

50/100

**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.)

**GUWAHATI BENCH : GUWAHATI**

APPLICATION NO. 27/2000 OF 199

Applicant(s) Bejoy Mr. Chandran

Respondent(s) Miss J. Edin and Oks.

Advocate for Applicant(s) *Mr. G. K. Blackcherry*

Mr. ~~Wm.~~ B. Cloughy.

C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form and within time D.F. of Rs. 50/- deposited vide DO BLN No. 956896 24/1/2000 M 24/1/2000 24/1/2000 28-1-2000 Service of notices appeared and sent to Section for issuing The same to the pondams Through rd. post with A.D. Vide D.No-273 to 275 Dtd- 31.1.2000 28.1 2.2.2000</p>	<p>25.1.00</p> <p>trd MS 27/1/2000</p> <p>10.2.2000</p>	<p>Issue notice as to why application shall not be admitt Returnable on 10.2.2000. Till the ret date no appointment shall be made.</p> <p>Member</p> <p>Vice-Chair</p> <p>On the prayer made on behalf Mr. G.K. Bhattacharyya, learned cou for the applicant, the case is adjo -ned till 16.2.2000. Mr. Bora enters appearance on behalf of Respondent Mr. B.C. Pathak, learned Addl. C.G.S.C. contd. of Respo</p>

Notes of the Registry

Date

Order of the Tribunal

9-2-00

Service Reports are  
& annexed.

contd

enters appearance on behalf of  
the Respondents No.1 and 2.

mk

Member

Vice-Chairman

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.

As Mr.B.C. Pathak, learned Addl.  
C.G.S.C. enters appearance, four weeks  
time is allowed for filing of written  
statement, if any. Mr.G.K.Bhattacharya,  
learned counsel for the applicant  
prays for an interim order for not  
to appoint in the post. Mr. Pathak  
submits that it will be difficult to  
keep the post vacant.

In view of the above, we fix  
the case on 21.3.00 for final hearing.  
Till then, no appointment shall be  
made.

Member

Vice-Chairman

mk

25/2/2000

1-3-2000




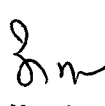
Notice & order  
Dtd-18-2-2000 prepared  
and sent to D.Section  
for issuing of the  
same to the respondents  
through Regd. post  
with A/O.



Vide D.No.645 &  
647 Dtd-1-3-2000.

7-3-2000

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

Notice on Reshell No.1.  
Returned due to incomplete  
address as marked by P&T.  
Gdtd-1-

Notes of the Registry	Date	Order of the Tribunal
<p>No. w/statement has been filed.</p> <p>20 5.4.2000</p>	21.3.2000	<p>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 <del>make</del> makes similar prayer for other respondents. Prayer allowed.</p> <p>List on 6.4.2000 for written statement and further orders.</p> <p> Member</p>
	pg	
	6.4.00	<p>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.</p> <p>List on 25.4.2000 for written statement and further orders.</p> <p> Member</p>
	trd	
<p>10-5-00</p> <p>no app has been filed.</p> <p>by</p>	25.4.00	<p>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.</p> <p> Member</p>
	nkm	
	11.5.00	<p>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.</p> <p>Put up on 7.6.2000 for written statement and further order.</p> <p> Member(J)</p>

Notes of the Registry	Date	Order of the Tribunal
<p>U</p>	<p>7.6.00</p>	<p>Present: Hon'ble Mr D.C. Verma, Judicial Member</p> <p>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.</p> <p style="text-align: right;"> Member(J)</p>
<p>nkm</p>	<p>22.6.00</p>	<p>There is no Bench today. Adjourned to 18.7.00.</p> <p style="text-align: right;">B70 1/2</p>
<p>19-9-2000</p> <p>No. w/s have been filed.</p> <p><u>B70</u></p>	<p>18.7.00</p>	<p>There is no Bench today. Adjourned to 11.8.00.</p> <p style="text-align: right;">B70 1/2</p>
<p>27.10.2000</p> <p>No. with status has been filed by the respondents.</p> <p><u>B70</u></p>	<p>11.8.00</p>	<p>There is no Bench. adjourned to 20.9.00.</p> <p style="text-align: right;">B70 1/2</p>
<p>27.10.2000</p> <p>Memo of two appearances not yet filed by two counsel.</p> <p style="text-align: right;">NB 27/10/2000</p>	<p>20.9.00</p>	<p>Present : The Hon'ble Mr Justice D.N. Choudhury, Vice-Chairman.</p> <p>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.</p> <p style="text-align: right;"> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>Copy served to Mr. A Deb Roy as per order dated 29/10/00 for</p> <p>13/11</p> <p>15-11-2000</p> <p>With statement has been filed by the respondents No. 2-3.</p> <p>8-12-00</p> <p>W/S &amp; R.M. 2 &amp; 3 are filed.</p> <p>21.</p> <p>The case is ready for hearing.</p> <p>30.6.2001</p> <p>1-3-01</p> <p>Copy of the judgment has been sent to the office for issuing the same to the applicant as well as to the respondents.</p>	<p>30.10.00</p> <p>nk</p> <p>11.12.00</p> <p>nk</p> <p>2.3.2001</p> <p>nk</p>	<p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.</p> <p>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.</p> <p>List it after six weeks on 11.12.00</p> <p>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.</p> <p>Vice-Chairman</p> <p>Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman and Hon'ble Mr.M.P.Singh, Administrative Member.</p> <p>Written statement has been filed. The case is ready for hearing. Office to list it accordingly on 2.3.2001 for hearing.</p> <p>Member</p> <p>Vice-Chairman</p> <p>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.</p> <p>Member</p> <p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>2</p>		

