

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 27/2000

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 27/2000

OF 199

Applicant(s) Bijoy Kr. Choudhury

Respondent(s) Miss J. Edia and others.

Advocate for Applicant(s) Mr. G.K. Bhattacharyya
Mr. Bora, B. Choudhury.

Advocate for Respondent(s)

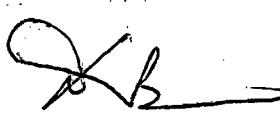
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
Application is returned within time S.E. of R. 50% deposited vide 100/2000 956896 24/1/2000 M 24/1/2000 B 24/1/2000 24/1/2000 28/1/2000	25.1.00 trd 25/1/2000	Issue notice as to why the application shall not be admitted. Returnable on 10.2.2000. Till the return date no appointment shall be made. Member Vice-Chairman
Service of notices prepared and sent to 1. Section for issuing 2. The same to the respondents through Regd. post with A.D. My Vice D.No-273 to 275 Dtd- 31.1.2000 28/1 2.2.2000	10.2.2000	On the prayer made on behalf of Mr. G.K. Bhattacharyya, learned counsel for the applicant, the case is adjourned till 16.2.2000. Mr. Bora enters appearance on behalf of Respondent No.3. Mr. B.C. Pathak, learned Addl.C.G.S.C. enters appearance on Behalf of Respondent contd.

Notes of the Registry

Date

Order of the Tribunal

9 - 2 - 00Service reports are
arrived.contd enters appearance on behalf of
the Respondents No.1 and 2.

Vice-Chairman

mk Member

16.2.00

On the prayer of Mr. B.C. Pathak,
learned Addl. C.G.S.C. the case is
adjourned till 18.2.00.

Member


Vice-Chairman

nkm

18.2.00

Application is admitted. Issue
usual notices. Returnable by 21.3.00.1 - 3 - 2000

Notice & Order

Dtd - 18-2-2000 prepared
and sent to D. Section
for issuing of the
same to the Respondents
through Regd. post
with A/c.

 Vice D. No. 645 to
647 Dtd - 1-3-2000.

7 - 3 - 2000

Notice duly served
on R. No. 2 and 3.

 Notice on Regd. No. 1.
returned due to incomplete
address or marked by P.T.
Spclty -

mk


25/2/2000

Member


Vice-Chairman

60

(3)

Notes of the Registry

Date

Order of the Tribunal

3

21.3.2000

Mr P.Bora, learned counsel appears for respondent No.3. His name should be shown in the cause list in future. Mr Bora prays for two weeks time to file written statement. Mr B.S.Basumatary on behalf of Mr B.C.Pathak, learned Addl. C.G.S.C also ~~make~~ makes similar prayer for other respondents. Prayer allowed.

List on 6.4.2000 for written statement and further orders.

62
Member

pg

6.4.00

Two weeks further time is allowed for filing of written statement on the prayer of Mr. B.C. Pathak, learned Addl. C.G.S.C.

List on 25.4.2000 for written statement and further orders.

62
Member

trd

25.4.00

On the prayer of Mr B.C. Pathak, learned Addl. C.G.S.C., two weeks further time allowed for submitting written statement. List for written statement and further orders on 11.5.00.

62
Member

nkm

11.5.00

None is present on behalf of the applicant. Learned Addl. C.G.S.C. Mr. B.C. Pathak prays time to file written statement. Prayer allowed.

Put up on 7.6.2000 for written statement and further order.

JN
Member (J)

trd

Notes of the Registry	Date	Order of the Tribunal
	7.6.00	Present: Hon'ble Mr D.C. Verma, Judicial Member None for the applicant. Mr B.C. Pathak, learned Addl. C.G.S.C., seeks two weeks further time to file written statement. Time is granted. List the case on 22.6.00 for orders.
	nkm	
	22.6.00	There is no Bench today. Adjourned to 18.7.00.
<u>19 - 9 - 2000</u> No. WTS has been filed.	18.7.00	There is no Bench today. Adjourned to 11.8.00.
<u>27-10-2000</u> No. Writ of Mandamus has been filed by the respondents.	11.8.00	There is no bench. adjourned to 20.9.00.
<u>27-10-2000</u> Memo of two appearance not yet filed by the counsel.	20.9.00	Present : The Hon'ble Mr Justice D.N. Choudhury, Vice-Chairman. Heard Mr B.Choudhury, learned counsel for the applicant. No return has been filed by the respondents. Mr B.C. Pathak, learned Addl.C.G.S.C submits that according to his instruction the respondents have their own standing counsel. Registry to show the name of the newly engaged counsel for the respondents and list on 30.10.2000 for order.
	pg	Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<i>Copy served to Mr. A. Deb Roy as per Order dated 30/10/2000</i> <i>13/11</i>	30.10.00	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. It has been shown in the office note that the notice on Union of India, the Respondent No.1 is returned by the Secretary, Human Resource Development, New Delhi due to incomplete address. Let a copy of this application be served on Mr.A. Deb Roy, learned Sr.C.G.S.C. for the respondents to enable him to take instructions on that behalf. List it after six weeks on 11.12.00. No notice need be issued to Respondents No.2 and 3. If no steps are taken, the case shall proceed ex parte against the Respondents No 2 and 3.
<i>15-11-2000</i> <i>With statement</i> <i>has been filed by the</i> <i>Respondents No 2-3.</i> <i>Boos</i>	WS 31/10/2000	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman and Hon'ble Mr. M.P.Singh, Administrative Member. Written statement has been filed. The case is ready for hearing. Office to list it accordingly on 2.3.2001 for hearing.
<i>WJS & R.m. 22</i> <i>3 are filed</i> <i>by.</i> <i>The Case is ready</i> <i>for hearing.</i>	11.12.00 nkm 2.3.2001 nkm	<i>nk</i> Member Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No orders as to costs. <i>ICU Shar</i> Member
<i>30.4.2001</i> <i>Copy of the Judgment has</i> <i>been sent to the Discre</i> <i>for issuing the same to the</i> <i>applicants as well as to the</i> <i>parties</i>	1-3-01	<i>nk</i> Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A. / ~~XXX~~ No. . 27 of 2000

DATE OF DECISION 2.3.2001

Shri Bijoy Kumar Choudhury

PETITIONER(S)

Mr G.K. Bhattacharyya and Mr B. Choudhury

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.,
Mr K.N. Choudhury, Mr S. Sarma and
Mr B.C. Das.

ADVOCATE FOR THE
RESPONDENTS

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.27 of 2000

Date of decision: This the 2nd day of March 2001

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Bijoy Kumar Choudhury,
Resident of Village Tinali,
P.O. Momari Tinali,
Kamrup, Assam.

.....Applicant

By Advocates Mr B.K. Bhattacharyya and
Mr B. Choudhury.

