written test ought not to have been applied to them etc. We think these two persons cannot challenge the subsequent process of selection, so this O.A. is dismissed in limine.



Member (A)



Vice Chairman

20.3.2006

/M.M./