

50/100

15

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI.5

ORIGINAL APPLICATION NO. 364/2000(T)

*Smt. Rita Dey (Wtla)* . . . . . APPLICANTS  
versus.

Union of India & ors . . . . . Respondents.

FOR THE APPLICANT(S) *Mr. S. R. Bhattacharyya*  
ADVOCATE

*Mr. H. A. Sarkar*

*Mr. S. Bhayan*

FOR THE RESPONDENT(S) *Dr. B. P. Todi*  
*K.V.S.*

Notes of the Registry

DATE

COURT'S ORDER

This C.R. No. 4062/95  
has been received  
from Hon'ble High Court  
Vide order dtd. 10.8.2000  
due to not maintain-  
able before High  
Court. Hence this (CR)  
case registered as  
Original Application.

8.11.00

Present: Hon'ble Mr. Justice D.N.  
Choudhury, Vice-Chairman.

None appears for the applicant.

Dr. B. P. Todi learned counsel for KVS

On the prayer of Mr. Todi four weeks time

is allowed for filing of written state-  
ment. List on 6.12.00 for Admission.  
Orders.

Vice-Chairman

1m

6.12.00

None appears for the applicant  
today also. Ms P. Baruah, learned counsel  
appearing on behalf of Dr. B. P. Todi,  
learned counsel for KVS prays for four  
weeks time to file written statement.  
Prayer allowed.

List on 5.1.2001 for written  
statement and further orders.

Vice-Chairman

mk

*My  
Registrar*  
*Don*  
*AS*  
*6/12/2000*

No. 1015 has been  
filed.

*Key*  
*5.12.2000*

No. 10 has been filed.

20  
4.1.2001

5.1.2001

Two weeks time is granted to the respondents to file written statement on the prayer made on behalf of the respondents.

List on 19.1.01 for written statement and further orders.

No. 10 has been filed.

20  
18.1.2001

mk

Vice-Chairman

19.1.01

List on 2.2.01 to enable the respondents to file written statement.

U. U. Sharma  
Member

Vice-Chairman

pg

2-2

Current Bench at Shillong  
Adjourned to 23/2/2001.

Mo  
Agg  
2-2

7.2.2001

23.2.01

Written statement has been filed. The applicant may file rejoinder if any, within 2 weeks.

W/S has been filed by respondents 2, 3, 4 and 5.

U. U. Sharma  
Member

Vice-Chairman

lm

11/2

12.3.01

Written statement has been filed. Case is ready for hearing. List for hearing on 9.5.01.

U. U. Sharma  
Member

Vice-Chairman

lm

9.5 - Left over.

Wt again on 23/5/2001.

Mo  
Agg  
9-5

3

11

Notes of the Registry

Date

Order of the Tribunal

Order dtd. 23/5/01  
Communicated to the  
Parties Counsel.

23.5.01

None appears for the applicant.  
Mr. S. Sharma learned counsel for the  
respondents is present. Office to

4/6/01.

inform the applicant. List it again for  
hearing on, on 5.7.2001

K. C. Sharma  
Member

Vice-Chairman

Written statement  
billed by the respondent.

1m

27/5  
4.7.01

5.7.2001

It appears that the case has come  
on transfer from the High Court. From  
the beginning none appeared for the  
applicant. The names of the counsel  
shown in the cause list were counsel  
for the applicant in the High Court. For  
fitness of things the concerned party  
is to be informed about the transfer of  
the petition with a copy of the written  
statement. List again on 27.8.01 for  
hearing.

Office to act accordingly by  
informing the applicant about the  
transfer of the petition alongwith a  
copy of the written statement to enable  
the applicant to take steps in this  
case.

Copy of order dtd. 5/7/01  
alongwith a written statement  
forwarded to the parties counsel.  
Vide D.No. \_\_\_\_\_

dtd \_\_\_\_\_

9/7/01

K. C. Sharma  
Member

Vice-Chairman

nkm

W/S has been billed.





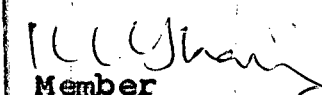
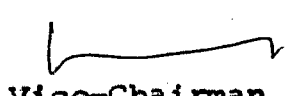
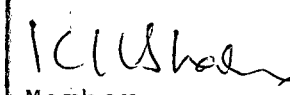



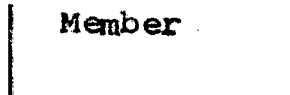
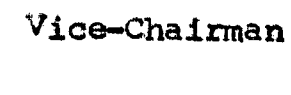
W/S  
6/7/01

27/5  
14.9.01

27-8

There is no person here today.  
The case is adjourned to 17.9.2001.

M/s  
A. K. Jena  
27.8

Notes of the Registry	Date	Order of the Tribunal
	17.9.01	<p>None appears for the applicant to press the petition today also. List again on 19.9.2001 for hearing.</p> <p>   Member </p> <p>   Vice-Chairman </p> <p>bb</p>
	19.9.	<p>There is no Russian bench today. The case is adjourned to 24.9.2001.</p> <p>   Member </p> <p>   Vice-Chairman </p> <p>bb</p> <p> <i>only 1/2 day 19.9</i> </p>
	24.9.01	<p>None appears for the applicant today also. List the case again on 25.9.2001.</p> <p>   Member </p> <p>   Vice-Chairman </p> <p>bb</p>
	25.9.01	<p>List on 26.9.01 for hearing.</p> <p>   Member </p> <p>   Vice-Chairman </p> <p>lm</p>
	26.9.01	<p>None appears on behalf of the applicant, today also. List the matter again on 27.9.2001 for hearing.</p> <p>   Member </p> <p>   Vice-Chairman </p> <p>lm</p>
	27.9.01	<p>List on 28.9.01 for hearing.</p> <p>   Member </p> <p>   Vice-Chairman </p> <p>lm</p>

O.A. No.364 of 2001

Notes of the Registry

Date

Order of the Tribunal

28.9.01

Mr. S.Sarma, learned counsel appearing on behalf of the respondents. None appears on behalf of the applicant today also. On numerous occasions this case was listed for hearing and none came to support the application. In the circumstances the application is dismissed for default.

K. C. Sharma  
Member

Vice-Chairman

trd

NS  
11/10/2001

11.10.2001

Copy of the order has been sent to the Office for issuing the same to the L/Adv. for the parties.

