

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 22.7.2004

TA 01/2004

(SB Civil Writ Petition No.4840/92)

Girdhar Singh s/o Shri Chandi Dan Singh r/o Village Nimkiya, Post Dungri Kala, Teh. Malpura, District Tonk.

... Applicant

Versus

1. Navodaya Vidyalaya Samiti, Regional Office, A-12, Shastri Nagar, Jaipur through its Deputy Director.
2. Principal, Jawahar Navodaya Vidyalaya, Chhan, District Tonk.

... Respondents

CORAM:

HON'BLE MR.S.K.AGRAWAL, MEMBER (A)

HON'BLE MR.M.L.CHAUHAN, MEMBER (J)

For the Applicant

... Mr.Saugath Roy, proxy counsel
for Mr.Ajay Rastogi

For the Respondents

... Mr.Sanjay Sharma, proxy counsel
for Mr.V.S.Gurjar

ORDER (ORAL)

This case was transferred to this Tribunal by the Hon'ble High Court as subsequently the notification under Section 14(2) of the Administrative Tribunals Act, 1985 was issued thereby conferring jurisdiction on this Tribunal in respect of Navodaya Vidyalaya Samiti.

2. In this case the applicant has prayed for the following relief :

- i) the Hon'ble Court may kindly be pleased to call for the entire record of the case and after examining the same be pleased to quash and set aside the advertisement dated 25.6.92 which has been published in Local Newspaper dated 26.6.92, so far as it relates to the post of Post Graduate Teacher (History) is concerned.
- ii) By further appropriate writ, order or direction the date fixed in the order of appointment of the petitioner i.e. 30.4.92 may kindly be quashed and set aside and the respondents be directed to allow the petitioner to work as Post Graduate Teacher (History) till regular selections are made and the petitioner may also be allowed to appear in the regular selection if the same take place at any subsequent time and if he is found suitable in the regular selection, he may be appointed on regular basis.
- iii) Any prejudicial order to the interest of the petitioner if passed during the pendency of the writ petition, the same

may kindly be taken on record and he pleased to quash and set aside."

3. The facts of the case are that the applicant was appointed to the post of Post Graduate Teacher (History) on 7.1.92 on tenure basis for a fixed period upto 30.4.92 as part-time Lecturer on consolidated salary of Rs.1500/- pm. Thereafter, the respondents took steps for making regular selection against this post. Against the action of the respondents, the applicant writ petition before the Hon'ble High Court thereby praying for the aforesaid relief.

4. From the material placed on record it is clear that the petitioner was allowed to continue on the said post till regular appointment is not made by the respondents pursuant to advertisement (Ann.3). It is also clear from the order dated 13.8.93, passed by the Hon'ble High Court in S.B.Civil Misc. II Stay Application No.4256/93, that the applicant did not appear in the interview for regular selection pursuant to the aforesaid advertisement (Ann.3). It is further clear from the said order that the applicant obtained stay order for the purpose of conducting interview against the vacancy advertised vide Ann.3 on 17.7.93. Since the interview was held earlier to passing of stay order by the Hon'ble High Court and the applicant was not interviewed pursuant to the order dated 17.7.93, he moved II Stay Application before the Hon'ble High Court. The Hon'ble High Court while rejecting the said stay application vide order dated 13.8.93 specifically held that whether the non-petitioners have in any manner disregarded the order of the Court dated 17.7.93 or not, is not an issue which can be determined in Second Stay Application. If petitioner feels that there is any breach of that order, he has appropriate remedy available to him by invoking jurisdiction of the Court under the provisions of Contempt of Courts Act, 1971. Since the applicant wants to quash the advertisement (Ann.3) so far as it relates to Post Graduate Teacher (History), whereby the respondents had advertised the said post to be filled on regular basis and since the applicant did not appear pursuant to the said advertisement, we are of the view that the applicant is not entitled to any relief. Admittedly, the applicant was appointed as Post Graduate Teacher (History) on 7.1.92 on tenure basis for a fixed period upto 30.4.92 as part time on consolidated salary of Rs.1500/- pm. As such, he has got no indefeasible right to continue on the post.

5. Accordingly, the TA is dismissed with no order as to costs.


(M.L.CHAUHAN)

MEMBER (J)


(S.K.AGRAWAL)

MEMBER (A)