- versus -

1. The Union of India, represented by
The Secretary,
Ministry of Human Resources Development,
New Delhi.

2. The Deputy Director,
Navodaya Vidyalaya Samiti,
Regional Office,
Shillong.

3. The Principal,
Jawahar Navodaya Vidyalaya,
Sibsagar, Assam.

.....Respondents

By Advocates Mr B.C. Pathak, Addl. C.G.S.C.,
Mr K.N. Choudhury, Mr S. Sarma and Mr B.C. Das.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The issue pertains to absorption and/or regularisation of service of the applicant in the post of Lower Division Clerk (LDC for short) in the establishment of the respondent Nos.2 and 3. The applicant was appointed to the post of LDC in the Navodaya Vidyalaya on part-time basis by an order dated 4.2.1995. The applicant accordingly accepted the offer and joined in the Jawahar Navodaya Vidyalaya, Sibsagar as a part-time LDC at a consolidated amount. The respondents initiated the process of regular appointment and for that purpose sent requisition to the concerned Employment Exchange. In due course, the respondents

decided to hold a written test. The applicant was called for such written test that was to be held on 20.2.1996. The applicant appeared at the written test and obtained 87 out of 100 marks. He was asked to appear for the type test and viva-voce test that was to be held in the Regional Office, Navodaya Vidyalaya Samiti (NVS for short), Shillong vide communication dated 9.5.1996. The applicant appeared in the test, but the result was not declared. He submitted representations before the authority for consideration of his case sympathetically and for appointing him in a regular post. An application was addressed to the Deputy Director, NVS on 7.10.1997, through proper channel, praying for consideration of his case sympathetically for appointing him in the post of LDC with effect from the date of his joining in the post, i.e. 11.2.1995. In the said application, the applicant indicated about his service from 11.2.1995 to 9.8.1995 on part-time basis and thereafter his re-appointment to the post on 11.8.1995 to 29.2.1996 on part-time basis and again from 1.3.1996 till 7.10.1997 on daily wage basis. He also mentioned in the application about his passing in the written test and appearance in the interview and typewriting test held in the NVS, Shillong. In the application he also mentioned about his participation in the orientation programme for Non-teaching Employees of the JNVS of Shillong Region held during December 1996. His application was forwarded to the Deputy Director, but there was no response to his application. The respondents again took steps in the year 1999 for filling up the post on regular basis. The applicant applied for the post and he was asked to appear at the interview to be held on 4.7.1999. The applicant accordingly appeared in the written test, but the result of the written test was not declared. The applicant moved departmentally. Failing to get any redressal, the applicant filed this application for a direction on the respondents for regularisation of his service on the basis of his performance in the written test and the viva-voce test.

2. The respondents submitted their written statement and contested the application. The respondents, in the written statement, did not dispute as to the appointment of the applicant on part-time basis. According to the respondents, the applicant has rendered his service as a part-time employee. They also admitted that the applicant was asked to appear at the written test on 20.2.1996 and thereafter he was also asked to appear in the viva-voce test on 11.6.1996. There was also no dispute that the applicant was again allowed to appear in the interview held in the year 1999. The respondents, however, seriously disputed, in the written statement, about the eligibility of the applicant for being appointed as LDC. The respondents, for that purpose, relied on the communication No.1.1/96/NVS(SHR)Admn./6426 dated 9.12.1996 sent by the Deputy Director, JNVS, Regional Office, Shillong to all Principals, JNVS of Shillong Region mentioning about the new Recruitment Rules of the Samiti. The respondents mainly relied upon the qualification clause mentioned in the said communication, which was indicated in clause '(c)' of the communication, which is reproduced below:

"(c) Qualification :

(1) LDC (i) Class XII passed with 50% marks

(ii) Diploma in typing (English) with minimum 30 w.p.m.
or 25 w.p.m. in Hindi.

OR

Passed Class XII with Secy practice and office management as voc. subject from CBSE.

(i) Knowledge of computer operation and data entry acquired either as a subject at +2 level or through 6 month Diploma course or CLP at school level."

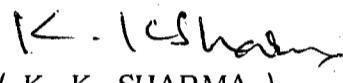
Since the marks obtained by the applicant in the HSLC examination was below 50%, question of his consideration for appointment did not arise without an appropriate decision by the competent authority.

3. From the facts set out above, it thus emerges that the applicant has been serving in the institution since 1995 on daily wage basis. There was also no serious dispute as to the necessity of regularising the service of such persons. The Constitutional scheme adhered to in this country did not countenance continuation of such nature of appointment. Regularisation is the rule and adhocism is an exception. In the

instant case, the respondents on their own showing took steps for regularisation and for that purpose they invited applications. The applicant alongwith others was allowed to appear in the test. In the year 1995 he was called for the interview after the written test, but thereafter the results were not declared. No valid reason is discernible for not declaring the result. Mr S. Sarma, learned counsel for the respondents promptly referred to the communication dated 9.12.1996 to show and establish that the applicant was not qualified since he did not secure 50% marks in the HSLC examination. We are not inclined to accept the submission of Mr S. Sarma on two grounds. Firstly, the communication dated 9.12.1996 only communicated about the new Recruitment Rules of the NVS. The applicant was first asked to appear in the written as well as typewriting and viva-voce test on 11.6.1996, that is, prior to the communication dated 9.12.1996. The rules are not made available to us. The authority called the applicant for the selection for more than once. Assuming that qualification was prescribed requiring 50% marks in the HSLC even in 1995, from the conduct of the respondents it appears that the said qualification of the applicant was seemingly relaxed as a departmental candidate. The authority, knowing the rules itself when called the applicant for the selection test, it must be presumed for all practical purposes that the same was relaxed or tacitly accepted the qualification of the applicant for the post. Next, as alluded, at least on two occasions as mentioned above, the respondents seemingly acted in derogation of the rules and in those circumstances it would only lead to an inference that the aforesaid action was taken in relaxation of the qualification clause as regards the applicant. To hold otherwise would only lead to a disconcerting conclusion that a public body like the NVS acted deliberately in defiance of the rules. We have taken this view of tacit relaxation in the light of the decision rendered by the Constituent Bench in Bachan Singh and another -vs- Union of India and others, reported in (1972) 3 SCC 489 relied upon in A. Janardhana -vs- Union of India and others, reported in (1983) 3 SCC 601 and G.S. Lamba and others -vs- Union of India and others, reported in (1985) 2 SCC 604.

4. For the foregoing reasons we hold that the case of the applicant cannot be rejected on the ground that he did not obtain 50% marks in the HSLC examination. Since there is no other dispute in this matter we direct the respondents to consider the case of the applicant for his regularisation/absorption on the basis of the selection process that was undertaken by the respondents. It is expected that the respondents shall act with utmost despatch and decide the matter as early as possible, preferably within three months from the date of receipt of the order.

5. The application is accordingly allowed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH: GUWAHATI.

O. A. NO.

27

/2000.

Sri Bijoy Kumar Choudhury.

.. Applicant..

-Versus-

Union of India and others.

... Respondents.