HS

# Notes of the Registry

Date \_\_\_\_\_

Order of the Tribunal

# THE GAUHATI HIGH COURT

(High Court of Assam Nagaland, Meghalaya, Manipur and Tripura)

## CIVIL APPELLATE SIDE

Appeal from

Civil Rule ✓

No. 4062 of 1995

Appellant

Petitioner

Sh. Rita Dey (Dula)

Versus

Union of India

Respondent

Opposite-Party

Appellant

For Petitioner

Mr. S. R. Bhattacharya  
Mr. H. A. Sarker  
by S. Mohan

Respondent

For

Opposite-Party

C. G. S. C.

Att. Dr. B. P. Bodi, Mrs. P. Barua, For Respdt. No. 3.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

BEFORE

THE HON'BLE MR JUSTICE JN SARMA

20/9/95:- Heard the learned counsel for the petitioner.

Let a Rule issue calling upon the respondents to show cause as to why a Writ should not be issued, as prayed for, and/or why such further order or orders should be passed as to this Court may deem fit proper.

The petitioner shall take steps registered post. One post of Post Graduate subject teacher in English in the Kendri

① Form Rule.

② Pl. Commis. code

Shs  
20-9-95



Contd.

-2-

Vidyalaya, Nagaon shall be kept vacant subject to the result of this Civil Rule

*nl*  
*20.9.95*

*[Signature]*  
JUDGE

a.m.

*me*  
*11/10*

*30.10.95*  
*or dt. 20.9.95*  
*to include*

*26-9-96.*  
*Notices issued to the*  
*Respondents no. 2,3,4 & 5*  
*by Regd. Post with A/D.*

Noting by Office or Advocate

Serial No.

Date

Office notes, reports, orders or proceeding with signature

Ref: order dt. 20.9.95.  
at page 1

As per court's order notices have been issued sent for despatch. But it was sent returned from that Section due to shortage at postal stamps.

Learned Advocate may be asked to submit deficit postal stamps for issuance of Notices to Respondents.

And before the Lawazima Court for favour of orders.

2/6/98

4.6.98.  
Ref: order above.

2 weeks time granted for last chance has already expired.

But the L/A has not deposited the deficit postal stamps as bet.

And for favour of order.

24.6.98

4.6.98.

2 (two) weeks time granted in last chance.

Registrar (I & E)  
GAUHATI HIGH COURT  
GUWAHATI

25.6.99.

Re: L/A. 2 (two) weeks

time granted in order.

can. 2f copy are

not later, please to

make brief order.

Registrar (I & E)  
GAUHATI HIGH COURT  
GUWAHATI

17.8.98

A.K. Pattnaik

List it in the next week as prayed by Mr. Sarkar.

CAUTION HIGH COURT

List in the next week  
19.8.98  
19.8.98

Noting by Office or Advocate

Serial  
No.

Date

Office notes, reports, orders or proceed  
with signature

A Vakalatnama has been  
filed on behalf of respondent  
No. 3.

23.8.2000.

19.5.2k

C.G.S.C. has accepted notice  
on behalf of R/No. 1.

1) Notice issued on to respondent  
Nos. 2 to 5 by Registered post  
with A/D vide No. 15,457-60/  
RM.dt. 23.8.99 at flag 'A'.

2) Respondent No. 3. has ~~been~~  
appeared by filing a vakalatnama.  
3) A/D on respondent No. 2, 4 and  
5 have not yet been received  
back.

In view of the above the  
service of notice for the  
respondents No 2, 4 and 5 may  
perhaps be accepted as sufficient  
under order 5 rule 19(A) C.P.C.

Laid for favour of orders.

19.5.2k

22.5.2000

Service report in respect  
of respondent NO1 is accepted.  
The respondent no 3 has already  
entired appearance. The notices  
issued to the respondents  
Nos 2, 4 and 5 are also  
treated as served.

Laid before the Bench

REGISTRAR (J&L)  
GAUHATI HIGH COURT  
GUWAHATI

by office or  
Advocate.

Serial

Date

Office notes, reports, orders, or proceeding  
with signature.

28.8.98

BEFORE

HON'BLE MR JUSTICE A.P.SINGH

Learned counsel is allowed one week's  
time to make good the deficiency in the  
postal stamp as per the report of the office.  
Failing which the writ petition shall stand  
dismissed.


  
JUDGE.

*one week time  
allowed  
31-8-98*

*MS  
2/9/98*


23/7/98

Notice sent to Despatch  
Section for issue  
to Respondent Nos.  
2 to 5 by Reg. A/D.

  
23/7/98

7.9.99

Notice issued vide No  
15,457-60/RM. dt. 23.8.99.  
to Respondent Nos. 2 to 5  
by Registered A/D.

  
7.9.99

Noting of office or Advocate

Sl. No.

Date

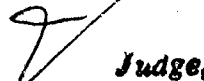
Office Notes, Reports, Orders or proceeding with signature

10/8/2000

BEFORE

The Hon'ble Mr. Justice J. N. Kumar


The writ application shall stand transferred to Central Administrative Tribunal at Guwahati as the matter comes within the jurisdiction of that Tribunal. The writ petition is disposed of.

 Judge,

GAUHATI HIGH COURT

R9

Pl. Comply with the Court's order

  
11.8.2000

Noting of office or  
Advocate

Sl.  
No:

Dät a

Office Notes, Reports,  
Orders or proceeding  
with signature

364/2000

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR : TRIPURA  
MIZORAM AND ARUNACHAL PRADESH)

Filing No.—

**MENTION MEMO**

Court No.

BENCH : A/B

1. Number of the Case : Civil Rule no. 4062/95.
2. Nature of the Case : service matter
3. Name of Parties : Mrs. Rita Dey (utter)  
vs  
Union of India & ors.
4. Party seeking Posting : petitioner.
5. Name of the Advocate of Party seeking Posting : S. R. Bhattacharjee  
H. A. Sarkar
6. Name of the Advocate for other sides : C. G. S. G.
7. Mention for : Motion / Admission / Orders.
8. Reason for the Mention : urgent order.
9. Date on which posting Sought. : 9.8.2000
10. Date & Time of Filing : 19.9.95  
28.8.95
11. Date of Last Posting :

Dated Guwahati the  
7th August 2000.

No.—

Bench Section

Signature of Officer

SIGNATURE OF ADVOCATE

By Order

Bench Asstt.

