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GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 159/2001

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::::::: GUWAHATI

ORDER SHEET

Original APPLICATION NO159...OF 2001.

Applicant (s) K. Singh

Respondent (s) U.O.I Tom

Advocate for Applicants (s) M. Chanda, Mrs. N. D. Goswami

Advocate for Respondent (s) B. N. Chakravarty
CASE.

Notes of the Registry

Date

Order of the Tribunal

is in form
4.5.01

Issue notice to show cause as to why
the application shall not be admitted
and returnable by four weeks.

List on 1.6.2001 for orders.

66 7922 15
9.4.2001
Dr. R...

Member

Vice-Chairman

bb

1.6.2001

None appears for the respondents.

List again on 11-6-2001.

Receipt
received.

NS
215101

Vice-Chairman

bb

Notice prepared but not
one not supplied by the Applicant
Retr. and sent to despatch
Section for issuing the same
vide D/No 1811 to 1816 dt
22/5/01. by Regl. A.P.

Mr. A. Deb Roy, learned Sr. C.G.S.C. has
accepted notice for the respondent No. 1 and
Mr. S. Sarma, learned counsel has accepted notice
for respondents no. 2-6. Both the counsels pray
for time and same is granted to file counter
reply.

The applicant may file rejoinder, within
2 weeks thereafter.

List on 14-8-2001 for orders.

19/5/01

- ① Service report are still awaited.
- ② No. show cause has been filed.

Member

Vice-Chairman

22/5/01

(2)

NOTICE Returned
Am-Serjeant on R.No- 1.

14.8.01 List on 18/9/01 to enable the respondents to file written statement.

MB
21.6.01

K. Ushara
Member

[Signature]
Vice-Chairman

mb

18.9.01 List on 18/10/01 to enable the respondents to file written statement.

No. reply has been filed.

K. Ushara
Member

[Signature]
Vice-Chairman

MB
18.8.01

mb

18.10.01 Written statement has been filed. Three weeks time is allowed to the applicant to file rejoinder.

No. written statement has been filed.

MB
17.9.01

List on 29.11.2001 for further order.

19.9.2001

K. Ushara
Member

bb
29.11.01

w/s submitted on behalf of Respondent No. 2, 3, 4, 5 and 6.

Pleadings are complete. The case may now be listed for hearing. The applicant may file written statement rejoinder, if any.

List on 9.1.2002 for hearing.

No. Rejoinder has been filed.

[Signature]

K. Ushara
Member

[Signature]
Vice-Chairman

mb

MB
28.11.01

8.1.2002

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.

Received
for
K. V. S
30/1/02

7.2.2002

K. Ushara
Member

[Signature]
Vice-Chairman

nk m

Copy of the Judgment has been sent to the office for filing the same to the Applicant by post.

cc

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~XX~~ NO. 159 of 2001

DATE OF DECISION 8.1.2002

Shri Krishna Singh APPLICANT(S)

Mr M. Chanda, Mrs N.D. Goswami,
Mr G.N. Chakrabarty and Mr H. Dutta ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others RESPONDENT(S)

Mr S. Sarma 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

NO
hr

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.159 of 2001

Date of decision: This the 8th day of January 2002

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

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

Shri Krishna Singh,
S/o Shri Nandalal Singh,
Resident of Itanagar, P.O. Itanagar,
Arunachal Pradesh.

.....Applicant

By Advocates Mr M. Chanda, Mrs N.D. Goswami,
Mr G.N. Chakrabarty and Mr H. Dutta.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Human Resources Development,
New Delhi.

2. Kendriya Vidyalaya Sangathan,
Through the Commissioner,
18 Institutional Area, Saheed Jeet Singh Marg,
New Delhi.

3. The Deputy Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
New Delhi.

4. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region, Guwahati.