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Filed by :-

Bijoy Kumar Choudhury
(Advocate)

....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:

GUWAHATI.

(An application U/s 19 of the Administrative Tribunal Act, 1985).

O.A. NO. 27 /2000.

Bijoy Kumar Choudhury

Son of Gopal Chandra Choudhury

Resident of Village:-Tinali

P.O. Momari Tinali

District:- Kamrup.

.... Applicant.

- Versus-

1. Union of India

Represented by the Secretary

Ministry of Human Resource

Development, New Delhi .

2. Deputy Director

Navodaya Vidyalaya Samiti

Regional Office, Non Grim Hills

Shillong-3.

3. Principal

Jawahar Navodaya Vidyalaya

Sibsagar, Assam.

.... Respondents.

contd...

Bijoy Kr. Choudhury
Filed by the applicant through
Bikram Choudhury, Advocate
24.1.2000

1 : THE APPLICATION IS AGAINST THE FOLLOWING ORDERS:

(i) Illegal and arbitrary action of the authorities in not appointing the applicant on regular basis though he was selected for the post but the result of the Selection was not declared .

(ii) Illegal and arbitrary action of the authorities in seeking to oust the applicant from service by appointing an outsider on adhoc basis inspite of the fact that the applicant has been rendering service for a substantial period .

2 : JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal .

3 : LIMITATION:

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

4 : FACTS OF THE CASE:

1. That the applicant passed Higher Secondary (Commerce) in the year —x— and due to compelling circumstances, he gave up his studies and started searching for some jobs. The applicant also completed his Vocational Training in English Typing and Computer as well .
2. That pursuant to the application made by the applicant, the Respondent No.2 vide his order No.F.1.-7/94/posting/

contd...



NVS(SHR)/Pt/ dated 4.12.95, appointed the applicant against a post of Lower Division Clerk on temporary basis and in the appointment letter it was inter-alia , mentioned that the services of the applicant would be terminated by a regular incumbent . Accordingly the applicant joined his duties on 11.2.95 .

Copy of the order dated 4.2.95 is annexed herewith and marked as Annexure- I.

3. That after joining his duties the applicant had been continuously attending his duties and in the meantime , the service of the applicant was discontinued for two days vide letter dated 8.8.95 issued by the Respondent No.3 and was re-appointed with effect from 10.8.95 vide letter dated 11.8.95 issued by Respondent No.4.

4. That while in service application were called for filing up 22 posts of Lower Division Clerk through Employment Exchange and the applicant filed an application pursuant to which the Respondent No.3 issued letter dated 24.1.96 calling the applicant to appear in the written Test to the post on 20.2.96, Accordingly the applicant duly appeared in the Written Test and he qualified in the Test having obtained 87% marks.

A copy of the call letter dated 24.1.96 is annexed herewith and marked as Annexure-II.

5. That thereafter vide letter dated 9.5.96 issued by the Respondent No.2, the applicant was asked to appear in the Type Test and Viva-voce to be held on 11.6.96 and the applicant appeared in the test and performed exceptionally well

and he was confident that he would be selected for the post.

A copy of the letter dated 9.5.96 is annexed herewith and marked as Annexure- III.

6. That the applicant later on came to know that he was selected for the post and was awaiting for the result while he was continuing in his service. However, for reasons best known to authorities, the results were not declared, causing a serious prejudice to the petitioner.

7. That since the petitioner was continuing in service for a long time on a fixed consolidated pay of Rs.1000/-, it could hardly meet the requirement and the petitioner was representing before the authorities for the regularisation of his services. However, in the meantime the authorities put some nominal breaks in his service but the applicant was continuously in his service and the representations were duly forwarded.

Copies of the representations and forwarding letters are enclosed herewith and marked as Annexure-IV series.

8. That in the meanwhile the school authorities send the applicant to attend In-Service Training on 18.12.96 and the applicant completed the training successfully and a certificate was issued in his favour.

Copy of the certificate is annexed herewith and marked as Annexure-V.

contd...

9. That as stated, though the applicant was already selected for the post of Lower Division Clerk, he was not appointed and the results were not declared finally. The authorities again initiated a proceeding for filling of the post and pursuant to his application, the Respondent No. 3 issued call letter dated 15.6.99 asking the petitioner to appear in an interview to be held on 4.7.99. The applicant accordingly appeared in interview and his performance was to his full satisfaction. However, till date no results have been declared.

(Copy of the letter dated 15.6.99 is annexed herewith and marked as Annexure-VI).

10. That the applicant begs to state that he is still continuing under fixed consolidated pay and his service has not been regularised and the result have also not been declared as yet. The respondent No. 3 has issued certificates to the applicant to the effect that the applicant has been continuously working in the school since 11.2.95.

(Copies of the certificates dated 30.4.97 and 1.6.99 are annexed herewith and marked as Annexure-VII and VIII respectively).

11. That the applicant begs to state that as per the rules the applicant is having the essential qualification Class-XII level of education and he also possessted desirable qualification of Computer and experience and though he was duly selected earlier for the post of Lower Division Clerk, he was not appointed.

contd...



12. That the applicant states that instead of regularising the service of the applicant, the authorities have now taken decision to oust the applicant from service and the applicant has come to know from a reliable source that an outsider is going to be appointed on ad-hoc basis against the post held by the applicant.

13. That the applicant begs to state he has been from February, 1995 and as per First appointment letter, (Annexure-I), the applicant can only be ousted by a regularly selected candidate and as such the applicant states that such action of the authorities is a illegal and arbitrary in view of long continuation of the applicant in service and the petitioner was earlier selected and that he is awaiting for the result of the subsequent interview, the result of which is yet to be declared.

5 : DETAILS OF REMEDIES EXHAUSTED:

The applicant filed a number of representations before the authorities praying for regularisation of his service but the same have not been disposed of.

6 : DECLARATION:

The applicant further dedlares that he has not previously filed any application/writ application or suit regarding the matter in respect of which this application has been made before any Court of Law or any other authority or any other Bench of this Hon'ble Tribunal and no such application/writ application or suit is pending.

contd....

By

7 : RELIEF SOUGHT AND GROUNDS :

- I) For that the applicant has been continuing in the school for a long period of time and as such he is entitled for his regularisation and that being not done the action of the authorities is illegal and is ~~not~~ sustainable in law .
- II) For that as per appointment letter, the applicant could only be replaced by a regular incumbent and as such action of the authorities in seeking to terminate the services of the applicant by another ad-hoc employee is wholly illegal and arbitrary and the action is not sustainable in law .
- III) For that the action of the authorities in not publishing the resulting of the selection in which the applicant had already been selected and now seeking to discharge the applicant by another ad-hoc employee . When the applicant is awaiting for the result of his subsequent interview ,is wholly illegal and arbitrary and such action is not sustainable in law .
- IV) For that in any view of the matter the applicant is entitled to continue in the school and is also entitled for regularisation of his services and that being not done the action is liable to be set aside.

