

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 376/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 376/2000 (T)

Baidya Nath Singh

versus.

Union of India & ors Respondents.

FOR THE APPLICANT(S) *Mr. R. P. Sarma*
ADVOCATE

Mr. P. Sarma
Mr. N. Ramo

FOR THE RESPONDENT(S)

Dr. B.P. Todi
K.V.S.

Notes of the Registry

DATE

COURT'S ORDER

8.11.00

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

None appears for the applicant.

Mr. B.P. Todi learned counsel for the respondents is present. On the prayer of Dr. Todi, 6 weeks time is allowed for filing of written statement. List on 20.12.00 for filing of written statement and further orders.

[Signature]
Vice-Chairman.

20.12.00

Application is admitted. Four weeks time is granted to the respondents to file written statement.

List on 22.1.2001 for written statement and further orders.

[Signature]
Member

[Signature]
Vice-Chairman

22.1.01

None appears for the applicant.
List on 19.2.01 to enable the respondents to file written statement.

[Signature]
Member

[Signature]
Vice-Chairman

1m

No. written statement
has been filed.

[Signature]
19.12.2000

This case CR. No. 2507/98 has been removed from Gauhati High Court vide order dated and is maintainable before Gauhati High Court. Hence this case is registered as Original Application.

Laid before Hon'ble Court for further orders.

[Signature]
Regd. Registrar.
[Signature]
16/11/2000

(2)


19-1-2001

No. N/S has been
filed by the
respondents.

19.2.01

List on 22.3.01 to enable the
respondents to file written statement.

IC Ushary
Member


Vice-Chairman

lm

No written statement 22.3.01
has been filed.

By
16.2.01

No written statement
has been filed.

By
21.3.01

None appears for the applicant. No
written statement has been filed. ^{Earlier} Four
^{also} weeks time ^{was} is granted for filing of written
statement. The matter of 1998, pertaining
the order of termination that took place
in February 1998. No further time will be
granted. List on 2.5.01 for hearing.
In the meantime the respondents may file
written statement within two weeks ^{from}

today
IC Ushary
Member


Vice-Chairman

lm

2-5. Pass over to 21-5-2001

Also
A.K. Sen
23-

21.5.01

Judgment delivered in Open Court.

Kept in separate sheets. Application is
disposed of. No costs.

IC Ushary
Member


Vice-Chairman

14.6.2001

Copy of the judgment
has been sent to the
Office for issuing
the same to the Applicant ^{lm}
as well as to the Govt.
Advocate for the Respondent

HS

IN THE GAUHATI HIGH COURT

(High Court of Assam Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

No. 2507 of 1998

Shri Baidya Nath Singh

Appellant

Petitioner

Versus

Kendriya Vidyalaya
Sangathan & Ors

Respondent

Opposite-Party

Appellant
For
Petitioner

Mr. R. P. Sharma
Mr. P. Sharma,
Mr. N. Rames, Advocates.

Respondent
For
Opposite-Party

C G S E

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

BEFORE:
HON'BLE MR JUSTICE DN CHOWDHURY

27-5-98

Heard Mr R P Sarma

learned counsel for the petitioner.

Let the records be called for.

Let a Rule issue calling upon the respondents to show cause as to why a writ as prayed for, should not be issued; and/or why such further order(s)/direction(s) as to this Court may seem fit and proper should not be passed.

The Rule is made returnable by two month .

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
<p>Contd. (27-5-98)</p> <p>① ALL RETURNABLE ^{not} nd</p> <p>② Port along with C.R. 2146/96</p> <p>21.6.99</p> <p>20.07.99</p> <p>Record called</p> <p>Notices sent to Despatch Section for issue notice on Respondents Nos 1 to 5 through Regd post with A10.</p> <p>Hon'ble</p> <p>20/07/99</p>			<p>Petitioner shall take steps for service of notice on the respondents by registered post.</p> <p>Post this case along with Civil Rule No. 2146/96.</p> <p>JUDGE</p>

35

CR 2507/98

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceeding with signature
<p>09/3/99</p> <p>Notices received from Despatch Section in relation to shortage of postage stamp of Rs 8 (Eight) on Respondents Nos 1 to 5.</p> <p>Received notices kept with file.</p> <p>Land for La Ozinga Court.</p> <p>Honesty</p> <p>09/3/99</p>			<p>12.3.99</p> <p>2(m) weeks time granted.</p> <p>h</p> <p>REGISTRAR (I&E) GAUHATI HIGH COURT, GUWAHATI</p>
<p>31/3/99</p> <p>Ref: order above 2 weeks time granted for already expired.</p> <p>But the L/A has not deposited the deficit postal stamps as yet.</p> <p>Wait for favour for order.</p>			<p>31.3.99</p> <p>2(m) weeks time granted as last shown</p> <p>L</p> <p>REGISTRAR (I&E) GAUHATI HIGH COURT GUWAHATI</p>

36/3/99

CR 2507/98

4

N^o by office or Advocate.

Serial

Date

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

23/4/99

Ref. order dated

31.3.99 at page

2 weeks time

granted as last chance has already expired.

But the YA

has not paid the deficit postal stamps as yet.

Card for further orders.

23/4

26.4.99

Plaintiff is available for bench

REGISTRAR (I&E)
GAUHATI HIGH COURT,
GUWAHATI

7.5.99

BEFORE
THE HON'BLE MR. JUSTICE JN SARMA

Registry shall transfer this matter to Central Administrative Tribunal (CAT) at Guwahati.

Accordingly, Registry shall transfer the matter to the CAT by keeping a copy of the record in this Registry.

JUDGE

upadhaya

Transfer the matter to CAT as directed.