5. The Deputy Commissioner (Personnel),
Kendriya Vidyalaya Sangathan,
New Delhi.

6. The Principal,
Kendriya Vidyalaya No.2,
Itanagar.

.....Respondents

By Advocate Mr S. Sarma.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The matter relates to the recruitment of Trained Graduate Teacher in the Kendriya Vidyalaya (KV for short). The applicant worked under the respondents as a Trained Graduate Teacher in the KV No.2, Itanagar with effect from 9.12.1991 and continued upto 30.4.1992 as a

Physical Education Teacher on ad hoc basis. He was again appointed with effect from 23.6.1992 and continued upto 26.7.1992 as a part time teacher in the said school in the same post. His service was extended with effect from 27.7.1992 to 21.2.1995 in the said post on ad hoc basis. The applicant was subsequently terminated on 21.2.1995. The applicant alongwith others moved the Hon'ble Gauhati High Court by way of Writ Petitions under Article 226 of the Constitution of India. The High Court by order dated 15.9.1998 disposed of the writ petitions including the writ petition presented by the applicant and the directed the respondents to consider the case of the petitioners including that of the present applicant and allow them to appear in any interview that may be held for future appointments. According to the applicant the respondents, despite the direction of the High Court did not consider the case of the applicant for appointment. Hence this application seeking for a direction for consideration of his case in the light of the direction of the High Court.

2. The respondents contested the case and submitted their written statement. Denying and disputing the claim of the applicant the respondents have stated that the applicant was informed by a speaking order to apply for the post as and when vacancies are advertised in the newspaper to enable them to consider the case of the applicant. It was further mentioned that relaxation of age was given subject to a maximum of 5 years provided the candidate fulfilled the essential qualifications. The case of the applicant could have been considered had he applied for the post. Since the applicant did not apply, question of consideration of his case did not arise.

3. We have heard Mr H. Dutta, learned counsel for the applicant and also Mr S. Sarma, learned counsel for the respondents at length. The applicant, under Article 14 is no doubt entitled for being considered for appointment. It was for the applicant to take the opportunity when the advertisement was made. Since he did not apply question of considering his case did not arise. Mr Dutta submitted that as per the conditions


of.....

of the advertisement the applicant was not eligible to apply because of his age factor. The respondents in the advertisement did not indicate about the relaxation of his age, but then, according to the respondents they informed the parties as to the relaxation of age. In that situation, it is difficult to accept the contention of the learned counsel for the applicant that the applicant was not given the opportunity and that the applicant was arbitrarily refused consideration. A duty was cast upon the applicant to apply for the post. Since he did not apply, question of considering his case did not arise.

4. For the reasons given above the application stands dismissed. The dismissal of the application shall, however, not preclude the respondents from considering the case of the applicant for any future vacancy subject to his fulfilment of the eligibility conditions, if necessary by relaxing his age.

No order as to costs.


(K. K. SHAMRA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No....159...../2001

Shri Krishna Singh : Applicant

-Versus-

Union of India & Others : Respondents

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Filed by

Advocate

Krishna Singh

8
Filed by me applicant
Jhoseph Adriano

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No...../2001

BETWEEN :

Shri Krishna Singh,

S/o Shri Nandalal Singh,

Resident of Itanagar,

P.O. Itanagar,

Arunachal Pradesh.

.....Applicant

- AND -

1) The Union of India,

(Through the Secy. to the Govt. of India,

Ministry of Human Resources Development,

New Delhi.

2) Kendriya Vidyalaya Sangathan,

(Through the Commissioner,

18 Institutional Area,

Saheed Jeet Singh Marg,

New Deilhi-110001.

Krishna Singh

- 3) The Dy. Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Saheed Jeet Singh Marg,
New Deilhi-110001.
- 4) The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Guwahati Region, Guwahati-12
- 5) The Dy. Commissioner(Pers)
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Saheed Jeet Singh Marg,
New Deilhi-110001.
- 6) The Principal,
Kendriya Vidyalaya No.2,
Itanagar.