It is, therefore, prayed that your honour would be pleased to admit this application, call for the records of the case, calling upon the Respondents to show cause as to why the applicant shall not be allowed to continue in service and as to why his services should not be regularised and


contd...

after hearing the parties and perusing the causes shown, if any, be pleased to issue a direction to consider the case of the applicant for regularisation and/or pass such order/orders as your honour may deem fit and proper.

And for this act of kindness, the applicant, as in duty bound shall ever pray.

8 : INTERIM RELIEF:

Pending disposal of the case your honour be pleased to issue a direction to the authorities to allow the applicant to continue in service.

9 : Does not arise.

10 : Postal order No. OG 486896.

Dated 24.1.2000 of Guwahati post office.
is annexed.

contd...



VERIFICATION

I, Shri Bijoy Kumar Choudhury, son of Gopal Chandra Choudhury, aged about 29 years, resident of Village:-Tinali, P.O. Momari Tinali District:-Kamrup, Assam do, hereby, verify that the statements made in paragraphs No.1, 3, 6, 7, 8, 11, 12 and 13. as true to my personal knowledge, and the statements made in paragraphs No.2, 4, 5, 9 and 10 are believed to be true on legal service, and that I have not suppressed any material fact.

Place:- Guwahati

Date :- 24.1.2000

Bijoy Mr. Choudhury
Signature of the applicant.

NAVODAYA VIDYALAYA SAMITI: REGIONAL OFFICE : SHILLONG :

Regd. 24

Ref: No. F. 1-7/94/Posting/NVS(SHR)/Pt/

Date: -

To,

Shri Bijoy Kr. Choudhury

Till Tinali, Pt. Moniari Tinali

Exit Kamrup. (Assam)

LDC.

Sub: Appointment to the post of ~~Teacher~~ in the Navodaya Vidyalaya on ~~Adhoc~~ Basis - Offer of appointment .
part time

Sir/ Madam ,

I am directed to offer you a post of ~~For xxxxx~~ LDC.

on ~~Adhoc~~ Basis in Jawahar Navodaya
part time

Vidyalaya Sibsagar ~~on monthly remuneration of Rs. 1000.00~~
One thousand only ~~part time~~ on the
following terms and conditions . ~~part time~~

1. The appointment will be purely on adhoc basis for a period of 179 days from the date of joining or till such time the regular incumbent joins in his post, whichever is earlier. It will not confer any right to you to claim for retention of your services in the Samiti.
2. All ~~work~~ appointment will automatically be terminated one day before the commencement of the Vacation . They may be re- appointed if required by the Principal after the opening of the School provided the total period of their service does not exceed in any case more than 179 days . Their services will be terminated as soon as a regular incumbent joins in the Vidyalaya .
3. You will not be entitled to any Travelling Allowances for joining the appointment .
4. You shall produce the following certificates in a original along with attested copies of each to the Principal at the time of joining.
 - (a) Degree / Diploma certificates of educational Qualification .
 - (b) Secondary School / SSLC certificates issued by the Board giving your date of Birth .
 - (c) Discharge certificate in prescribed form of previous Government appointment , if any .
5. The appointment is purely on adhoc basis and it can be terminated at any time from either side without assigning any reasons or without any notice thereof .
6. In case you accept the Offer on the terms and condition advanced in this letter , you may intimate your acceptance to this Office by the 10.2.95 1995 positively and join in the post latest by 16.2.95

Yours faithfully

Deputy Director

By To:- 1. The Principal, J.N.V. Sibsagar, Dist. Sibsagar Assam
2. Office Copy.

Deputy Director

Attested by
Shri Bijoy Kr. Choudhury
Advocate
24-1-2000

8.

10. P. 1. 20/2000/96/305

Ministry of HRD, Govt. of India

Dt. 24-1-96.

Notice for the following
interviews

Written Test for the post of
M. A.C. regarding

on direct basis.

Sir/Madam,

With reference to your application sponsored list of Employment
Preference for the post of M.A.C. You are hereby directed to
attend the written test at the place, date and time given below :-

Place : Navodaya Vidyalaya, Joy Sagar, Sib Sagar.

Date : 20th Feb 1996.

Time : 11 A.M.

You are requested to bring with you the following documents at
the time of Interview/W.I.

1. The original Degree, Diploma and Mark sheets in support of
Educational Qualifications starting from H.S.L.C onwards.

2. Experience Certificate.

3. High School/Hr. Sec. Certificate in support of date of birth.

4. In case of Scheduled Caste/Scheduled Tribe candidates, a certi-
ficate in original from the competent authority i.e. Dist.
Administrator/Deputy Commissioner/Collector of your Dist.

5. Employment Registration card in original.

6. Travelling expenses will be paid for attending this interview/W.I.
Candidate should produce recent passport size photograph duly attested
by the competent authority. In case he/she has not attested in the
application form.

7. Any of the particulars stated by you in your Application is on
application, found incomplete or wrong or if you are found to have
falsifiedly furnished material information relevant to the consideration
of your case without prejudice to any other action that may be
taken, and no travelling allowance will be paid to you.

8. It is your responsibility to make proper arrangements for the receipt
of communication of communication addressed to you and save, in accor-
dant circumstances, no plea of non-receipt of late receipt of this
communication for whatever reason shall be accepted for postponing
the date of the interview or for any other purpose.

9. Only those candidates who are willing to serve anywhere in the North-
Eastern Region and Sikkim need appear for the Interview.

Yours faithfully

Principal
JNV Joy Sagar.

Attested by
Sikhamani Chakravarty
Advocate
24-1-2000

WRITTEN TEST FOR THE POST OF LDC/STORE KEEPER.

JAWAHAR NAVODAYA VIDYALAYA: JOYSAGAR.

1. Sl. No. 81

2. Name /Address of the candidate BIJOY KR. CHOUDHURY, J.N.V. Joysagar
P.O. Joysagar, Distt. Subsagar

3. Qualification. H.S. Pass

4. Experience. ONE YEAR

5. Date of birth. 11/12/71

6. Category (SC/ST/OBC) GEN

7. In respect of the candidates working in the vidyalaya, Date of joining in J.N.V. Joysagar, Subsagar
post held etc. Have been working as LDC
since 10.02.95

8. Marks obtained.

87
100

Pratik
Principal
JNV Joysagar

Attested by:
Bijan Choudhury
Advocate
26-1-2000

Sibsagar.

R.No. R. 1-52/NVS(SHR)/Admin/Recd/95-96/NT/ Date: 23.4.96.

09.05.96.

To,

B. K. Choudhury

B. N. V. Sibsagar (B.T.C. Complex)

P.O. Sibsagar, Dist. Sibsagar

Assam T&S 665

Sub: Type test Cum Vivavoice for the post of LDC/Store Keeper regarding.