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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



4



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.

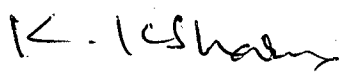
3. From the facts set out above, it thus emerges that the applicant has been serving in the institution since 1995 on daily wage basis. There was also no serious dispute as to the necessity of regularising the service of such persons. The Constitutional scheme adhered to in this country did not countenance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

instant.....

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

O.A.NO. 27 /2000.

Sri Bijoy Kumar Choudhury.

.. Applicant..

-Versus-

Union of India and others.

... Respondents.

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Filed by :-

*Bijoy 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...

15  
Bijoy K. 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

contd...

By 

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 possessed 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...

Bny

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 declares 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....

Bny

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 <sup>not</sup> 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 486836.

Dated 24.1.2000 of Guwahati post office .  
is annexed .

contd...

By

V E R I F I C A T I O N

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, 9, 11, 12 and 13. as true to my personal knowledge, and the statements made in paragraphs No. 2, 4, 5, 8 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 Kz. 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

111 Timali Pt. Monari Timali

Dist. Kamrup. (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 Navodaya  
part time

Vidyalaya Sibsagar

on ~~the~~ monthly remuneration of Rs. 1000.00

One thousand only

~~on the~~ on the

following terms and conditions.

part time

1. The appointment will be purely on ~~ad hoc~~ 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 ~~ad hoc~~ appointment will automatically be terminated one day before the commence 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 certificate of educational Qualifications.
  - (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 ~~ad hoc~~ 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.

Dist. Sibsagar Assam

DEPUTY DIRECTOR.

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

attested by  
Bijoy Choudhury  
Advocate  
24.1.2000



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10. P. 1. 20/0. VJ/96/305

10. P. 1. 20/0. VJ/96/305

Date: 24-1-96

*W. S. Choudhary*  
*Advocate*

Written Test for the post of P.A.C. on direct basis  
Sibsagar.

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

Swarnar Navodaya Vidyalaya, Jyotsagar, Sibsagar.  
B.L.C. Complex,  
20th Feb 1996, 11.00 AM.

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.  
Magistrate/Deputy Commissioner/Collector of your Dist.
5. Employment Registration card in original.
6. Traveling expenses will be paid for attending this interview (W.I.).
7. Candidate should produce recent passport size photograph duly attested  
by the competent authority. In case he/she has not affixed in the  
application form.
8. Any of the particulars stated by you in your Application is on  
verification, found incomplete or wrong or if you are found to have  
willfully suppressed material information relevant to the con- sidera-  
tion of your case without prejudice to any other action that may be  
taken, and no travelling allowance will be paid to you.
9. It is your responsibility to make proper arrangements for the receipt  
of communication addressed to you and save, in accep-  
tance of circumstances, no plea of non-receipt of this receipt of this  
communication for whatever reason shall be accepted for postponing  
the date of the interview or for any other purpose.
10. Only those candidates who are willing to serve anywhere in the North-  
Eastern Region and Sikkim need appear for the Interview.

Yours faithfully  
*Uo*  
Principal  
JNV Jyotsagar.

Attested by  
*Sikham Choudhary*  
*Advocate*  
24-1-2000

-12-

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, Dist. Subsagar
3. Qualification. H.S. Pass
4. Experience. - - - ONE YEAR
5. Date of birth. - - - 1.12.71
6. Category (SC/ST/OBC) - - - GEN
7. In respect of the candidates working Have been working as LDC  
in the vidyalaya, Date of joining in J.N.V. Joysagar! Subsagar  
post held etc. Since 10.02.95
8. Marks obtained.  $\frac{87}{100}$

*Atte*  
Principal  
JNV Joysagar.

attested by:  
Bijay Choudhury  
Advocate  
24-12-2000

63-13-

ANNEXURE-III

Soyagar.

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

09.05-96

To,

B. R. Choudhury,

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

P.O. Soyagar, Dd. Soyagar.