----- Respondents

Krishna Singh

DETAILS OF THE APPLICATION

1. Particulars of orders against which this application is made.

This application is made against non-consideration of the appointment of the applicant in the available vacant post of Trained Graduate Teacher in Kendriya Vidyalaya under Guwahati Region in total disregard to the direction of the Hon'ble High Court passed in Civil Rule No.885/95 dated 15.09.1998 although the respondents are filling up vacancies by recruitment through open advertisement appeared in the "Employment News" dated 27.02.1999 to 03.03.1999 without considering the case of the applicant and praying for a direction to the Respondents to appoint the applicant in one of the existing vacant posts of Trained Graduate Teacher in terms of the order passed by the Hon'ble High Court on 15.09.1998 in Civil Rule No.885/95, now available under the Respondent No.4.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

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

4. Facts of the Case

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Krishna Singh

4.2

That your applicant is an Arts Graduate and a Master degree holder in Physical Education.

Having found suitable, the applicant was appointed by the respondents as Trained Graduate Teacher in the Kendriya Vidyalaya No.2, Itanagar with effect from 09.12.1991 and he continued upto 30.04.1992 as a Physical Education Teacher on Ad-hoc basis. Thereafter, he was again appointed w.e.f. 23.06.1992 and continued upto 26.07.1992 as a part time teacher in the said school to the same post. Subsequently his service was extended w.e.f. 27.07.1992 to 21.02.1995 to the said post on Ad-hoc basis. During his tenure of service the applicant discharged his duties efficiently which is evident from the certificate issued on 14.12.1994 by the Principal of the said School.

(Copy of certificate dtd. 14.12.94 is annexed hereto as Annexure-I)

4.3

That it is relevant to be stated here that the post against which the applicant had been working for a long period of about 4 years on Ad-hoc basis is a regular post for which Advertisement has been issued by the Respondents for filling up the vacancy on regular basis without any consideration on the candidature of the Applicant.

4.4

That your applicant begs to state that having served for about 4 years in the aforesaid school on Ad-hoc basis against a regular post, his services were suddenly terminated on 21.02.1995 in a highly arbitrary manner showing total disregard to the principles of natural justice and having any valid reason thereof.

Being highly aggrieved at this capricious action of the Respondents, the applicant approached the Hon'ble High Court and the Hon'ble High Court through Civil Rule No.885/95 dated 15.09.1998, directed the respondents to consider the case of the petitioner and allow him to appear in any interview that may be held for future appointment. The Hon'ble High Court also observed in

Krishna Singh

Para 10 of the judgment that the authority shall take due care so that qualified ad-hoc/part time appointees, when appointed as a stop-gap arrangement, be regularized in due course, after completion of six months.

(A copy of judgment dated 15.09.1998 is annexed hereto as Annexure-II)

In view of the above judgment and in view of the fact that the applicant possesses all requisite qualifications with long experience of about four years of service in the same organization, his appointment on regular basis ought to have been considered on priority basis under a special interview in terms of the judgment dated 15.09.1998.

4.5

That surprisingly, the respondents, in violation of all established procedure and principles of law and showing utter disregard to the judgment dated 15.09.1998 of the Hon'ble High Court, issued advertisement in the "Employment News" dated 27.02.1999 to 03.03.1999, inviting applications for filling up various categories of posts of Teachers in different Kendriya Vidyalayas on regular basis ignoring the pending claim of the applicant for appointment on regular basis.

(Copy of Advertisement dated 27.02.1999 to 03.03.1999 is enclosed herewith as Annexure-III)

4.6

Surprisingly, pursuant to aforesaid advertisement, the respondents conducted interview on 21/22.01.2000 in Delhi but did not call the applicant for interview for the reasons best known to them despite the fact that the applicant was not only qualified for the post but had long experience of working in the same organization as well.