Smt/ Madam,

You are hereby directed to appear for Typetest Cum Vivavoice at the place, date and time given below:

Place: Regional Office, Navodaya Vidyalaya Samiti, Upper Lachumber, Shillong - 793001 (Meghalaya).

Date: 11-6-1996.

Time: 0900 hrs / 1200 hrs.

2. If the Selection Committee is unable to interview you on the date specified above, it may be necessary for you to stay on until the next day without any claim for overstay.

3. You are requested to bring with you the following documents at the time of interview:

(i) All Original Degree, Diploma and Mark Sheets in support of Educational Qualifications starting from H.S.P.C. onwards.

(ii) Experience Certificates (In case worked / Working in JNV) Certificate from Principal indicating date of joining post held).

(iii) High School / Hr. Sec Certificate in support of date of Birth.

(iv) In case of Scheduled Castes/ Scheduled Tribe Candidates/ OBC, Certificate in original from the competent authority i.e. Dist. Magistrate/ Deputy Commissioner/Collector of your Dist.

Contd.. 2..

Attested by
Bikram Choudhury
Advocate
24-1-2000

name of applicant resident of North Eastern Region P.R.C.

Candidate should produce recent pass port size photograph duly attested by the competent authority, in case he / she has not affixed in the application form.

No travelling expenses will be paid for attending this interview.

If any of the particulars stated by you in Application is, on verification, found incomplete or wrong or if you are found to have willfully suppressed material information relevant to the consideration of your case without prejudice to any other action that may be taken in consequence thereof, your candidature will summarily be rejected, and no travelling allowance will be paid to you.

It is your responsibility to make proper arrangement for the receipt or re-direction of communication addressed to you and save, in exceptional circumstances, no plea on non-receipt or late receipt of this communication for what ever reason shall be accepted for postponing the date of the interview or for any other purpose.

Only those candidates who are willing to serve anywhere in the North Eastern Region and Sikkim need appear for the interview.

Yours faithfully

✓ e3-thm.

(DR. U.C. BAJPAI)
DEPUTY DIRECTOR.

Deputy Director
Navodaya Vidyalaya Samiti
Ministry of Human Resource Development
Regional Office, Sikkim- 793 001.

Attested by
Ranjan Choudhury
Advocate
29.1.2000

TO

The Deputy Director,
NABARDYA VIDYALAYA SAMITI,
SHILLONG

✓

Dated the 20th August, 1996

Sir,

With due respect, I beg to lay before you the following matter for your sympathetic consideration:

That I served in your institution since 16-02-1995 with singularity and with honesty. That in the written test and type test held I passed to the entire satisfaction of authority concerned. But upto this day I have not been appointed. That I am a very poor person.

So I request you to consider my case sympathetically and appoint me in the post for ends of justice & for which acts I as in duty bound shall ever pray.

Obediently yours,

Attested by:
Bikram Choudhury
Advocate
24-1-2000

30

To

The Deputy Director
Navodaya Vidyalaya Samiti
Regional office
Shillong.

Dt. 16.9.96.

Dear Sir,

With due respect, I beg to state the following few lines for favour of your sympathetic consideration.

That Sir, I have been serving sincerely in Jawahar Navodaya Vidyalaya Sibsagar in the post of LDC since 11.2.95 on part time basis. I passed the written test held in this JNV and appeared at the interview and typing test held in R.O. Shillong. But, till this date I have not been appointed.

Therefore, I beg to request you to kindly consider my case sympathetically and appoint me in the post on humanitarian ground as I belong to a very poor family. For this act of kindness I will remain ever grateful to you.

Yours faithfully

Sri Bijoy Kr. Choudhury
L.D.C. JNV
Sibsagar.

Attested by:
Bikram Choudhury
Advocate
26-1-2000

To

The Deputy Director

Dt. 7.10.97.

Navodaya Vidyalaya Samiti

R.O. Shillong.

Through.

The Principal i/c

Jawahar Navodaya Vidyalaya

Joysagar, Sibsagar. (Assam)

Dear Sir,

With due respect, I beg to state the following few lines for favour of your sympathetic consideration. That Sir, I have been serving sincerely in Jawahar Navodaya Vidyalaya, Sibsagar in the post of LDC Since 11.02.95. to 09.08.95 on part time basis and I again Re-appointed on 11.08.95 to 29.02.96 on part time basis and 1st March 96 to till date daily wages basis. (Continue Serving from 09.08.95 to till date). I passed the written test held in this Vidyalaya on 20.02.96 and appeared at the interview and typing test held in N.V.S, R.O. Shillongong.

I appear in an orientation Programme for Non-teaching Employees of the JNVs of Shillong Region held at JNV Sonitpur (Assam) dt. 19th to 21th Dec 1996. But Sir, till this date I have not been appointed.

Therefore, I beg to request you to kindly consider my case sympathetically and appoint me W.E.F date of Joining (11.02.95) in the post on humanitarian ground as I belong to very poor family for this act of kindness I will remain ever grateful to you.

Yours faithfully

DKC-10.97
(B.K. Choudhury)
LDC, JNV, Joysagar.
Sibsagar. (Assam)

Enclo :-

Copy of Orientation programme certificate.

Attested by:
Bikram Choudhury
Advocate
24.1.2000

जवाहर नवोदय विद्यालय

(मानव संसाधन विकास मंत्रालय,
भारत सरकार, शिक्षा विभाग)
ज्योतिशाली - 785665
जिला - शिवसागर (असाम)



Jawahar Navodaya Vidyalaya

(Ministry of Human Resource Development,
Govt. of India, Deptt. of Education)
JOYSAGAR - 785665
Dist. Sibsagar (Assam)

संदर्भ संस्था

Ref. No. : F. 3-11/JNVJ/2969 - शिवसाली

दिनांक

Date : 8.10.97.

To

The Deputy Director
Navodaya Vidyalaya Samiti
R.O. Shillong.

Sir,

I have the honour to forward herewith an application received from Sri Bijoy Kr. Choudhury L.D.C. (d/w) of this vidyalaya which speaks for itself. This is for your information and necessary action please.

Yours faithfully

(Signature)
Principal i/c
JNV Joysagar.

Copy to:

1. Sri. B.K. Choudhury, L.D.C. (d/w)
JNV Joysagar. For information.

(Signature)
Principal i/c
JNV Joysagar.

Attested by
Bijoy Kr. Choudhury
Advocate
Date: 1.10.2000

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To
The Deputy Director
Navodaya Vidyalaya Samiti
R.O. Shillong.

Date. 12.11.98

Through
The Principal
J.N.V. Joysagar
Sibsagar.

Sir,

With due respect, I beg to lay before you the following matter for your sympathetic consideration.

That Sir, I have been serving sincerely in JNV, Sibsagar, on the post of LDC since 11.02.95 to 09.08.95 on part-time basis and I again re-appointed on 11.08.95 to 29.02.96 on part-time basis and 1st March 96 to till date daily wages basis. (Continue serving from 11.08.95 to till date.) I passed the written test held in this Vidyalaya on 20.02.96 and appeared at the interview and typing test held in NVS, R.O. Shillong.