C-4



DISTRICT : NAGALAND

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : MEGHALAYA : NAGALAND : MANIPUR :  
TRIPURA : MIZORAM AND ARUNACHAL PRADESH )

Subj. - K.V.S. Teacher,

( CIVIL SPECIAL JURISDICTION )

Civil Rule No. 4062/95

Subj. - Central Teacher  
Service matter,

Mrs. Rita Dey (Datta).

..... Petitioner.

- Versus -

Union of India and ors.

..... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Petition .....	1 to 12.
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4.	Annexure- B. ....	15. - 16
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6.	Annexure - D. ....	19

Filing Date 20.9.95.

Filed by -

( H.A. Sarkar )

Advocate

Gauhati High Court

Guwahati.

6733/32



Filed by -

H. A. Sarkar.

18 Advocate.

20-9-95.

DISTRICT : NAGAON.

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : MEGHALAYA : NAGALAND : MONIPUR :  
TRIPURA : MIZORAM AND ARUNACHAL PODESH ).

(CIVIL SPECIAL JURISDICTION).

Civil Rule No.                      /95.

To

The Hon'ble Sri. V.K. Khanna B.Sc., LL.B. Chief  
Justice of the Hon'ble Gauhati High Court and His  
Lordship's Companion Justices of the said Hon'ble Court.

In the matter of

Th — no  
ms

An application under Article 226  
of the Constitution of India for  
writ in the nature of Certiorari and/  
or mandamus and/or any other appropri-  
ate writ or direction for enforcement  
of fundamental and legal right of  
the petitioner.

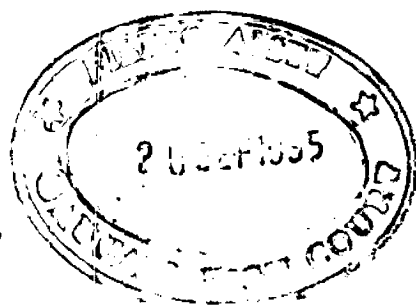
- And -

In the matter of

Violation of the petitioner's  
fundamental right granted under  
Article 14 and 15 of the Constitution  
of India.

- And -

Contd....2.



*[Handwritten signature and text]*

Beene  
2079/95

① Annexure A to D are photostat copies.

In the matter of

Violation of select list prepared  
and approved by the respondents, on  
the basis of merit for appointment  
for the post of "Post Graduate Teacher"  
English, in Kendrya Vidyalaya Nagaon.

- And -

In the matter of

Direction to the respondents to  
appoint the petitioner as post Graduate  
Teacher in English in the Kendrya  
Vidyalaya, Nagaon, in accordance with  
the select list prepared in 1993.

- And -

In the matter of

Mrs. Rita Dey (Datta),  
resident of Nagaon Town,  
w/o Sri. A.K. Dey, Pioneer Medical Hall,  
under Nagaon police Station, in the  
district of Nagaon.

27.8.

..... Petitioner.

- Vs -

1. Union of India.

2. Commissioner,

Kendriya Vidyalaya, Sangathan,  
18 Institutional Area, Saheed  
Teet Singh Marg,  
New-Delhi - 16.

Contd....3.

3. Joint. Commissioner,

Administration and personal,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area Saheed

Jeet Singh Marg, New-Delhi - 16.

4. Assistant Commissioner ,

Kendriya Vidyalaya, Sangatha,  
Sairane Bhaban, Maligaon, Chariali,  
P.S. Maligan, Guwahati III, Assam.

5. Assistant Commissioner,

Kendriya Vidyalaya Sangathan,  
Calcutta Region,  
P-161/1, V.I.P. Road,  
Ultadanga, 5th Floor, Calcutta-700054.

..... Respondents

The humble petition of the  
petitioner above-named

Most Respectfully Sheweth :-

1. That, the petitioner begs to  
state that this is an application under Article 226  
of the Constitution of India for enforcement of  
petitioners' rights to consideration for appointment  
to the post of "Post Graduate Teacher".

2. That, the humble petitioner is a  
citizen of India and the permanent resident of  
Nagaon Town. The respondent No. 2 to 5 are the  
official under the Respondent No.1.

Contd.....4

3. That, the petitioner begs to state that she is an M.A. in English and B.Ed. She has now been working as a Trained Graduate Teacher in Kendriya Vidyalaya, Gagiroad H.P.C. etc. Nagaon Paper Mill. She is qualified eligible and experienced to be appointed a regular post graduate Teacher in English. She worked on Ad-hoc basis as post Graduate Teacher English in Nagaon Kendri Vidyalaya from 25.10.1988 to 18.8.93, although she was paid the pay scale Trained Graduate Teacher in English for that post, she worked for about 5 years. The petitioner ungrudgingly rendered honest, sincere and unblemish service both in the interest of Kendriya Vidyalaya as ~~well~~ well as the students at large. Needless to point out that she deserved reward and return from the authority's side, even without having asked for. It is pertinent to draw the pointed attention to the fact that the post of post Graduate Teacher, English in Nagaon Kendriya Vidyalaya is still lying vacant.

(Working experience certificate as an Ad-hoc basis enclosed herewith as Annexure - A ).

4. That the petitioner begs to state that the process was instituted by the Kendriya Vidyalaya Sangathan for selection of post Graduate Teachers amongst others in 1993. The petitioner appeared before the selection Board III English. Room No.13 of Kendriya Vidyalaya No.1, Salt Lake, Calcutta on 24.9.1993. This selection was made on the

Contd.....5.

on the basis of All India Advertisement issued during 1992-93. The petitioner appeared from the Gauhati Region being asked for appearing at the said Interview by the authority. The petitioner fared well in the interview and it is understood that she was select for appointment to the post of post Graduate Teacher (PGT). The petitioner came to know from the Kendriya Vidyalaya Ad-hoc Teacher name was found in the select list of PGT candidates prepared on the basis of the above mentioned interview held at Calcutta on 24.9.93.

(Photostat Copy of P.G.T interview circular is enclosed herewith as Annexure - B ).