16/5

15/5

C.R 2507/98

5-

Noting by office or Advocate.	Serial	Date	Office notes, reports, orders, or proceeding with signature.
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24.6.99

Notice issued
on Remand
Nos 1 to 5
Hamm
Regd Post
Cmndr A.D.
81st Para

No 11,521-25/
RM dt 24.6.99.

[Signature]
24/6/99

Received copy
of order dated
7/5/99 on behalf of
Advocate of the
petitioner.

Md. ~~Shame~~
25/6/99.

copy Received of
order dated - 7-5-99

[Signature]
25/6/99
for C-6-S-C

9

[illegible]

10

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~XXXX~~ No. 376 of 2000 of

DATE OF DECISION 21.5. 01

Shri Baidya Nath Singh

APPLICANT(S)

Mr.R.P.Sharma, Mr.P.Sharma, Mr.N.Rama

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr-A, Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

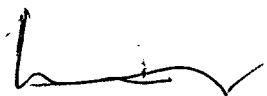
THE HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

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 ?

5.

Judgment delivered by Hon'ble

VICE-CHAIRMAN.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 376 of 2000

Date of Order: This the 21st Day of May 2001.

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN
HON'BLE MR.K.K.SHARMA ADMINISTRATIVE MEMBER

Shri Baidya Nath Singh,
Son of Sri Bhikhari Singh,
Vill & P.O.Sondhani,
P.S. Bhagwanpur, Dist.Siwan, Bihar,
Presently working at Kendriya Vidyalaya,
Tenga Valley(Arunachal Pradesh) ... Petitioner.

By Advocate Mr.R.P.Sharma , Mr.P.Sharma, Mr.N.Rama

-Vs-

1. Kendriya Vidyalaya, Sangathan,
represented by the Chairman, 18, Institutional Area,
Saheed Jeet Singh Marg, New Delhi-15.
2. The Commissioner, Kendriya Vidyalaya, Sangathan, 18
Institutional Area, Saheed Jeet Sing, Marg,
New Delhi-16.
3. Asstt. Commissioner, Kendriya Vidyalaya Sangathan,
Guwahati Regional Office, Maligaon Charali.
Guwahati-12.
4. Officiating Principal Kendriya Vidyalaya, Tenga Valley,
Dist. West Kameng, Arunachal Pradesh.
5. Union of India, represented by the Secretary, Govt.
of India, Ministry of Human Resource Development,
New Delhi-1. ... Respondents.

By Advocate Mr.A. Deb Roy, Sr.C.G.S.C.

O R D E R.

D.N.CHOWDHURY.(V.C.):

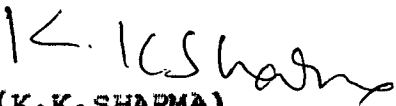
The order of termination of the applicant is the subject of this application. An advertisement was made by the Respondents (for filling up a number of posts of Graduate teachers, Primary teachers and Trained Graduate Teachers all over India). The applicant applied for the

post of Primary Teacher. He was called for interview and therefore he was selected and empanelled in the list. By the order dated 14/15-12-97 the petitioner was offered for appointment in the Kendriya Vidyalaya, Tenga Valley at Arunachal Pradesh. as Primary Teacher. The petitioner accordingly, joined the said post on 10.2.98. By the following impugned order dated 26.2.1998 his services were terminated :

OFFICE ORDER.

The services of Mr. Baidyanath Singh, who has joined this Vidyalaya on 09.02.1998 (F.N.) at PRT, stands terminated w.e.f. 26.02.1998 (A.N.) as per the K.V.S. H.Q. New Delhi letter No.F. 19-1(4)/98-KVS(L&C) dated 13.02.1998 and K.V.S. Guwahati Region letter No.F.8-6/96-KVS(GR)/16675-716 dated 19.02.1998. He was offered appointment by the former Asstt. Commissioner, Dr. K.C. Prakesh, Guwahati Region, Guwahati vide letter No.F.8-11/96-KVS(GR)/14107-08 dated 14/15-12-97."

Similarly the termination order were also issued by the respondents. The candidates challenged the order of termination before this Bench. The Tribunal were numbered and registered as O.A.No.53 of 99, O.A.No.56 of 99(T), O.A.No.272 of 99. The applicants in those cases were initially approached this Bench. By order dated 3rd Feb, 2000 the Tribunal set aside the order of termination. This application is squarely covered by the earlier decision. The fact situation the impugned order of termination is similar to that of the aforesaid cases. The facts of the present case are also similar. This application is squarely covered by the aforesaid cases. The order of termination dated 26.2.1998 is accordingly, set aside. There is no order as to costs.


(K.K. SHARMA)
ADMINISTRATIVE MEMBER


(D.N. CHOWDHURY)
VICE-CHAIRMAN

376/2000

Form No. CHC-NIC/INP/01 A

THE GAUHATI HIGH COURT

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

CHECK SLIP

DISTRICT : *West Kameng* : C.R. CASE NO. *2507* 198
DB/SB/A/B
FILING SL. NO. *4163* CATEGORI CODE : *10015*
DATE OF FILING : *12/5/98*

Name of Party : *B. Nait Singh*
K.V.S. & NB

13/5
Signature of D. A.

1. Court Fee due : *52.20*
Court Fee paid : *52.20*
Deficit if any : *0*
2. Filed within Limitation : Yes / No.
Condaton Petition : Yes / No.
(if any)
3. Related information For : Yes / No.
Caveat Matching
4. Vakalatnama File : Yes / No.
5. Certified copy of order : Yes / No.
Judgement, if required, : *Yes*
Filed.
6. Affidavit / Verification : Yes / No.
in order.
7. From in proper. : Yes / No.
8. Any other defects (to-be : Yes / No.
name)

CASE READY / DEFECTIVE.