4.6(a)

That it is further stated that the applicant came to know from a reliable source that presently more than 20 (twenty) posts of Trained Graduate Teachers are lying vacant under the Asstt. Commissioner, Guwahati Region and an attempt is

Krishna Sainda

now being made to fill-up those aforesaid regular vacancies on contract basis by Fresh Candidates till further regular selection of T.G.T are made, the above posts are lying in different Kendriya Vidyalayas in N.E. Region but no attempt is made to consider the cases of the applicant and other similarly situated retrenched teachers, therefore finding no other alternative the applicant approaching this Hon'ble Tribunal with the prayer to restrain the respondents to fill-up any vacancies of T.G.T. on contract basis without considering the case of the applicant on regular basis for appointment in the light of the judgment and order passed by the Hon'ble High Court on 15.09.1998 in Civil rule No.885/95.

4.7

That your applicant begs to state that he had spent a valuable period of about 4 years of his life in serving the Kendriya Vidyalaya under the respondents during which he could not search for any other job elsewhere and at this belated stage, the non-regularization of his services against regular post by the respondents has thrown him to a helpless situation depriving him of earning his livelihood and such an action on the part of the respondents is deliberate, malafide, capricious and beyond all principles of law and justice.

As circumstanced above, the applicant finding no other alternative, is approaching this Hon'ble Tribunal for protection of his legitimate rights and interests and praying for direction to the respondents for absorbing the applicant in one of the posts of Trained Graduate Teacher on regular basis in terms of the judgment of the Hon'ble High Court passed on 15.09.1998 in Civil Rule No.885/95.

4.8

That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1. For that the applicant possesses all requisite qualifications for appointment in the post of Trained Graduate Teacher (TGT) and has worked for about 4 years in the said post on Ad-hoc basis to the satisfaction of the authorities.

5.2 For that applicant has acquired valuable right and interest for regular appointment in the aforesaid post by virtue of his satisfactory service for about 4 years on Ad-hoc basis in the said post.

5.3 For that the Hon'ble High Court through it's judgment dated 15.09.1998 in Civil Rule No.885/95 directed the respondents to regularize the Ad-hoc appointment after completion of 6 months service.

5.4 For that there are vacant posts under the respondents which have been advertised in the "Employment News" dated 27.02.1999 to 03.03.1999 and the applicant is duly qualified and experienced and having standing claim for the post.

5.5 For that, non-regularization of the applicant in the post even after his 4 years of service therein, not only deprives the applicant of his livelihood but is inconsistent with all principles of law and justice.

5.6 For that attempt of the respondents to fill-up the existing vacancies on contract basis by fresh hands are contrary to the directive contained in the Judgment and order dated 15.09.1998 passed in Civil Rule No.885/95.

6. Details of remedies exhausted:

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. All his approaches to the respondents and even the directions of the Hon'ble High Court as detailed in para 4 above failed to evoke any response from the Respondents for appointment of the applicant.

Kanshona Singh

7. Matters not previously filed or pending with any other court:

The applicant further declares that he had previously filed Civil Rule No.885/95 before Hon'ble Gauhati High Court and the same was disposed of on 15.09.1998.

8. Reliefs sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships be pleased to grant the following reliefs to the applicant :

8.1 That the respondents be directed to appoint the applicant in the post of Trained Graduate Teacher (TGT) on regular basis through a special interview immediately.

8.2 Costs of the application.

8.3 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim reliefs :-

During the pendency of this application the Hon'ble Tribunal be pleased to restrain the respondents to fill up the existing vacant post of T.G.T. on contract basis, without considering the case.

10.

.....
That this application is filed through Advocate.

11. Particulars of the I.P.O.

i. I.P.O. No. : 662 792215
ii. Date of Issue : 9/4/2001
iii. Issued from : G.P.O., Guwahati.
iv. Payable at : G.P.O., Guwahati

12. List of enclosures

As stated in the Index.