5. That, the petitioner begs to state that far from appointing the petitioner Kendriya Vidyalaya Sangathan have been appointing candidates out side the select list. Some of the candidates were also appointed who are below to the rank of the petitioner. Select list prepared on the basis of merit wise. It is needless to mention herethat the petitioner's position in the select list was not communicate to her. No appointment is still being issued in favour of the petitioner, although she got selection and is entitled to be appointed as P.G.T. and despite persistence of vacancy in Nagaon Kendriya Vidyalaya in Assam. The petitioner time and again draw the attention of the Commissioner, Asstt. Commissioner both of Gauhati and Calcutta Regions. Joint Commissioner (Academic) New-Delhi by letters and representations. But the

But the authorities preferred to remain silent and inert rather than doing justice to the petitioner. Such a high handed and pick and choose behaviour of the authorities had adversely affected the genuine interest claim and right of the petitioner. A long time has elapsed since the selection have been made but the authorities have been trying to over-ride the selection in a most unbecoming and arbitrary manner ; and thereby the petitioner was exposed to be called in question in the court of law of the land.

6. That the petitioner begs to state that he had worked in Nagaon Kendriya ~~Vidyalaya~~ Vidyalaya as P.G.T. (Eng.) post as Ad-hoc basis since 25.10.88 to 18.8.93. The said post is still lying vacant for regular Teacher. The petitioner worked in the said post for about 5 years and at the same time the petitioner name was appear in the select list which was prepared on the basis of interview dated 24.9.1993 held at Calcutta.

7. That the petitioner begs to state that the principal of Kandriya Vidyalaya Nagaon made an advertisement in Assam Tribuna on 17.7.95 for the post of " Post Graduate Teacher" in English and invited eligible candidates to appear before the selection Board on 24.7.95. Against the said advertisement the petitioner filed an application before the Hon'ble Gauhati High Court , which was registered as Civil Rule No. 2953/95. Hon'ble court "Called for records. Issue Rule calling upon the Respondents to show-cause

Contd.....7.



as to why a writ should not be issued as prayed " and further made an observation that " Any appointment made in pursuance of the advertisement dated 17.7.95 in Assam Tribune Guwahati for the post of P.G.T. (English) in the interview dated 24.7.95 in Kandriya Vidyalaya Nagaon, Assam shall be subject to the result of the Civil Rule ".

( Photostat copy of the High Court order dated 21.7.95 is enclosed herewith as Annexure - C).

8. That the petitioner begs to state that the said Civil Rule No. 2953/95 is pending before the Hon'ble Gauhati High Court. The said Civil Rule was filed regarding the same subject matter, where the petitioner worked as a Trained ~~Graduate Teacher~~ Graduate Teacher in Kandriya Vidyalaya, Nagaon, for about 5 years.

9. That, the petitioner begs to state that if any advertisement made in All India basis for the post of "Post Graduate Teacher" of Kandriya Vidyalaya , will directly affect the Hon'ble High Court's order dated 21.7.95. Because the post of PGT (English) Kandriya Vidyalaya Nagaon will filled up by the All India level Selection.

10. That the petitioner begs to state that the terms of appointment of the said select list of 1993 has been extended from time to time and many of them have been appointed from the said select list on regular basis . The ~~select list~~ petitioner

Contd.....8.

apprehend that the said 1993 select list will be cancelled and fresh advertisement for interview for the post of P.G.T. (English) and etc. will be start very recently. ✓

11. That, the petitioner begs to state that on 24.9.93 the petitioner appear for interview at calcatta for the post of Post Graduate Teacher (Eng.) Her name appear in the select list, but the said select list was not disclosed by the Respondents. The petitioner repeatedly request the authorities by written to communicate the actual position of the select list, but the said select list was not communicate to the petitioner. And at the same time the petitioner was not appoint for the post of P.G.T. (English) at Nagaon Kandriya Vidyalaya, where she had worked for about 5 years as a trained Graduate Teacher as an Ad-hoc basis. After 1993, another advertisement was made in "Employment News" paper on 28 May to 3rd June 1994 vide advertisement No. 1/94-KVS(RP-II), for the post of Trained Graduate Teachers and Post Graduate Teachers. Now very recently selection interview will be held against the said advertisement for the post of Trained Graduate Teacher and Post Graduate Teacher. If the next interview will held than the previous select list will automatically cancelled and there will be injustice if the interview will held without consider the previous select list to appoint the petitioner where ~~xxx~~ her name is appear in the select list. /

Contd.....9.

As

12. That the petitioner begs to submit that there will be irreparable loss and injury to the petitioner if the fresh interview will be made, and ultimately she will be deprived of appointment. The petitioner acquires sufficient qualification for the post of PGT (English). The petitioner will be deprived, if the fresh interview will be held next time for the said post, without considering the previous select list.

13. That the petitioner begs to submit that the petitioner appeared before the interview Board for selection of PGT in English in the year 1993. But no appointment letter has still been issued in the name of the petitioner although she reportedly got selection. In spite of that the Respondent made an advertisement No. 1/94-KVS(RP-II) for the post of Trained Graduate Teacher in Kendriya Vidyalaya, which is illegal and without jurisdiction and violation of natural justice and to devise to deprive the petitioner of the right to appointment to the post.

14. That the petitioner begs to state that the PGT post of Nagaon Kendriya Vidyalaya where the petitioner worked as an Ad-hoc basis for about 5 years is a vacant post. The petitioner worked in the said post as an Ad-hoc basis from 25.10.88 to 10.8.93 and the petitioner made several representations before the appropriate authorities for getting regular appointment to that post. Lastly on 19.11.94 the

Contd.....10.

*[Handwritten signature and stamp at the bottom left]*

the petitioner sent an advocate's notice to the appropriate authorities asking issuance of appointment letter to the post of Post Graduate Teacher in English in favour of the petitioner. Inspite of that, the Respondents are going to held the interview very recently which will prefereably within this month (i.e. September 1995), as per Adversitement No. 1/94-KVS (RP-II) for the post of "Trained Graduate Teacher" and "Post Graduate Teacher".

15. That the petitioner begs to state that the petitioner already worked for about 5 years in the said post as an Ad-hoc basis and at the same time the petitioner apppeared before interview Board at Calcutta for regular appointment to the post and also submits several representations to the appropriate authorities asking them to issue appointment letter. The petitioner apprehend that if the interview as proposed vide Adv. No. 1/94-KVS (RP-II) is held, in pursuant to the advertisement in question, the scope of the petitioner for appointment to the said post pursuant to the select list made in 1993, will be done away with fully.