SIGNATURE OF THE SUPDT.
FILING SECTION.

SIGNATURE OF THE
RECORDS OFFICER
Gauhati High Court
Guwahati

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

	Category	No.	Year
1. (a) Case No. :	C.R.	2507	1998
1. (b) Related Case No. :			1199
1. (c) Related Information :			
1. (d) Jurisdictional Value Rs.			1. (e) Court Fee Rs. 58-80
1. (e) Provision of law under which the case filed			
	DATE / MONTH / YEAR		
1. (f) Date of Registration :	12 / 05 / 98		
2. (b) Case Category Code :	C R 1 0 0 1 5		
2. (a) Subject Category Code :			
2. (c) Bench Code :	B		
3. State Name :	West Kameng (A.P.)		
4. Petitioner (s) :	Sri Baidya Nath Singh		
5. Respondent (s) :	K. V. S. Das		
6. Petitioner (s) :	Mr. R. P. Sarma		
Advocate (s) :	Mr. P. Sarma		
	Mr. N. Rama		
7. Respondent (s) :	C. G. S. C.		
Advocate (s) :			
8. Stage Code of the Case :			
9. Court No. :			
10. Caveat (if any) :	Yes <input type="checkbox"/> / No <input type="checkbox"/>		

Kindly use appropriate codes.

Signature with date :

G.H.C. E.W. FUND

DISTRICT : WEST KAMENG

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

(CIVIL WRIT JURISDICTION)

Civil Rule No. 2507 /98

Code No. 10015 (Major Pamushmond)
Shri Baidya Nath Singh

.....Petitioner.

-Versus-

Kendriya Vidyalaya Sangathan and Ors.

..... Respondents.


BENCH : B

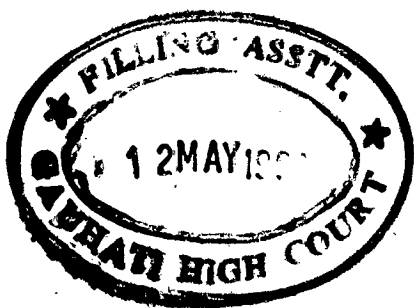
MATTER : School service

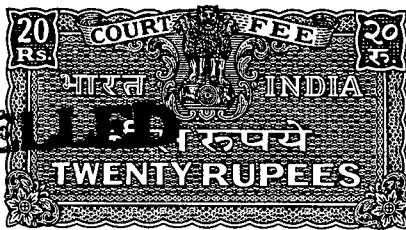
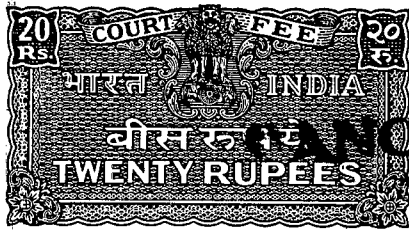
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Filed by


(Prem Sarma)
Advocate.





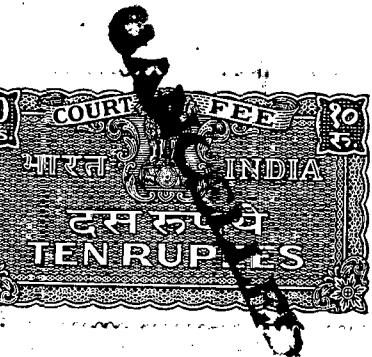
16

Filed by Mr. Lehiya
in Baidyanath Singh
Advocate
12.5.98

DISTRICT : WEST KAMENG

IN THE GAUHATI HIGH COURT

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



(WRIT JURISDICTION)

Civil Rule No. 2507 /98

Code No. :

To



The Hon'ble Shri V.D. Gyani, B.A.,LL.B.,
the Chief Justice(Acting) of the Hon'ble
Gauhati High Court and His Lordship's
companion justices of the said Hon'ble
High Court.

In the matter of :

An application under Article 226 of
the Constitution of India for issuance
of a Writ in the nature of Mandamus
and/or Certiorari and/or any other
appropriate Writ, Order or Direction.

- And -

In the matter of :

Violation of fundamental rights of the
petitioner alongwith other legal rights.

- And -

Contd..2.

Advocate
Gauhati High Court
Gauhati

17

-: 2 :-

In the matter of :

Violation of provisions of Articles
38, 39, 41 and 311 of the Constitution
of India.

- And -

In the matter of :

✓ Office order under Ref. No.F.PF/BS/
97-98/721-23 dated 26.02.1998 issued
by the officiating principal, Kendriya
Vidyalaya, Tenga Valley terminating the
service of the petitioner w.e.f.
26.02.1998 (A.N.).

- And -

In the matter of :

Violation of principle of natural
justice and Administrative fair play.


- And -

In the matter of :

Sri Baidya Nath Singh,
Son of Sri Bhikhari Singh,
Vill. & P.O. - Sondhani,
P.S. - Bhagwanpur, Dist. Siwan, Bihar.
Presently working at Kendriya Vidyalaya,
Tenga Valley (Arunachal Pradesh).

..... Petitioner.

Contd...3.