I appeared in an orientation programme for non teaching employees of the JNVs of Shillong region held at JNV Sonitpur (Assam) dt. 19th to 21th Dec 1996. But, Sir till this date I have not been appointed.

Therefore, I beg to request you to kindly consider my case sympathetically and appoint me w.e.f. date of joining (11.02.95) in the post for ends of Justice & for which act, I will remain ever grateful to you.

Enclos:-

1. Copy of orientation Programme
Certificate.

Yours faithfully

6/13.11.98
(B. Choudhury)
LDC, JNV
Joysagar.

Deputy Director
Shillong, to his kind
attention to appoint B. Choudhury
as LDC
Orientation Programme
Sonitpur (Assam)

affacted by : Bhawan Choudhury
Bhawan Choudhury
Advocate
Date : 1-2-2000

To
The Deputy Director
Navodaya Vidyalaya Samiti
R.O. Shillong.
Through
The Principal
Jawahar Navodaya Vidyalaya
Joysagar, Sibsagar (Assam)

Date. 10.03.99

Sub:- Regularisation of Service.
Ref. F. 3-11/JNVJ/98/2868 Dt. 09.10.97
F. Nil dt. 12.11.98.

Sir,

With reference to subject cited above, I have the honour to state that the following matter for your sympathetic consideration is submitted here.

That Sir, I have been serving sincerely in JNV, Sibsagar on the post of LDC since 11.02.95 to 09.08.95 on part-time basis and I again re-appointed on 11.08.95 to 29.02.96 on part-time basis and 1st March 96 to till date 'daily wages basis.' (Continue serving from 11.08.95 to till date.) I passed the written test held in this Vidyalaya on 20.02.96 and appeared at the interview and typing test held in N.V.S. R.O. Shillong.

I appear in an orientation Programme for Non-teaching Employees of the JNVs of Shillong Region held at JNV Sonitpur (Assam) dt. 19th to 21th Dec 1996. But Sir, till this date I have not been appointed as a regular LDC.

Therefore, I beg to request you to kindly consider my case sympathetically and appoint me w.e.f. date of joining (11.02.95) in the post for ends of Justice & for which act, I will remain ever grateful to you.

Enclosure:-
1. Copy of orientation Programme
2. Certificate

Yours faithfully

(B.K. Choudhury)
LDC, JNV
Joysagar.

Attested by:
Bishwanath Choudhury
Advocate
29.1.2000

NAVODAYA VIDYALAYA SAMITI

(MIN. OF HUM. RES. DEV. DEPTT. OF EDN. GOVT. OF INDIA)

— SHILLONG REGION —

CERTIFICATION FOR PARTICIPATION

THIS Certificate is awarded to BIJOY KUMAR CHOURHARY
Designation U.D.C / LDC of the J. Navodaya Vidyalaya JYSSNCR Dist SIBSAGAR
State ASSAM / the Navodaya Vidyalaya Samiti, Shillong Region in recognition of his / her
successfully participation in the 1st Inservice Training Course for the Non-Teaching Employees of
the JNVs of Shillong Region Organised at the JNV Sonitpur, Assam from 19th to 21st December
1996.

H. K. SINHA
Venue Director
Principal, JNV
Sonitpur, Assam

D. HAZARIKA
Course Director
Asstt. Dir. (ADMN)
NVS, R.O., Shillong

DR. U. C. BAJPAI
Deputy Director
NVS, R.O. Shillong

Dated Biswanath
21/12/1996

Attested by
Bijoy Kumar Choudhury
Advocate
21.1.2000

98

OFFICE OF THE PRINCIPAL
JAWAHAR NAVODAYA VIDYALAYA
JOYSAGAR, SIBSAGAR.

F.1-19/JNV/J/99/123

Date. 10.6.99

To

Sri

Biswajit Choudhury

Vill

J.N.V.

P.O.

Joysagar

Sub:- Interview for the post of K.D.C -

Sir/Madam,

With reference to your application/Special notice list of Employment exchange office SIBSAGAR, You are hereby directed to appear for the interview at 10.30 A.M. on date and time given below:-

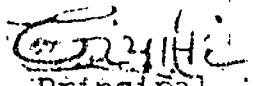
Place :- JAWAHAR NAVODAYA VIDYALAYA
Joysagar, Sibsagar.

Date :- 4.7.99

Time :- 10.30 AM

You have to bring all the certificates in original along with this call letter for the interview.
No TA/DA will be paid to the candidate for interview.

Yours faithfully


Principal
JNV Joysagar
Sibsagar.

Attested by
Biswajit Choudhury
A. Advocate
26.1.2000

जवाहर नवोदय विद्यालय

(मानव संसाधन विकास मंत्रालय,
भारत सरकार, शिक्षा विभाग)
ज्योतिशाली - 785665
ज़िला - शिवसागर (आसाम)



Jawahar Navodaya Vidyalaya

(Ministry of Human Resource Development,

Govt. of India, Deptt. of Education)

JOYSAGAR - 785665

Dist. Sivasagar (Assam) 3X

संदर्भ संख्या

Ref. No. :

प्राप्ति
दिन 30.4.97.

TO WHOM IT MAY CONCERN

Certified that Sri Bijoy Choudhury L.D.C
has been serving in Jawahar Navodaya Vidyalaya
Joysagar, Sivasagar on part time basis & Daily
wages basis w.e.f. 11.4.95 to 30.4.97.
He was found to be hard working obedient and sincere
in duties.

Wish him success in life.

S. C. Choudhury
Principal 30.4.97
JNV Joysagar.

Attested by: Bijoy Choudhury
Bijoy Choudhury
Advocate
26-1-2000

जावाहर नवोदय विद्यालय

(मानव संतापन विकास मंत्रालय,
भारत सरकार, शिक्षा विभाग)
जयसागर - 785665
जिला - शिवसागर (आसाम)



Jawahar Navodaya Vidyalaya

(Ministry of Human Resource Development,
Govt. of India, Deptt. of Education)

JOYSAGAR - 785665
Dist. Sibsagar (Assam)
Tel. (03772) 23650

98

Ref. No.

F.1-26/JNVJ/99/

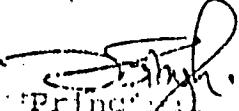
Date 1.6.99

TO WHOM IT MAY CONCERN

Certified that Sri Bijoy kr. Choudhury
L.D.C. has been serving in this Vidyalaya
on Daily wages basis w.e.f. 1.5.97 to till
date.

He is proved to be hard working, obe-
dient and sincere in his duties.

I wish him success in life.


Prin. S. Choudhury

JNV, Joysagar
Sibsagar.

Attested by:
Sikhar Choudhury
24.1.2000

28715 (W) 100
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BRANCH :: GUWAHATI.

27
filed by :
Bindu Choudhury
Advocate.