16. That the petitioner begs to submits that the selection list of 1993 may continue till the appointment of all the selected candidates.

17. That the petitioner begs to submits that he worked for 5 years as an Ad-hoc basis against the permanent post and as such she is legally entitle to get the appointment on a regular basis to the post of P.G.T. in English in the school at Nagaon.

18. That, the petitioner begs to submit that the respondents are acting in a most high handed, malafide, arbitrary and whimsical manner and their intention is backed by an evil motive to take away the right of the petitioner to get appointment and regularisation to that post, although she worked for 5 years in the post of "Post Graduate Teacher" in English in Nagaon Kendriya Vidyalaya. There cannot be any genuine and ~~ous~~nsi-  
ble reason for issuing the advertigement No.1/94-KVS (RP-II), for which the interview will be held in the month of September 1995 for the post of Trained Graduate Teacher and post Graduate Teacher. The respondents have thus violated the Article 14,15 and 16 of the Constitution Of India - a.

19. That the petitioner begs to state that as per circular No. 2201-/2/78 Estt(D) dated 8.2.82 from the Ministry of Home Affairs Deptt. of personal and Administrative Reform, it was mentioned in the said ~~Exxxxxxx~~ circular, operative portion - "Thus where selected candidates are awaiting appointments, recruitment should be postpond till all the selected candidates are ~~accommodated~~ accommodated". According to this circular the authority cannot make any arrangement for new recruitment, till the selected candidates are ~~absorb~~ in the next available vacancy. The post of Kandriya Vidyalaya in Nagaon is still vant, where the petitioner worked for about 5 years as an adc basis against the post of "Post Graduate Teacher".

(Copy of the circular enclosed  
herewith as Annexure - D).

20. That the Respondents have violated the principle of natural justice and rule of law and committed manifested error of law.

Contd.....12.

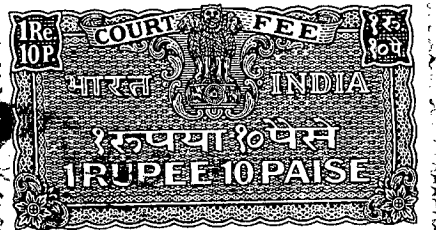
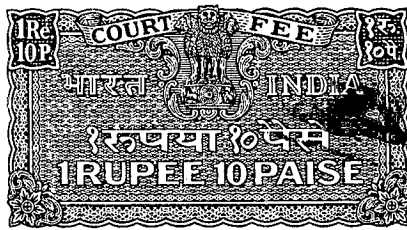
21. That, the petitioner begs to submit that in view of the circular and as well as the selection of the petitioner in 1993 select list, as duty is cast upon the respondents to appoint the petitioner to the post of PGT(EM).
22. That the petitioner has no other adequate alternative remedy and the remedy as prayed for shall be complete and adequate. The petitioner demanded justice which has been denied to him.
23. That the application had been made bonafide and for ends of justice.

The petitioner, therefore, prays that Your Lordships may be pleased to call for selection list's records, issue Rule calling upon the Respondents to show cause as to why the writ of mandamus and/or certiorari and/or any other appropriate writ/order/direction should not be issued quashing the impugned advertisement No.1/94-KVs(RP-II), and directing the respondents to refrain from holding the interview for selection to the post of "Post Graduate Teacher" (English) in Kendriya Vidyalaya and from proceeding with the selection and further directing the respondents No.2,3, 4 and 5 to issue appointment order in favour of the petitioner on the basis of select list prepared in 1993 by holding the interview at Calcutta and on perused of the records and hearing the parties make the Rule absolute or pass such further order or orders as to your Lordships may seem fit and proper.

-And-

Pending final disposal of the Rule no fresh PGT interview to be held till the appointment of the petitioner Mrs.Rita Dey(Dutta), and proceeding in terms of the advertisement No.1/94-KVS(RP-II) may kindly be stayed.

And for this the petitioner shall ever pray.



- 13 -

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- A F F I D A V I T -

I. Mrs Rita Dey (Datta), aged about 42 years,  
W/O A.K. Dey, resident of Nagaon Town, Mioner Medical Hall,  
under Nagaon Police Station, in the district of Nagaon,  
do hereby solemnly affirm as follow :-

1. That I am the petitioner in this case and  
am acquainted with the facts and circumstances of the case.

2. That the statement made in this affidavit  
and in paragraphs 1, 2, 5, 6, 8, 9, 10, 11, 14, 15, 20, 22 and 23  
are true to the best of my knowledge and those made  
in paragraphs 3, 4, 7, and 19 are being matter  
of records and those made in the rest are humble  
submission before the Hon'ble Court.

I Signed this affidavit on this 20th  
20th day of September 1995 at Guwahati.

Identified by

Hajirul Husam  
Advocate's Clerk.  
20/9/95

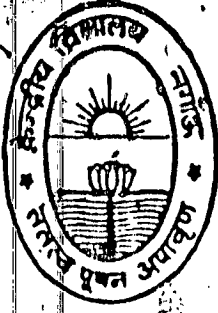
Rita Dey (Datta)  
Deponent

20-9-95

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affirmed before me this the  
20th day of Sept. 1995  
The Deponent is identified by Sri.....  
H.H. Choudhury (A/c) Personally  
known to me. I certify that I read over  
and explained the contents to the  
deponent and that the deponent read  
and understood them.

Commissioner of Affidavit  
Guwahati 20/9/95  
GUWAHATI



केन्द्रीय विद्यालय, नगांव  
**Kendriya Vidyalaya Nagaon**

पोस्ट आफिस : नगांव- ७८२००१, जिला : नगांव (असम)  
P.O : Nagaon- 782 001, Dist :- Nagaon (Assam).

पत्रांक/Ref No.

दिनांक/Dated 7-7-94.

TO WHOM IT MAY CONCERN

Certify that Mrs.R.Day was working in this  
Vidyalaya in the following periods:-

- 1.25-10-88 to 22-4-89 as Adhoc PGT(Eng)
- 2.11-08-89 to 31-03-90 as -do-
- 3.09-10-90 to 06-12-90 as Part time PGT(Eng)
- 4.10-12-90 to 22-12-90 as Adhoc PGT(Eng)
- 5.16-08-91 to 18-08-93 as -do-

She was drawing TGT scale as per terms  
and condition of appointment letter agreed by both  
employee & employer.