Commissioner of Affidets
Kendriya High Court
Gwalior

-Versus-

1. Kendriya Vidyala ,Sangathan,
represented by the Chairman ,18,
Institutional Area,Saheed Jeet
Singh Marg, New Delhi-15.
2. The Commissioner,Kendriya
Vidyalaya,Sangathan,18,Institu-
tional Area, Saheed Jeet Sing
Marg, New Delhi - 16.
3. Asstt.Commissioner,Kendriya
Vidyalaya Sangathan,Guwahati
Regional Office,Maligaon Charali,
Guwahati - 12.
4. Officiating Principal,Kendriya
Vidyalaya,Tenga Valley, Dist.
West Kameng,Arunachal Pradesh.
5. Union of India, represented by
the Secretary, Govt. of India,
Ministry of Human Resource
Development, New Delhi - 1.

..... Respondents.

The humble petition of the
petitioner above-named -

MOST RESPECTFULLY SHEWETH :

1. That the petitioner, being a citizen of
India and a permanent resendent of Sondhani,Bihar,

Contd..4.

presently working at Tenga Valley, Arunachal Pradesh, file this writ petition assailing the illegal termination order dated 26.2.98 issued by the officiating principal without affording any opportunity to the petitioner to defend himself.

2. That the petitioner is a Graduate in Arts, passed in 1989 from D.A.V. College, Siwan in second division. He passed in Matriculation in the year 1983 in second division and I.A. in the year 1986 from Hillchar College, Siwan and B.T.C. in the year 1994 from Siwan in 1st Division. After successfully completion of post graduate, the petitioner had undergone Basic Teachers Training Course in the year 1994 under Bihar School Examination Board and he secured II division. He had also teaching experience for a period w.e.f. 21.6.93 to May 1997 in the C.V.S.C. School, Siwan cantonment which is a affiliated school by ISCE, New Delhi.

3. That the petitioner states that in the month of June 1996, the respondent Kendriya Vidyalaya Sangathan Published an advertisement for filling up a number of posts of Graduate Teachers, Primary Teachers and Trained Graduate Teachers all over India. Being fully eligible as per the advertisement, the petitioner offered his candidature for the post of Primary Teacher and his

Contd..5.

candidature for the post of Primary Teacher has been dully accepted by the respondents and called him for interview which was held on 21.1.97.

One copy of the Advertisement dated 14.6.96 is annexed herewith as Annexure - A.

4. That in the interview, the petitioner did well and accordingly he was selected and empanelled in the Second Panel list. Be it stated here that the respondent prepared two lists in the first list there were about 40 candidates and in the second list there ~~were~~ were about 24 candidates. Both the list were duly approved by the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi in the month of May, 1997.

5. That being duly selected, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati offered him appointment vide Memorandum No. F.8-11/96-KVS(GR)/14107-08 dated 14/15-12-97 in the Kendriya Vidyalaya, Tenga Valley, Arunachal Pradesh on initial Pay of Rs.1200/- in the scale of Rs.1200-30-1380-EB-30-1560-EB-40-1800-40-2040/- (unrevised).

One copy of the memorandum dated 14/15-12-97 is annexed herewith as Annexure - B.

Contd...6.

6. That after getting the offer for appointment the petitioner accepted the appointment and joined his duty on 10.2.98 vide his acceptance undertaking dated 10.2.98.

One copy of the acceptance undertaking dated 10.2.98 is annexed herewith as Annexure - C.

7. That after joining his service, the petitioner devoted himself in his duty most sincerely and with regularly. But he was surprised and shocked on getting an office order under reference No. F.PF/BS/97-98/721-23 dated 26.2.98 issued by the officiating principal, Kendriya Vidyalaya, Tenga Valley, whereby his service has been terminated with immediate effect in the afternoon of 26.2.98.

One copy of the office order dated 26.2.98 is annexed herewith as Annexure - D.

8. That the said termination order had been issued without following the due procedure as is required to terminate a Govt. Employee and no opportunity was given to the petitioner to defend his case. Be it also state here that the termination order itself has not disclosed any reason whatsoever for which his service has been terminated. As he was in dark about the reason, he asked ~~by~~ the principal about the matter in the Regional Office, Guwahati. Accordingly, he enquire

Contd..7.

-: 7 :-

in the office of the Asstt. Commissioner and came to know that as his appointment order was issued by the then Asstt. Commissioner Dr. K.C. Rakesh whose service has been terminated w.e.f. 11.12.97 as per the Hon'ble Delhi High Court's order dated 4.2.98. Hence, as the petitioner's appointment letter was issued after 11.12.97 his appointment has no legal effect.

9. That the petitioner was shocked and surprised in as much as he has no fault for which he may be terminated. Being a selected candidate he was offered the appointment as were made to all other selected candidates. As he was a selected candidate he was appointed as per the Rule 43 of the Education Code for Kendriya Vidyalaya, hence his service can not be terminated in such a whimsical way without following due procedure and law. It is pertinent to mention that the petitioner has already crossed the maximum age limit to get any Govt. Service but that fact has not been considered by the respondents.

10. That it is submitted that as his appointment was made by the competent authority after following due selection process, his service is not liable to be terminated by the officiating principal who has no authority under the extent rule.

11. That as the respondents did not afforded him any opportunity and as no reasons whatsoever has been

Contd...8.

Secretary of Ministry
Chandigarh High Court
Chandigarh

mentioned, the termination order is not maintainable in the eye of law and is liable to be quashed.

12. That it is submitted that as the petitioner has requisite qualification he applied for the post of primary teacher and after due selection process, his name was empanelled in the selection list which was duly approved by the Commissioner and after approval, the then Asstt. Commissioner ~~and~~ offered his appointment letter and hence his service cannot be terminated without showing sufficient cause and without following the prescribed procedure as laid down under Article 311 of the Constitution of India.

13. That the action of the respondents is violative of fundamental rights of the petitioner as has been guaranteed under Article 14, 16 and 21 of the Constitution of India and also against the Directive principles of State Policy as envisaged under Article 38, 39 and 41 of the Constitution and hence is not sustainable.