Assam-785-665

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

Sir/ Madam,

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

Place: Regional Office, Navodaya Vidyalaya Samiti, Upper Lachumiere, 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) The Original Degree, Diploma and Mark Sheets in support of Educational Qualifications starting from H.S.D.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

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Person of permanent 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 receipts 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

*[Signature]*

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

Deputy Director

Navadana Vidyalaya Samiti  
Ministry of Human Resource Development  
Regional Office, Shillong- 793 001.

Attested by  
Biman Choudhury  
Advocate  
24.1.2000

TO

The Deputy Director,  
NARADAYA 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 sincerity 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 act, I as in duty bound shall ever pray.

Obediently yours,

Attested by:  
Bikram Choudhury  
Advocate  
24-1-2000

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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:  
Bijam Choudhury  
Advocate  
24-1-2000

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

Dt. 7.10.97.

Through.

The Principal i/c  
Jawahar Navedaya Vidyalaya  
Joysagar, Sibsagar. (Assam)

Dear Sir,

With due respect, I beg to state the following few lines far favour of your sympathetic consideration. That Sir, I have been serving sincerety in Jawahar Navedaya 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. 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.

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

*[Signature]*  
(B.K. Choudhury)  
LDC, JNV, Joysagar.  
Sibsagar. (Assam)

Enclo :-

Copy of Orientation programme certificate.

*Attested by:  
Bipam Choudhury  
Advocate  
24.12.2000*

जवाहर नवोदय विद्यालय

(मानव संसाधन विकास मंत्रालय,  
भारत सरकार, शिक्षा विभाग)  
जयसगर - ७८५६६५  
जिला - शिवसगर (आसाम)



Jawahar Navodaya Vidyalaya

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

संदर्भ संख्या

Ref. No. : P. 3-11/JNVJ/2969

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

Principal i/c  
JNV Joysagar.

Copy to:

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

Principal i/c  
JNV Joysagar.

Attested by  
Bijayam Choudhury  
Advocate  
24.1.2000.



09

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. 19<sup>th</sup> to 21<sup>th</sup> 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

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

*Submitted to the  
Deputy Director  
Shillong for his kind  
attention to appoint B. Choudhary  
in the post of LDC.  
Principal,  
J.N.V. Joysagar  
(Dist. Shillong - Assam)  
18/11/98*

*Attested by:  
Bhram Choudhary  
Advocate  
24.1.2000*

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

Date. 10.03.99

Subj:- 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. 19<sup>th</sup> to 21<sup>th</sup> 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.

Enclo :-  
1. Copy of orientation Programme Certificate

Yours faithfully

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

Forwarded to Deputy Director  
R.O. Shillong for sympathetic  
consideration and necessary  
action please.  
Principal  
Jawahar Navodaya Vidyalaya  
Sibsagar

Attested by  
Bikram Choudhury  
Advocate  
24.1.2000

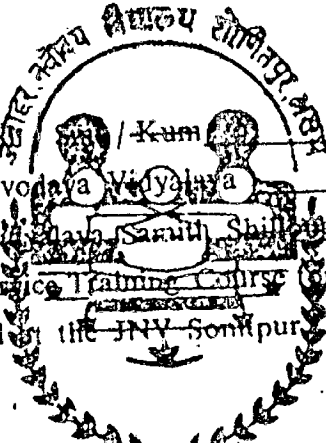
## NAVODAYA VIDYALAYA SAMITI

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

— SHILLONG REGION —

## CERTIFICATION FOR PARTICIPATION

THIS Certificate is awarded to Shri. Kum. BIJOY KUMAR CHOUDHARY  
 Designation UDC / LDC of the J. Navodaya Vidyalaya  
 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.



Dated Biswanath  
21/12/1996

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

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

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

attested by  
Bijam Choudhary  
Advocate  
24.1.2000

OFFICE OF THE PRINCIPAL  
JAWAHAR NAVODAYA VIDYALAYA  
JOYSAGAR : SIBSAGAR.

F.1-19/JNVJ/99/123

Date. 15.6.99

To

Sri

Biraj Mr. Choudhary

Vill

J.N.V.

P.O.

Joysagar

Sub:-

Interview for the post of K.D.C.

Sir/Madam,

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

Place :- JAWAHAR NAVODAYA VIDYALAYA  
Joysagar, Sibsagar.

Date :- 4.7.99

Time :- 9.30 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

*(Signature)*

Principal  
JNV Joysagar  
Sibsagar.

Attested by  
Bhram Choudhary  
Advocate  
24-1-2000

जवाहर नवोदय विद्यालय

(मानव संसाधन विकास मंत्रालय,  
भारत सरकार, शिक्षा विभाग)  
जयसागर - ७८५६६५  
जिला - शिवसागर (आसाम)



- 23 -

Jawahar Navodaya Vidyalaya

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

JOYSAGAR - 788665

Dist. Sibsagar (Assam)

ANNEXURE - VII

3X

संदर्भ संख्या  
Ref. No. :


Date 30.4.97.