Krishna Singh

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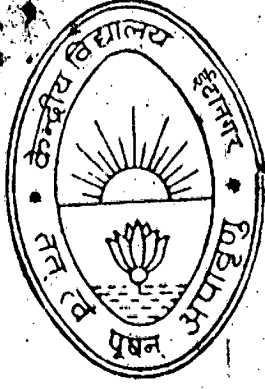
VERIFICATION

I, Shri Krishna Singh, S/o Shri Nandalal Singh, resident of Itanagar Kendriya Vidyalaya No.2, Itanagar, Arunachal Pradesh do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 24th day of April, 2001.

Krishna Singh

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केन्द्रीय विद्यालय नं० २, ईटानगर Kendriya Vidyalaya No. 2, Itanagar

ईटानगर - ७६११११ : अरुणाचल प्रदेश
Itanagar - 791111 : Arunachal Pradesh

पत्रांक/No. F.99/K.V.I-II/94-95/

दिनांक/Dated..14/12/94.

TO WHOM IT MAY CONCERN

Certified that Shri Krishna Singh S/o Shri Nand Lal Singh of Vill-Jalalpur, Po-Chakia, Distt. Varanasi is working since last three years i.e. 9.12.91 to till date as Physical Education Teacher in Kendriya Vidyalaya No. II Itanagar in the pay scale of Rs.1400.....2600/-per month. He is young, energetic and responsible teacher.

I wish him success in life.

Date:

Yours faithfully

R. Prasad
(R. Prasad)
I/c Principal

Principal

केन्द्रीय विद्यालय, नं० २

ईटानगर, अरुणाचल प्रदेश

791111

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

(1) CIVIL RULE No. 1141 of 1995
Miss Sikhamoni Bordoloi,
D/o late Bibod Kr Bordoloi,
Pub Bangal Pukhuri, Jorhat. ..Petitioner

-vs-

1. The Union of India
2. Kendriya Vidyalaya Sangathan,
New Delhi.
3. Asstt Commissioner, KVS
Guwahati Region, Guwahati-11.
4. Principal Kendriya Vidyalaya,
Air Force Station, Jorhat. .. Respondents

(2) CIVIL RULE NO. 5207/94
Smt Pravawati Devi, ..Petitioner

-vs-

1. Union of India,
2. Kendriya Vidyalaya Santhan,
through the Commissioner, KVS,
New Delhi.
3. Asstt Commissioner, KVS,
Guwahati Region, Guwahati. .. Respondents

(3) CIVIL RULE No. 894/95
Sri Rajesh Kumar Mishra,
S/o Govind Frasad Mishra. .. Petitioner

-vs-

1. Kendriya vidyalaya Santhan,
through the Commissioner, KVS,
New Delhi.
2. The Asstt Commissioner, KVS,
Guwahati Region, Guwahati-12.
3. The Principal,
Kendriaya Vidyalaya, Tura,
Meghalaya.
4. The Selection Committee,
Kendriya Vidyalaya,
Maligaon.
5. The Union of India, through
the Secretary to the Govt of
India, Ministry of HRD, Central
Secretariate, New Delhi-1.

.. Respondents

..2...

(4) CIVIL RULE NO. 5211/94.

Sri Rajesh Kumar Verma,
S/o. Lt. Nagendra Nath Verma,
Jalpaiguri.

... Petitioner.

Vs.

1. Kendriya Vidyalaya Sangathan,
Through the Commissioner, K.V.S.
New Delhi-16.
2. The Commissioner, K.V.S.
18, Institutional Area,
New Delhi-16.
3. The Asstt. Commissioner, K.V.S.,
Guwahati Region, Guwahati-3.
4. The Asstt. Commissioner, K.V.S.
Calcutta Regional Office,
Ultadanga, Calcutta-700 054.
5. The Union of India,
Through the Secretary to the Govt. of
India, Ministry of H.R.D.,
Central Secretariate, New Delhi.

... Respondents.

(5) CIVIL RULE NO. 901/95.

Smt. Mabel Mazumdar,
D/o. Satya Ranjan Mazumdar,
Hengrabari, Guwahati-6.

... Petitioner.

Vs.