14. That the action of the respondents is whimsical and arbitrary in as much as the same has not been done under any provision of law and hence is not maintainable in the eye of law.

Contd..9.

15. That the action of the respondents in issuing the termination order is against the principle of natural justice and administrative fair play.

16. That at any rate the action of the respondent in terminating the service of the petitioner without showing any cause and without affording any opportunity to the petitioner, is not maintainable in the eye of law and liable to be set aside and quashed.

17. That the petitioner demanded justice but the same has been denied to him.

18. That the petitioner also submits that there is no other alternative efficacious remedy available to him other than to approach this Hon'ble Court by filing this Writ Petition under your Lordships protective hand.

In the premises aforesaid it is therefore prayed that your Lordships may please to admit this petition, call for records and issue Rule upon the respondents to show cause as to why a Writ in the nature of certiorari shall not be issued quashing the impugned termination order under No.F.PF/BS/97-98/721-23 dated 26.2.98(Annexure-D) and why a writ in the nature of Mandamus shall

Contd..10.

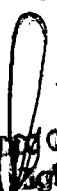
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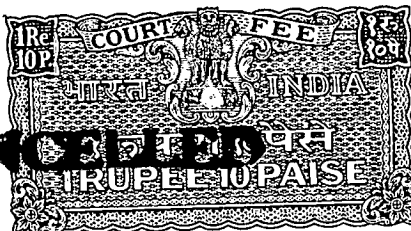
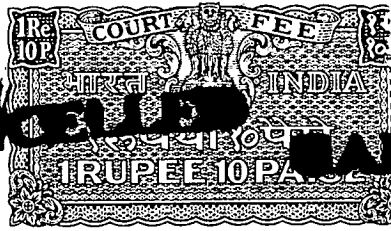
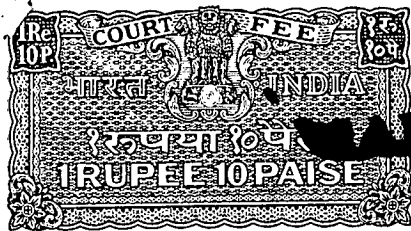
-: 10 :-

not be issued directing them to withdraw/
cancel/revoke the termination order dated
26.2.98(Annexure-D) treating the same as
non-est and allow the petitioner to continue
his duty in the Kendriya Vidyalaya, Tenga
Valley, Arunachal Pradesh, and upon perusal
of records and after hearing the ~~pet~~ parties
on the cause or causes that may be shown be
pleased to make the Rule absolute and/or be
please to pass any other further order or
orders as your Lordships may deem fit and
proper.

And for this act, as in duty bound, petitioner
shall ever pray.

Affidavit...ll.


Commissioner of Affidavits
Chennai High Court
Korambit



-: 11 :-

A F F I D A V I T

I, Shri Baidya Nath Singh son of Shri Bhikhari Singh, aged about 31 years, permanent resident of Vill. & P.O. Sondhani, P.S. Bhagwanpur, Dist. Siwan, Bihar, presently working at Kendriya Vidyalaya, Tenga Valley, Arunachal Pradesh, do hereby solemnly affirm and state as follows :-

1. That I am the petitioner in the ~~xxxxxxx~~ instant case and hence entitled to swear this affidavit.
2. That the statements made in this affidavit and in paragraphs 1, 2, 4, 8, 9, 10 to 17 are true to my knowledge and those statements made in paragraphs 3, 5, 6 and 7 being matter of records. I believe the same are true and rests are my humble submission before this Hon'ble Court.

And I sign this affidavit on this 12 th day of May, 1998.

Identified by .

Hashim Ali
12/5/98

Advocate's Clerk.

Baidyanath Singh

Deponent.

Solemnly affirmed before me this 12th May 1998. The declarant is identified by *JA* personally known to me. I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

[Signature]
Commissioner of Affidavits
Gonhati High Court
Coochabhar

12-5-98

6/07/95

3-7H

Ann - 11

12

ANNEX - A
Employment News 8-14 June 1995

Plantation Research Institute

Kasaragod - 671 124

Advertisement No. 3/70
Applications are invited for the posts of RESEARCH ASSOCIATE/SENIOR RESEARCH FELLOW/JUNIOR RESEARCH FELLOW under the below mentioned ad hoc Schemes sanctioned by the Indian Council of Agricultural Research (ICAR).

1. (a) Name of the Scheme : Studies on Gamagrana affecting Palms and other Perennial Crops

(b) Location : CPCRI Research Centre, Virghalli 572 160, Tumkur, Karnataka.

(c) Duration : For 3 years or till the expiry of the Scheme whichever is earlier.

(d) Name of the post : RESEARCH ASSOCIATE (1 post)

(e) Pay : A fixed Fellowship of Rs. 3300/- p.m. in the pay scale of Rs. 3300-100-3900 for Masters Degree holders and Rs. 3750/- p.m. in the pay scale of Rs. 3750-125-4375 for Ph.D. holders (No University Allowance is admissible. However, IFA and medical benefits will be admissible as per rules).

(f) Qualification : Essential : M.Sc. Ist Class Botany/Plant Pathology/Ayurvedology + 2 years research experience/Ph.D.

(g) Age : 35 years or below on 01.01.95 (Relaxable in the case of Govt. servants, SC/ST/OBC candidates and employees of ICAR and its Institutes to the extent permissible under rules).

2. (a) Name of Post : SENIOR RESEARCH FELLOW (1 Post)

(b) Pay : A fixed Fellowship of Rs. 2500/- p.m. in the first two years and Rs. 2800/- p.m. in the third year (No University Allowance or other allowances admissible).