TO WHOM IT MAY CONCERN

Certified that Sri Bijoy choudhury L.D.C  
has been serving in Jawahar Navodaya Vidyalaya  
Joysagar, Sivsagar on part time basis & Daily  
wages basis w.e.f. 11.2.95 to 30.4.97.

He was found to be hard working obedient and sincere  
in duties.

I wish him success in life.

  
Principal 30.4.97  
JNV Joysagar.

attested by:  
Bijam Choudhury  
Advocate  
24-1-2000

जवाहर नवोदय विद्यालय

(मानव संसाधन 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) 23558

Ref. No. ....

F.1-26/JNVJ/99/

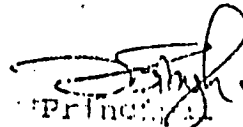
Date .....  
1.6.99

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.

  
Principal

JNV, Joysagar  
Sibsagar.

Attested by:  
Sikham Choudhury  
Advocate  
24.1.2000

28715 NOV 100  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BRANCH :: GUWAHATI.

27  
Filed by:  
Bimal Chandra  
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 obstruct 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 R<sub>1</sub> and R<sub>2</sub> 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 R<sub>1</sub> as stated above and also on the said appointment letter dated 4.2.95.

28  
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The copies of the said appointment letter with various terms and conditions is also annexed as Annexure R<sub>3</sub>.

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 R<sub>4</sub>.

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

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

that the applicant did not obtained 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 consolated 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

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and as such there is no selection whatsoever for the post of L.D.C. uptill 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.



V E R I F I C A T I O N

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, 13, 14, <sup>15, 16 & 17</sup> 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 15<sup>th</sup>  
November  
this day of June, 2000 at Guwahati.

Mohan Lal Sharma  
Mph

Deponent.

Deputy Director

Regional Office

Navodaya Vidyalaya Samithi

Min. of Human Resource Development

(Deptt. of Education)

Shillong

No. 1-1/96-NVS(SM/Admn) / 6496

Dated: 9-12-96

To

All Principals,  
NVS of Shillong Region.

Sub: Appointment of Gr. 'C' posts (Driver and LDC) at  
vidyalaya level - 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 :

- (1) LDC (i) Class XII passed with 50% marks. (Fifty per cent)
- (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,

(R. J.C. SAHA)  
DEPUTY DIRECTOR

26-12-96  
F. 2-1/653

3

- 13 -

Date...21/6.....1990

# Assam Higher Secondary



# Education Council

MARKS-SHEET : : COMMERCE STREAM

This is to certify that Bejoy R. Choudhury Roll 5255 No. 360  
 of A.V. College/H.S. & M.P. School, secured marks as detailed below, in the Higher Secondary Examination, 1990

ENGLISH	Modern Indian						

**Rs. 10.00**

Marks entered

Date \_\_\_\_\_

### Marks compared

Date \_\_\_\_\_

Controller of Examination

51

1. VIDYALAYA SAMITI, DISTRICT OFFICE, BILGAON

18/F.1-7/94/Posting/HVS(SHR)/Pt/

Date: -

Shri Bilay Kr. Choudhary

14 Tinali, 17 Muzari Tinali

221-Kanungo. (Nagari)

LOC.

Sub: Appointment to the post of ~~XXXXXX~~ in the Navodaya Vidyalaya on ~~XXXXXX~~ Basis - Offer of appointment.

Sir/ Madam,

I am directed to offer you a post of ~~XXXXXX~~ LOC.

on ~~XXXXXX~~ Basis in Navodaya Vidyalaya

Navodaya Vidyalaya, Bilgaon on monthly remuneration of Rs. 1000.00

one thousand only ~~XXXXXX~~ on the following terms and conditions.

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 ~~XXXXXX~~ appointment will automatically be terminated one day before the commence 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 certificate of educational qualification.
- (b) Secondary School / SSC 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 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

the post latest by 16.2.95

1994 positively and join in

Yours faithfully

DEPUTY PRINCIPAL

1. The Principal, D.D.V. Bilgaon

2. Office copy.

Dist. Bilgaon

OFFICE OF THE PRINCIPAL

37  
15 ANNEXURE - R<sub>4</sub>

- 15 -

X.1-6/JNVJ/94/545/546/

8.8.95

To  
Sri Bijoy Kr Choudhury  
L.D.C. JNV Joysagar  
Sibsagar.  
Sub:- 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 here by 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

*Atth*  
Principal  
JNV Joysagar.  
B. H. J. Joy

ANNEXURE - R<sub>5</sub>

-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 Sibsagar 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.

Principal

JNV Joysagar

Principal  
J. N. V. Joysagar