I wish her succes in life.

PRINCIPAL

हस्ताक्षर / Principal  
केन्द्रीय विद्यालय  
KENDRIYA VIDYALAYA  
पत्रांक-७८२००१ नगांव



- 15 -

Annexure-B.

**KENDRIYA VIDYALAYA SANGATHAN**  
**CALCUTTA REGION**

P. 21-5/

KVS (CAL)

P-161/1, V. I. P. ROAD,

Ultadanga, 5th Floor,

CALCUTTA-700054

Date : 17.9.93

Under Certificate of posting

To,

2. RITA DEY (DATTI)  
PIONEER MEDICAL HALL  
NAGAON-782001 (ASSAM)

P. G. T. (Eng.)

Subject : Interview for the post of PRT / TGT ( )

Misc. Categories of teachers ( )

Sir/Madam,

With reference to your application for the above post in Kendriya Vidyalaya Sangathan, you are hereby requested to appear for interview at the place, date and time indicated below :—

PLACE :

KENDRIYA VIDYALAYA  
SECTION-1, CALCUTTA  
CALCUTTA-700054

DATE : 24.9.93

TIME : Checking of certificate : 9.00 hrs. 13.00 hrs.

Interview : 10.00 hrs. 14.00 hrs

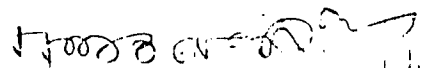
2 If the Selection Committee is unable to interview you on the date specified above, it may be necessary for you to stay on until the next day without any claim for over-stay.

3 You are also requested to bring the following :—

- i) Original certificates in support of your qualifications and experience.
- ii) In case, you are not an employee of Kendriya Vidyalaya and your application has not been forwarded through proper channel, no objection certificate from your present employer.

- iii) If you belong to SC/ST, a certificate (in original) from the competent authority viz. the District Magistrate/Deputy Commissioner/Collector etc. of your District in this regard.
- iv) Original Employment Exchange Card, failing you would neither be allowed to appear for interview nor given any TA for attending the interview. This would not however be necessary for residents of the states of Sikkim and Arunachal Pradesh where there are no Employment Exchange.
4. For attending the interview, if the journey is performed by train, return second class through ticket rail fare by the shortest route will be paid to you from the Railway station nearest the address given in your application or the station from which you commence journey for interview and back, whichever is less. In case of places which are not connected by rail, actual Bus or Steamer fare by lowest class will be paid upto the nearest railway station and thereafter second class rail fare by shortest route. In case the journey or a portion thereof is performed by bus, return second class rail fare as above, or return bus fare, whichever is less, will be paid, cheaper return tickets should be purchased wherever these are available. No other charges will be paid. Your claim for the fare must be accompanied by Rail/Bus Steamer tickets in respect of fare paid for the onward journey. The addresses given in the applications form only will normally be accepted for the purpose, unless a change has already been communicated also received well in time.
5. In respect of candidates appearing for interview from abroad they can claim T.A. only from the nearest place of entry to India to the place of interview and back. They are not entitled to T.A. from the place of residence/work abroad to the place of interview in India. This is equally applicable in respect of staff working in Kendriya Vidyalayas abroad.
6. The travel expenses admissible will be paid by means of a crossed cheque or by cash if possible. No T.A. will, however, be paid if the approved claim is less than Rs. 20/-. If the Railway/Bus/Steamer ticket is not produced in support of the claim on the date of interview, no payment will be made and no further correspondence will be entertained. If your claim is for Rs. 20/- or more, please bring a revenue stamp with you to affix at the time of receiving the payment.
7. Kendriya Vidyalaya Sangathan employees attending the interview will have to apply for leave of the kind due for the purpose. The absence for attending the interview shall not be treated as on 'duty'.
8. If any of the particulars stated by you in your application is found incomplete or wrong on verification or if you are found to have wilfully 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 be summarily rejected and no travelling allowance will be paid to you.
9. It is your responsibility to make proper arrangements for the receipt of redirection of communications addressed to you and save in exceptional circumstances, no plea regarding non-receipt or late receipt of this communication for whatever reasons shall be accepted for postponing the date of the interview or for any other purposes.
10. The receipt of this communication may please be acknowledged.

Yours faithfully,



Asstt. Commissioner



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
24.7.95	25.7.95	25.7.95	25.7.95	25.7.95

Annexure - C

IN THE GAUMATI HIGH COURT  
(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MIZORAM AND ARUNACHAL PRADESH)  
CIVIL RULE NO. 2953/95.

Mrs. Rita Dey (Datta) ..... Petitioner.  
Versus  
Union of India and Ors. .... Respondents.

1993

PRESENT  
THE HON'BLE MR. JUSTICE J.N. SAIMA

For the petitioner :: Mr. S.R. Bhattacharyoo,  
Mr. H.A. Sarkar,  
Mr. K.N. Das,  
Ms. S. Bhuyan, Adv.

For the respondents ::