(c) Age : 30 years or below as on 01.01.95 (Relaxable in the case of Government servants, SC/ST/OBC candidates and employees of ICAR and its Institutes to the extent permissible under rules).

(d) Qualification : ESSENTIAL : M.Sc. Ist Class in Botany/Plant Pathology.

(e) (a) Name of the Scheme : Drought tolerance in Cereals at CPCRI Regional Station, Virghalli 574 243, U.K. Karnataka.

(b) Name of Post : JUNIOR RESEARCH FELLOW (1 post)

(c) Duration : For the period upto 06.09.1997 or till the expiry of the Scheme whichever is earlier.

(d) Age : As indicated under item 2(c) above.

(e) Pay : A fixed Fellowship of Rs. 1200/- p.m. (No University Allowance or other allowance is admissible).

(f) Qualification : B.Sc. (Botany/Physiology) with Plant Physiology.

Applications on plain paper with particulars of:

(1) (a) Advt. No. (b) Name of the Scheme (c) Post applied for (d) Name (e) Address (f) Date of Birth (g) Age as on 01.01.95 (h) Qualifications (i) Details of experience (Copies of degree certificates, proof of age and mark sheets to be attached) (j) Whether SC/ST/OBC (k) List of publications (if employed) (l) together with copies of institutional duly signed should reach the Director, Central Plantation Crops Research Institute, Kasaragod, 671 124, Kerala State within 20 days of this advertisement. Separate application is to be submitted for each post.

No IAFSA will be admissible to the candidates called for written test and interview.

Candidates who can join duty within one month of the date of issue of offer of appointment only need apply.

Asst. Administrative Officer (F&T) Kasaragod

Kendriya Vidyalyaya Sangathan NOTICE RECRUITMENT FOR THE POSTS OF TEACHERS 1996

The Kendriya Vidyalyaya Sangathan for Autonomous Organisation under the Ministry of Human Resource Development, Department of Education, Government of India, is inviting applications for the posts of teachers in Kendriya Vidyalyaya spread all over India.

1. Primary Teachers in the pay scale of Rs. 1200 39 1380 EB 30 1550 EB 40 1800 EB 40 2040

VACANCIES :	GEN	395
	SC	115
	ST	57
	OBC	207
	TOTAL	765

AGE : 30 years or less as on 30.06.95

ESSENTIAL QUALIFICATIONS :

(i) Higher Secondary with JET (2 years) OR Intermediate with JET (1 year) OR Plus Two Examination (Group School Certificate Examination) with JET (1 year)

(ii) Competence to teach through both Hindi and English media

2. TRAINED GRADUATE TEACHERS in the pay scale of Rs. 1400 40 1600 50 1650 50 1950 50 2250 50 2350 60 2600 in (i) Physics, Chemistry, Mathematics, (ii) Biology Group, (iii) Hindi, (iv) English, (v) Social Studies and (vi) Sanskrit

VACANCIES :	GEN	610
	SC	182
	ST	91
	OBC	327
	TOTAL	1210

NOTE : No vacancies are available for (i) PGT (Maths) and TGT (Biology) in Madras region and no vacancies are available for TGT (Hindi) in Lucknow region

AGE : 35 years or less as on 30.06.95

ESSENTIAL QUALIFICATIONS :

(i) Second Class Bachelors Degree (45% marks and above in aggregate including electives and languages in the degree examination considered as equivalent) with University Degree/Diploma in Education/Teaching OR

(ii) Four year Integrated Degree Course of Regional College of Education of NCERT (with at least two Kendriya Vidyalyaya subjects as electives)

(iii) Competence to teach through both Hindi and English media

NOTE : (a) For Maiterious Candidates without Teaching Degree/Diploma : For those candidates who have obtained 60% and above marks in the aggregate in their B.A./B.Sc. or equivalent examination and 55% marks and above in Master's Degree Examination, essential qualification of University Degree/Diploma in Education/Teaching shall be relaxed for a limited period. Such candidates, if selected, will be placed on 'FINAL BASIS' initially for a period of two years which may be extended only in exceptional cases by the appointing authority for a total period not exceeding two years from the date of final appointment or as required depending on merit of individual cases. If the candidate is not able to acquire the required qualification during the period of relaxation, the relaxation will be granted beyond further period. No further extension will be granted.

(b) Applicants should have offered and passed the Bachelor's Degree from a recognised University with any of the following group of subjects :

(i) Physics, Chemistry, Mathematics/Botany/Zoology

(ii) Botany, Zoology, Physics/Chemistry

(iii) English Literature or Hindi Literature or Sanskrit Literature as an elective subject

(iv) For TGT (Social Studies) any two of the following subjects : History, Geography, Political Science and Economics as the case may be. Candidates with BA(Hons) in History/Political Science/Geography/Economics as a major subject are also eligible.