15.11.2000

Original Application No. 27/2000.

Shri Bijoy Kumar Choudhury

... Applicant.

- VERSUS -

Navodaya Vidyalaya Samiti & Others

... Respondents.

(Written statements for respondents NO. 2 & 3)

Written statements of the aforesaid respondents
No. 2 & 3 are as follows :-

1. That the above noted Original Application
No. 27/2000 (hereinafter referred to as "Application")
has been admitted by this Hon'ble Tribunal and the
respondents were directed to file written statements
in the case. The respondents have received the copy
of the application, gone through it and understood
the contents thereof. The interest of the aforesaid
respondents being common and similar, common
written statements are being filed by them.

Contd...2.

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2. That the statements made in the application save and accept those which are specifically admitted by the respondents, are hereby denied by the respondents.
3. That with regard to the statements made in paragraph 1 of the application, the answering respondents state that the applicant is not directly entitled to be regularised in service without being selected under the terms and conditions and the rules of the respondents. Hence, it is submitted that the respondents never acted illegally and arbitrarily in discharging their duties and also have not done anything to onset the applicant and to appoint outsider on adhoc basis replacing the applicant.
4. That with regard to statements made in paragraph 2 & 3 of the application, the answering respondents have no comment to make in that regard.
5. That with regard to the statements made in paragraph 4.1 of the application, the answering respondents state that though the applicant passed

the Higher Secondary School Examination, he did not secure the required percentage of marks as per Navodaya Vidyalaya Samiti's norms. The required percentage of marks for the post of L.D.C. is 50% as provided in Circular No. 1.1/96/NVS(SHR)Admn./6426, dated 9.12.96 and as such the applicant does not come within the zone of consideration. The pass percentage of marks as worked out from the Mark Sheets submitted by the applicant is on the records of the application.

The copies of the Circular letter dated 9.12.96 and Mark Sheets of the applicant are annexed as Annexure R₁ and R₂ respectively.

6. That with regard to the statements made in paragraph 4.2 of the application, the respondents state that the applicant joined his duty on purely part-time basis for a period of 179 days only through reference No. F.1-7/94/Posting/NVS(SHR)Admn./Pt. dated 4.2.95 under certain terms and conditions as indicative in the Annexure R₁ as stated above and also on the said appointment letter dated 4.2.95.

The copies of the said appointment letter with various terms and conditions is also annexed as Annexure R₃.

7. That with regard to the statements made in paragraph 4.3 of the application, the answering respondents state that as per the terms and conditions of the respondents, a part-time appointee cannot work more than 179 days. Therefore, after completion of 179 days, the applicant's services were terminated vide letter dated 8.8.95 issued by the competent authority.

A copy of the said termination letter dated 8.8.95 is annexed as Annexure R₄.

8. That with regard to the statements made in paragraph 4.4, 4.5 and 4.6 of the application, the answering respondents state that the applicant had done well in the written examination and he was

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called for interview at the Regional Office, Shillong. But the result of the said interview is yet to be declared. Moreover, the applicant is also not entitled to be selected for the post of L.D.C. as he does not possess the required percentage of marks.

9. That with regard to the statements made in paragraph 4.7 of the application, the respondents state that the claim of the applicant is that he has rendered his continuous services is not correct as explicit from the records. The services of the applicant was terminated according to the terms and conditions of the Samiti.

10. That with regard to the statements made in paragraph 4.8 of the application, the answering respondents state that the statements are false and misleading and without any basis. The respondents categorically stated that the result of the interview has not yet been declared and therefore nothing could be said about the result of the Interview Board. From the records, it is explicated

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M

that the applicant did not obtain the required percentage of marks which is one of the eligibility criteria for selection.

11. That with regard to the statements made in paragraph 4.9 of the application, the respondents state that the applicant had been working under fixed consolidated pay, but the applicant preferred and accepted daily wages from 1.3.96. The respondents also deny that the applicant had been working continuously since 11.2.95. Rather, the applicant had break in service out of the following reasons.

- (a) Sometime, he was found absent.
- (b) Sometime, he was on leave.
- (c) Sometime his service was broken.

In view of the above facts and circumstances, it is not correct to say that the applicant had been working continuously since 11.2.95.

A copy of the letter of re-appointment of the applicant vide letter dated 11.8.95 is annexed as Annexure R.

5

12. That with regard to the statements made in paragraph 4.11 of the application, the answering respondents state that the applicant did not get the required percentage of marks (50%) which is one of the eligibility criteria for selection to the post of L.D.C. and hence the applicant is otherwise not entitled for selection under the provision of rules of the respondents.

13. That with regard to the statements made in paragraph 4.11 of the application, the respondents state that the respondents have not taken any such decision to oust the applicant from service by appointing outsider on adhoc basis as alleged by the applicant.

14. That with regard to the statements made in paragraph 4.12 and 4.13 of the application, the respondents state that although the applicant was allowed to sit in the written examination, for which he faired well and was called for interview, the results of the interview is not yet declared

and as such there is no selection whatsoever for the post of L.D.C. upto till now. But it is not known to the respondents whether the Interview Board selected him or not as he did not obtain the required percentage of marks as the criteria for such selection.

It would be a matter of policy decision to be taken by the competent authority of the respondents as to whether the case of the applicant could be considered or not as the applicant does not possess the required percentage of marks to be eligible for selection for the post of L.D.C. under the respondents.

15. That with regard to the statements made in paragraph 5 and 6 of the application, the respondents have no comments.

16. That with regard to the statement made in paragraph 7.1 to 7.4 including the prayer portion, the respondents state that in view of the above facts and circumstances and the provision of rules, the applicant is not entitled to any relief whatsoever as prayed for and the application is

being devoid any merit, liable to be dismissed with cost.

17. That with regard to the statements made in paragraph 8 of the application, the answering respondents state that in view of the above provision of rules and also facts of the case, the applicant is not entitled to any interim order in the matter of the application. Hence, the interim order dated 25.1.2000 passed by this Hon'ble Tribunal in the application is liable to be vacated, modified or altered so that the respondents would be able to select a suitable and eligible person in the terms and conditions of the respondents to run the regular day to day function of the respondents. The said interim order being allowed to continue, the respondents are facing various administrative problems and they are put to administrative inconvenience.

18. That the law is well settled that if such an applicant being allowed to participate in the process of selection or being selected cannot

acquire any right for appointment. In view of the above facts and circumstances and the provisions of rules of the respondents, the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismissed the application with cost and/or pass such other order that Your Lordships may deem fit and proper.

Verification ...11.

VERIFICATION

I, Shri Mohan Lal Sharma
presently working as Deputy Director being
competent and duly authorised to sign this
verification, do hereby solemnly affirm and
state that the **statements** made in paragraph
1, 2, 3, 4, 8, 9, 10, 12, 31^{15/16/17}, are true to my knowledge
and belief, those made in paragraph 5, 6, 7 & 11
being matter of records are true to my
information derived therefrom and the rest
are my humble submission before this Hon'ble
Tribunal. I have not suppressed/concealed any
materials/informations from this Hon'ble Tribunal.