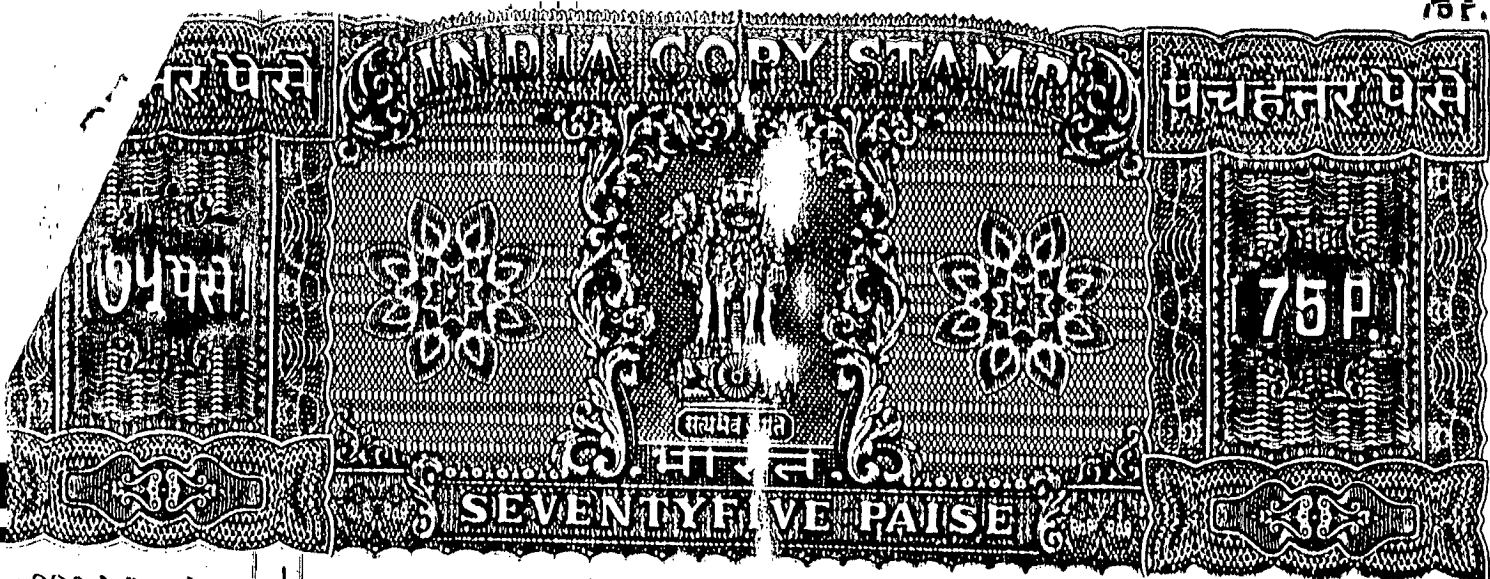
DATE 21.7.95. ORDER

Heard Mr. H.A. Sarkar, learned Advocate for the petitioner.

Call for the records.

Let a Rule issue calling upon the respondents to show cause as to why a writ should not be issued as prayed for; and/or why such further order or other orders should not be passed as to this court may seem fit and proper.

Cont...2.



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो भी अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
			(18)	

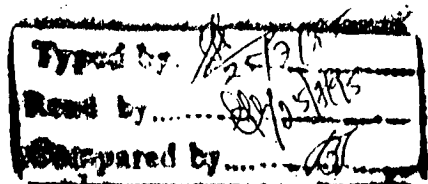
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Shri K.N. Choudhury, learned C.G.S.C. accepts notice on behalf of all the respondents.

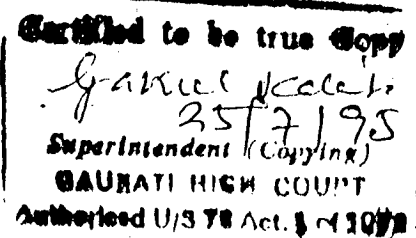
Any appointments made in pursuance of the advertisement dated 17th July/95 in the Assam Tribune, Guwahati for the post of PGT (English) in the interview dated 24th July, 1995, ~~xxxxxx~~ in Kendriya Vidyalaya Nagaon, Assam, shall be subject to the result of this Civil Rule.

Sd/- J.N. Sarma,

Judge.



25/7/95



25/7/95

25. 4  
(19) Annexure (25)  
Copy of OM No. 22011/2/79-Estt(D) dated the 8th Feb. 1982 from the Ministry of Home Affairs, Deptt. of Personnel and Administrative Reforms.

Subject:- Validity period of list of selected candidates prepared on the basis of direct recruitment/Departmental competitive examinations.

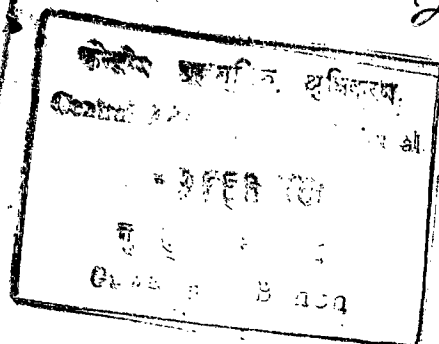
The undersigned is directed to say that references are being received from time to time from Ministries/Departments enquiring as to what should be prepared on the basis of direct recruitment of Departmental Competitive Examination.

2. Normally, in the case of direct recruitment a list of selected candidates is prepared to the extent of the number of vacancies (Other persons found suitable being put on a reserve list, in case some of the persons on the list of selected candidates do not become available for appointment). Similarly in the case of Departmental Competitive Examinations, the list of selected candidates has to be based on the number of vacancies on the date of declaration of results, as the examination is competitive and selection is based on merit. A problem may arise when there is a fluctuation in the vacancies after the list of selected candidates is announced.

3. The matter has been carefully considered. Normally recruitment whether from the open market or through a Departmental Competitive Examination should take place only when there are no candidates available from an earlier list of selected candidates. However, there is a likelihood of vacancies arising in future, in case, names of selected candidates are already available, there should either be no further recruitment till the available selected candidates are appointed or the declared vacancies for the next examination should take into account the number of persons already on the list of selected candidates awaiting appointment. Thus, there would be no limit on the period of validity of the list of selected candidates prepared to the extent of declared vacancies, either by the method of direct recruitment or through a Departmental Competitive Examination.

4. Once a person is declared successful according to the merit list of selected candidates, which is based on the declared number of vacancies, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change, after his name has been included in the list of selected candidates. Thus, where selected candidates are awaiting appointments, recruitment should either be postponed till all the selected candidates are accommodated or alternatively in take for the next recruitment reduced by the number of candidates already awaiting appointment and the candidates awaiting appointment should be given appointments first, before starting appointment from a fresh list from a subsequent recruitment or examination.

5. Ministry of Finance etc., are requested to bring the above instructions to the notice of all the appointing authorities under them for information and guidance.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
AT GUWAHATI

ORIGINAL APPLICATION No. 364/2000

Rita Dey (Dutta)

... Applicant

-Versus-

Union of India & ors. ... Respondents

The Respondents Nos. 2, 3, 4 and 5 above named  
beg to file their Written Statements as follows:-

1. That all the averments and submissions made in the original application (hereinafter referred to in short as the application) are denied by the answering Respondents save and except what has been specifically admitted herein and what appears from the record of the case.
2. That with regard to statements made in paragraph 1 and 2 of the application the answering Respondents have no comment.
3. That with regard to the statements made in paragraph 3 of the application the answering Respondents beg to state that acquiring of qualifications and working on adhoc basis in the Kendriya Vidyalaya (hereinafter referred to in short as KV) and availability of a vacant post in the

Vidyalaya does not give right or claim to any candidate for being appointed to the post on regular basis. The applicant was working both as a Post Graduate Teacher (PGT) and subsequently as a trained graduate Teacher (TGT) ~~xxx~~ on adhoc basis and at the time of filing of the petition she was working as a TGT.