3. POST GRADUATE TEACHERS in the pay scale of Rs. 1640 40 2000 40 2300 40 2600 40 2750 40 3000 40 3250 40 3500 in (i) English, (ii) Hindi, (iii) Physics, (iv) Chemistry, (v) Mathematics, (vi) Biology, (vii) Economics, (viii) Geography and (ix) Computer

VACANCIES :	GEN	151
	SC	45
	ST	21
	OBC	81
	TOTAL	398

AGE : 40 years or less as on 30.06.95

ESSENTIAL QUALIFICATIONS :

(i) At least Second Class Masters Degree (45% marks and above considered as equivalent)

(ii) Desirable : University Degree/Diploma in Education/Teaching

(iii) Competence to teach through both Hindi and English Media

ENGLISH : (i) At least Second Class Masters Degree (45% marks and above considered as equivalent)

(ii) University Degree/Diploma in Education/Teaching

(iii) Integrated two years PG Course M.Sc. Ed. of Regional College of Education of NCERT in Maths/Chemistry/Physics/Biology in case of applicants for the post of PGT in Maths/Chemistry/Physics/Biology respectively

(iv) Competence to teach through both Hindi and English media

FOR ELIGIBLE CANDIDATES WITHOUT TEACHING DEGREE/DIPLOMA : The candidates possessing Masters Degree (at least 50% marks) and Bachelor's Degree with at least 55% marks in English and First Class Masters Degree in work as First Class Bachelor's Degree in Hindi/Sanskrit/Classical Language or Geography and Geography the essential qualification of University Degree/Diploma in Education/Teaching shall be relaxed for a limited period. Such candidates, if selected, will be placed on 'FINAL BASIS' initially for a period of two years which may be extended only in exceptional cases by the appointing authority for a total period not exceeding two years from the date of final appointment or as required depending on merit of individual cases. If the candidate is not able to acquire the required qualification during the stipulated period of two years for reasons beyond his/her control, the relaxation will be granted.

First Class Bachelors Degree means (i) 45% marks in aggregate including all the subjects in which the examination is conducted

RESERVATIONS : Reservations as per part of Physically Handicapped persons and PwD reservation will be as per the reservation part of (i) Government of India and (ii) Government of Karnataka

Annexure of India with both (i) and (ii) dated 01.07.1994 and 01.07.1994 respectively. The date of birth accepted by the KVS is that entered in the Matriculation or Secondary School Leaving Certificate or in a certificate recognised by an Indian University or equivalent to Matriculation or in a certificate from a Register of Matriculates maintained by a University Board which must be certified by the proper authority of the University Board. Upper age relaxation will be admissible.

(a) Five years in the case of SC/ST candidates

(b) Three years in the case of OBC candidates

(c) Five years for persons who had previously been employed in Kashmir Div. of the State of Jammu & Kashmir during 1.1.89 to 31.12.89

(d) Ten years in respect of women candidates

(e) Ten years to Physically Handicapped candidates (except for PGTs posts)

(f) Ten years to persons in the extent of their service or 5 years, whichever is less

(g) KVS regular employees as per rules.

(h) An ex-servicium (except for PGTs posts) who has not in not less than 6 months continuous service in the Armed Forces shall be allowed to deduct the periods of such service from his/her actual age and if the resultant age does not exceed the maximum age limit prescribed for the post by more than 3 years, he/she shall be deemed to satisfy the condition regarding age limit.

EXCEPT PHYSICALLY HANDICAPPED CANDIDATES, ALL THE CANDIDATES MENTIONED ABOVE WILL BE CONSIDERED THAT IS IF A PERSON IS ELIGIBLE FOR MORE THAN ONE CONCESSION, ONLY ONE OF THE CONCESSIONS OF HIGHER PRIORITY WILL BE GRANTED.

FOR PHYSICALLY HANDICAPPED, IF A PERSON OF LONGS TO SC/ST, HE WILL BE ALLOWED 15 YEARS INSTEAD OF 10 YEARS FOR PwD AND 5 YEARS FOR SC/ST.

NOTE : No fee is required to be paid by SC/ST candidates. Other candidates shall forward a fee of Rs. 100 (Rupees One hundred only) through a crossed Demand Draft drawn in favour of Kendriya Vidyalyaya Sangathan payable at New Delhi along with their application. Candidates should note that the fee will be refunded only if they are successful in securing the post. If they are not successful, the fee will be forfeited. If a candidate is not successful in securing the post, the fee will be refunded only if they are successful in securing the post.

HOW TO APPLY : Only one application (in duplicate) for one post should be submitted. Application to be submitted in duplicate should be in the format published along with this advertisement. Application to be submitted in duplicate should be in the format published along with this advertisement.

For PGT the envelope should be superimposed with the words "Application for the post of PGT-1996 KVS" and sent to the Dy. Commissioner (F&T), Kendriya Vidyalyaya Sangathan, 10 Institutional Area, Shaheed Jai Singh Marg, New Delhi - 110 016.

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-: 13 :-

REGISTERD POST

KENDRIYA VIDYALAYA SANGATHAN
Regional Office
Chayaram Bhawan, Maligaon Chariali
Guwahati - 12

REGISTERED POST

No. F.8-11/96-KVS(GR)/14107-08

Date: 14/12/97
15

M E M O R A N D U M

SUBJECT : OFFER OF APPOINTMENT TO THE POST OF PRIMA RY
TEACHER

With reference to his/her application/interview for the post mentioned above, Shri/Smt. Baidyanath Singh is hereby informed that he/she has been selected for appointment against a temporary post of Primary teacher, in Kendriya Vidyalaya Sangathan on initial pay of Rs.1200/- in the scale of 1200-30-1380-EB-30-1560-EB-40-1800-40-2040/-. She/he will draw allowances and other benefits in addition to pay at the rates as admissible to the Kendriya Vidyalaya employees. This offer of appointment in subject to the candidate being declared fit for the post of Primary teacher by a Civil Surgeon.

2. If the candidate is a woman, she should certify that she is not the family way at the time of acceptance of the appointment. If however, she is pregnant of 12 weeks standing or over at the time of acceptance of appointment as a result of Medical tests, she will be declared temporarily unfit and the offer would be treated as withdrawn for the present. However , h er

Contd....14.

appointment would be held in abeyance until her confinement is over. She would be re-examined for a fitness certificate six weeks after the date of confinement and her appointment would be subject to production of Medical Certificate from a "Registered Medical Practitioner/Authorised Medical Attendance. She should indicate when her delivery is expected and also should indicate the date of confinement soon after it is over. In case the candidate fails to comply correspondences will be entertained there to from her.