And I sign this verification on 15th
November
this day of ~~one~~, 2000 at Guwahati.

Mohan Lal Sharma
M. Sharma
Deponent.
Deputy Director
Regional Office
Navodaya Vidyalaya Samiti
Min. of Human Resource Development
(Dept. of Education)
Shillong

No. 1.1/96-NVS (Smti. Admin)

16496

Dated: 9-12-96

To

All Principals,
NVS of Shillong region.Sub: Appointment of Gr. 'C' posts (Driver and LDC) at
vidyalaya lev. I - reg.

Sir/Madam,

(a) Since as per the New Recruitment rules of Samiti, Dy. Director is the appointing authority, you are hereby directed not to appoint incumbents at your own and hence you are to do following exercises at your level -

- (1) Call names of candidates from Employment Exchange from your district if there is any vacancy in your vidyalaya. Please do not advertise these posts in any media.
- (2) Short list the candidates and send the list to Regional office.
- (3) Also you sponsor the qualified candidates already working with you.

These exercise should be completed before 31st Dec. '96.

(b) It has been observed that Principals are appointing staff on temporary basis, who does not fulfil the norms of NVS. This practice should be stopped and if such persons are appointed already should be terminated with immediate effect.

(c) Qualifications :

(i) LDC (i) Class XII passed with 50% marks. (Fifty percent)
 (ii) Diploma in typing (English) with minimum 30 w.p.m. or 25 w.p.m. in Hindi.
 OR
 Passed Class XII with Secy. practice and office management as voc. subject from CBSE.

Desirable

(i) Knowledge of computer operation and data entry acquire either as a subject at +2 level or through 6 month Diploma course or CLP at school level.

Age :- Between 18 to 30 years.

(2) Driver (i) Age :- Between 18 to 30 years.
 (ii) Pass class VIII.
 (iii) Possession of a valid driving licence of the motor vehicle.
 Knowledge of motor mechanism & experience of motor driving for at least three years.

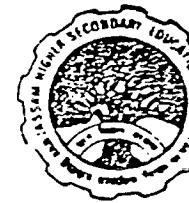
Yours faithfully,

(Dr. J.C. BAJPAI)
 DEPUTY DIRECTOR

Form No Ex-32 (c)

Nº 152647

Assam Higher Secondary



Education Council

Guwahati-1

Date..21/5.....1990

This is to certify that
of

4.V.

THE COMMERCE STREAM

R. Chaudhury

Roll 5255 No. 360

..... Roll No. 360
College/H.S. & M.P. School, secured marks as detailed below, in the Higher Secondary Examination, 1990

Rs. 10.00

Marks entered
Date

J. H. Davis Jr.
17/1/52
BOSTON
William Barron Elizabeth Marks compared
Date

D. J. D.
Controller of Examination

G.O.M.R. VILAYATKA SAMITI, RICHAJAH, VENGE, L. GHATEE.

Ref. No. 1-7/94/Posting/HVS (SHR) /Pt/ Date: -

- 14 -

Shri Biju Kr. Choudhury

Mr. Tinali P. Meheri Tinali

Post-Homipet (Assam)

LOC.

Sub: Appointment to the post of ~~TEACHER~~ in the Navodaya Vidyalaya on ~~Adhoc~~ Basis - Offer of appointment part time

Sir/ Madam,

I am directed to offer you a post of ~~TEACHER~~ LOC.on ~~Adhoc~~ basis in Jawahar NavodayaVidyalaya Sibasagar
not thousand only

part time

monthly remuneration of Rs. 1000.00

per month and ~~Rs. 1000.00~~ per month additional on thefollowing terms and conditions. *part time*

1. The appointment will be purely on adhoc basis for a period of 179 days from the date of joining or till such time the regular incumbent joins in his post, which ever is earlier. It will not confer any right to you to claim for retention of your services in the Samiti.

2. All ~~Adhoc~~ appointment will automatically be terminated one day before the commence of the Vacations. They may be re-appointed if required by the Principal after the opening of the School provided the total period of their service does not exceed in any case more than 179 days. Their services will be terminated as soon as a regular incumbent joins in the Vidyalaya.

3. You will not be entitled to any Travelling allowances for joining the appointment.

4. You shall produce the following certificates in a original along with attested copies of each to the Principal at the time of joining.

(a) Degree / Diploma certificate of educational qualifications.

(b) Secondary School / S.S.C certificate issued by the Board giving your date of birth.

(c) Discharge certificate in prescribed form of previous Government appointment, if any.

5. The appointment is purely on adhoc basis and it can be terminated at any time from either side without assigning any reason or without any notice thereof.

6. In case you accept the Offer on the terms and condition advanced in this letter, you may intimate your acceptance to this Office by the 10.2.95 1994 positively and join in

the post latest by 16.2.95

Yours faithfully

DEPUTY PRINCIPAL

1. The Principal, J.A.V. signing *Deputy Principal*
2. Office Copy.

Dated: 10.2.95

X.1-6/JNVJ/94/5451516/

8.8.95

To

Sri Bijoy Kr Choudhury

L.D.C. JNV Joysagar

Sibsagar.

Subject: Termination order.

Sir,

According to terms and condition of your appointment vide NVS Regional office Shillong Letter No F.1-7/94/Posting/NVS(SHR) pt/24438. Dt . 4.2.95. I am to inform you that your service for the post of L.D.C. is hereby terminated w.e.f. 8.8.95. afternoon You are hereby informed that on a suitable date this month you may be reappointed for the same post only as a part time employee provided till such time any regular incumbent does not join or post remains vacant.

Thanking you

Yours faithfully

Principal
JNV Joysagar

Copy to : -

1. The Deputy Director

NVS Shillong

2. Office. copy

3. P/F

Pratik
Principal
JNV Joysagar.
S. H. J. Joy

51
40
ANNEXURE - R₅

-16

F. 1-6/JNVJ/94 /548/549

11,8.95

To:

Sri Bijoy Kr Choudhury

JNV. Joysagar

Assam.

Sub:- Re-appointment for the post of L.D.C.

Sir,

I am inform you that you are hereby re-appointed on part time basis for the post of L.D.C. in Jawahar Navodaya Vidyalaya Joysagar Dist Sibsa^{gar} w.e.f. 10.8.95.....

The appointment is purely temporary and on part time basis. The rest of the terms and condition will be same as per your appointment vide Navodaya vidyalaya samiti letter no F.1-7/94/posting, NVS(SHR)/pt/28438 Dt. 4.2.95.

Thanking you

Yours faithfully

Principal
JNV Joysagar

Copy to

1. The Deputy Director,
NVS Shillong
2. P/f
3. Office copy.

R. S. J.
Principal
JNV Joysagar
Principal
J. N. V. Joysagar