✓

11 4. That with regard to the statements made in paragraph 4 of the application the answering Respondents beg to state that it was a mere illusion on the part of the applicant that she was selected as PGT (English). The selection committee did not recommend her name for inclusion in the select panel on the basis of the interview held in 1993. Merely attending the interview does not entitle any candidate to be appointed to the post. Had the name of the applicant been in Select Panel she would have been appointed to the post.

✓ 5. That with regard to the statements made in paragraph 5 of the application the answering respondents beg to state that since the applicant was not selected in the said interview her name did not appear in the select panel. As such there was no question of communicating anything to the applicant. The applicants contention that she was selected for the post but the offer was not issued was wrong. The Respondents did not take any arbitrary decision nor they appointed any candidate whose name did not figure in the select panel.

6. That with regard to statements made in paragraph 6 of the application the answering respondents beg to state that the applicants claim about figuring of her name in the select panel on the basis of the interview held in Calcutta is denied. Had she been selected she would have been issued appointment letter.

7. That with regard to the statements made in paragraph 7 and 8 of the application the answering respondents have no comments as they are matters of record. However the Principals action was in accordance with the rules/policies of the sangathan.

8. That with regard to statements made in paragraph 9 of the application the answering respondents beg to state that the post of PGT(Eng.) in Kendriya Vidyalaya, Nagaon was advertised locally by the Principal of the Vidyalaya for being filled on short term basis i.e. on contract basis and not on regular basis. The selection to the post of PGT's on regular basis is made by the A.S on All India basis. In view of the directions given by the Hon'ble High Court the said post of PGT (Eng) in K.V., Nagaon has not been filled on regular basis.

9. That with regard to the statements made in paragraph 10 of the application the answering respondents beg to state that the candidates selected in 1993 have already been appointed. After the expiry of the panel, the candidates selected in 1995 and 1997 on the basis of



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advertisements published in 1994 and 1996 have also been appointed to the post. For valid reasons, candidates whose name did not figure in the select panel cannot be appointed to the post. Further it is also submitted that the process of making recruitment for the post of PGT on the basis of advertisement published in February, 1998 is in process and for the first time written test(s) was conducted on 10th and 11th July, 1999.

10. That with regard to the statements made in paragraph 11 of the application the answering respondents beg to state that the averments made by the applicant that her name figured in the select panel is wrong. There is no provision in the rules ~~with~~ to give access to the panel or to communicate the panel details to the candidates called for interview. Working on adhoc basis, irrespective of the duration does not entitle any candidate to be appointed on regular basis. The selection process on the basis of interview held in 1993 has already been completed in 1994. Though she appeared in the interview she was not selected neither her name was recommended for appointment by the selection committee. In view of ~~this~~ the applicant is not eligible for appointment or regularisation as claimed by her.

11. That with regard to the statements made in paragraph 12 of the application the answering respondents beg to state that merely acquiring of qualification and attending the interview does not give any right or claim

for appointment to the post. Appearaing in the interview does not mean that the candidates name necessarily figures in the Select Panel. As a matter of fact since the applicant was not selected there is no question of considering or not considering the previous select list.

12. That with regard to the statements made in paragraph 13 of the application the answering respondents beg to state that sine the name of the applicant did not figure in the select panel. She cannot be issued offer of appointment. The applicant has not been deprived of the ~~right~~ ~~right~~ to be appointed to the post. Assuch the action of the respondents in advertising the post is not against law, without jurisdiction or in violation of natural justice.

13. That with regard to the statements made in paragraph 14 and 15 of the application the answering respondents beg to state that since the applicant was not selected the question of issue of offer of appointment to her does not arise. Publication of advertisement for existing vacancies is a regular process and is related to the organisations concern in matters related to the academic needs of Kendriya Vidyalaya students all over the country.

14. That with regard to the statements made in paragraph 16 of the application the answering respondents beg to state that the contention of the applicant is unfounded and not based on facts.

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-6-

15. That with regard to the statements made in paragraph 17 of the application the answering respondents beg to state that the claim of the applicant that she is legally entitled for the post of PGT (Eng.) is not correct. There is no provision in the rules/regulations of the ~~of the~~ Sangathan for regular appointment on the basis of previous adhoc basis appointment to the post. Continuous appointment for five years is immaterial for the purpose. As such she is not legally eligible for regular appointment to the post of PGT (Eng) as claimed by her.

16. That with regard to the statements made in paragraph 18 and 19 of the application the answering respondents beg to state that the action of the respondents is neither malafide, arbitrary, high handed or reflecting whimsical manner, nor is it violative of Article 14, 15, 16 of the Constitution of India. It is submitted that the selection Committee did not recommend the name of the applicant for appointment. As such her contention against the interviews for the posts held in September, 1995 is not justified.

The panel of the selected candidates got approved in accordance with the guidelines laid down by the Govt and norms of the Sangathan. The ~~ix~~ action of the Respondents are in accordance with law.

17. That with regard to the statements made in

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-7-

paragraph 20 and 21 of the application the answering respondents beg to state that the averments made by the applicant are not correct.

18. That with regard to the statements made in paragraph 22 and 23 of the application the answering respondents beg to state that there is no justified cause in the application. As such the application filed by the applicant is liable to be dismissed and the applicant is not eligible for any relief as claimed by her in the application. The respondents further pray before the Hon'ble Court to vacate the interim order dated 20.9.95.

19. That this affidavit is made bonafide and for the ends of justice.

20. That the respondents beg to submit that the present application wasnot filed bonafide before this Hon'ble Tribunal and in the facts and circumstances stated in the foregoing paragraphs. It is therefore respectfully prayed that the Hon'ble Tribunal may be pleased to dismiss the application with cost.

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

I, Mr D.K.Saini aged about 51 years, son of Shri C.L.Saini presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, do hereby verify that the statements made in paragraphs 3, 4, 5, 6, 7, 11, 12, 13, 15 are true to my personal knowledge, those made in paragraphs 8, 9, 10 are based on records and nothing material has been concealed therefrom.

place:- Guwhati

Date 9.2.2001

Dr. K. L. Saini  
DEPONENT 912