3. No TA will be admissible for first joining the Sangathan as Primary Teacher.

4. He/She will be on probation for a period of two years which may be extended. Upon successful completion of probation he/she will be confirmed in his/her turn according to the availability of permanent vacancies.

5. During probation and there after, until he/she is confirmed the services of the appointee are terminable by one month's notice on either side without any reason being assigned thereof. The appointing authority, however, reserves the right to terminate the services of the appointee before expiry of the stipulated period of notice by making payment of a sum equivalent to the pay and allowances for the period of notice of the un-expired portion thereof.

6. Other terms and conditions of service governing the appointment are as laid down in the Education Code for Kendriya Vidyalayas as ammended from time to time . He/She will be liable for transfer anywhere in India. Initially he/she is posted as Primary Teacher to Kendriya Vidyalaya Tengavalley.
7. He/She will have to subscribe to the General Provident Fund-Cum-Pensionary Scheme on completion of one year of his/her joining the Sangathan's service in terms of Kendriya Vidyalaya Sangathan Employees Provident Rules, 1975 as ammended with effect from 01.01.1986.
8. He/She shall be admitted to KVS(Employees) Group Insurance Scheme with effect from the date he/she joins the service under the Sangathan.
9. In once of any dispute or claim against the Kendriya Vidyalaya Sangatha, in respect of service or any contract existing arising out of or following from this offer of appointment, the Courts at Delhi alone shall have jurisdiction.
10. If he/she accepts the offer on the terms and conditions stipulated he/she should send his/her acceptance immediately on receipt of this Memorandum in the form attached and join the Kendiya Vidyalaya mentioned above. This acceptance should reach the undersigned in any case by 26.12.97. If the offer is not accepted by the said

-: 16 :-

date or after acceptance if the appointee does not report for duty at the above named Kendriya Vidyalaya on 10.2.98 this offer of appointment will be treated as cancelled and no further correspondence will be entertained from him/her.

11. Suppression of any information will be considered a major offence for which the punishment may extend to dismissal from the service.

To

Sd/-

Baidya Nath Singh
Vill&PO.Sondhani PS.Bhagwanpur
Distt. Siwan, Bihar, Pin.841 408.

(Dr. K.C. Rakesh)
ASSISTANT COMMISSIONER

REGISTERED

Copy forwarded for information to the principal Kendriya Vidyalaya, Tengavalley. The date of joining of the teacher may be intimated to this office immediately after the candidate has reported for duties. In case he/she does not join by the stipulated date, this office should be informed telegraphically. The appointment in further subject to production of certificates etc. as per article 49(i) of Education Code for Kendriya Vidyalaya. The candidate will be allowed to join his/her duties only after verification of original certificates, fake Universities etc. The application form of the aforesaid candidate is enclosed herewith.

ENCLOSED : AS ABOVE.

ASSISTANT COMMISSIONER

-: 17 :-

ACCEPTANCE OF OFFER OF APPOINTMENT

I, Shri/Smt/Kum Baidya Nath Singh hereby accept the offer of appointment to the post of Primary Teacher in Kendriya Vidyalaya, Tengavalley made in Memorandum No. F/8-11/96/KVS(GR)/14107-~~88~~ 08 dated 14/15-12-1997 on the terms and conditions mentioned therein and agree to join ~~at the~~ duties at the place on the date specified.

Sd/- Baidyanath Singh

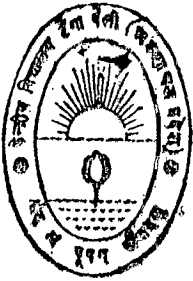
Date :

Signature -

Name (In block - BAIDYA NATH SINGH letter)

Address - S/O Sri Bhikhari Singh,
Vill & PO. Sondhani,
Dist. Siwan(Bihar)

Contd..



केन्द्रीय विद्यालय, टेंगा वैली

जनपद - पश्चिमी कामेंग (अरुणाचल प्रदेश) 790115

KENDRIYA VIDYALAYA, TENGA VALLEY

DIST. WEST KAMENG (ARUNACHAL PRADESH) 790115

Ref No. F.PF/BS/97-98/721-23

Dated 26.02.1998...199

OFFICE ORDER

The services of Mr. Baidyanath Singh. Who has joined this vidyalaya on 09.02.1998 (F.N.) as PRT, stands terminated w.e.f. 26.02.1998 (A.N.) as per the K.V.S. H.Q. New Delhi letter No. F.19-1(4)/98-KVS(L&C) dated 13.02.1998 and K.V.S. Guwahati Region letter No. F.8-6/96-KVS(GR)/16675-716 Dated 19.02.1998. He was offered appointment by the former Asstt. Commissioner, Dr. K.C. Pakesh, Guwahati Region, Guwahati vide letter No. F.8-11/96-KVS(GR)/14107 - 08 Dated 14.12.97.

15

To

✓ Shri Baidyanath Singh,
PRT
K.V. Tenga Valley.

N. Selvin
(N. Selvin)
26/02/98
Offg. Principal.
प्रमुख / Principal
केन्द्रीय विद्यालय / Kendriya Vidyalaya
टेंगा वैली / TENGA VALLEY
अरुणाचल प्रदेश / Arunachal Pradesh

Copy to:-

1. The Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Guwahati.
2. Shri K.N. Singh, Sr. Administrative Officer, Kendriya Vidyalaya Sangathan, (H.Q.) New Delhi.

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