1. The Union of India.
Represented by the Secretary,
H.R.D., New Delhi.
2. The Asstt. Commissioner, K.V.S.
Regional Office, Maligaon,
Guwahati-11.
3. The Principal,
Kendriya Vidyalaya,
Borjhar, Guwahati-17.
4. Kendriya Vidyalaya Sangathan,
Through the Commissioner, K.V.S.
18, Institutional Area,
New Delhi.

... Respondents.

Contd...

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-3-

(6) Civil Rule No. 5136/94

Sri Sujit Kumar Basak,
Son of Birendra Kumar Basak,
Badaitari, Jalpaiguri...

Petitioner

-vs-

1. The Kendriya Vidyalaya Sangathan, New Delhi.
2. The Kendriya Vidyalaya Santhan, represented by the Commissioner, New Delhi-16.
3. The Asstt Commissioner, KVS Guwahati Region, Guwahati-3.
4. The Asstt Commissioner, KVS, Calcutta Regional Office, Calcutta-54.
5. The Union of India, through the Secretary to the Govt. of India, Ministry of HRD, New Delhi-1.

... Respondents

(8) CIVIL RULE No. 5205/94

Sri Subrata Guha,
Son of Sri Sailendra Nath Guha,
Gairkata, Jalapiguri.

..Petitioner

-vs-

1. Union of India

2. The Kendriya Vidyalaya Sangathan,
through the Commissioner, K.V.S.,
New Delhi.
3. The Asstt. Commissioner, K.V.S.,
Guwahati Region, Guwahati-12.

... Respondents.

(8) CIVIL RULE NO. 1313/95.

Mrs. Rita Sarma Duarah,
W/o. Sri Tapan Duarah,
Jorhat.

... Petitioner.

Vs.

1. The Union of India.
2. The Kendriya Vidyalaya Sangathan,
Through the Commissioner, K.V.S.,
New Delhi.
3. The Asstt. Commissioner, K.V.S.,
Guwahati Region, Guwahati-11.
4. The Principal,
Kendriya Vidyalaya, AFS,
Jorhat. 5.

... Respondents.

(9) CIVIL RULE NO. 842/95.

Miss. Malavika Banik, D/o. Sri KB Banik,
Jahajghat, Sonitpur.

... Petitioner.

Vs.

1. The Union of India,
2. The Kendriya Vidyalaya Sangathan,
through the Commissioner, K.V.S.,
New Delhi.
3. The Asstt. Commissioner, K.V.S.,
Gauhati Region,
Guwahati-11.
4. The Principal,
Kendriya Vidyalaya No.2,
Sonitpur.

... Respondents.

(10) CIVIL RULE NO. 1389/95.

Smti. Alaka Datta,
W/o. Sri Dhiren Datta,
Geeta Nagar, Guwahati-24.

... Petitioner.

Vs.

Contd....

- 5 -

1. The Kendriya Vidyalaya Sangathan,
New Delhi.
2. The Asstt. Commissioner, K.V.S.,
Gauhati Region, Guwahati-12.
3. The Principal,
Kendriya Vidyalaya,
Arunachal Pradesh.
4. The Union of India.

... Respondents.

(11). CIVIL RULE NO. 1383/95.

Smti. Barnali Saikia,
w/o. Sri Nabin Ch. Dutta.
Jorhat.

... Petitioner.

Vs.

1. The Union of India.
2. The Kendriya Vidyalaya Sangathan,
Through the Commissioner, K.V.S.,
New Delhi.
3. The Asstt. Commissioner, K.V.S.,
Gauhati Region, Ght.12.
4. The Principal,
Kendriya Vidyalaya, A.F.S.,
Jorhat.5.
5. The Chairman,
Selection Committee, K.V.S.,
Gauhati-12.

... Respondents.

(12) CIVIL RULE NO. 933/93.

Sri Tamash Choudhury,
S/o. Lt. Madhu Sughan Choudhury,
Gurung Basti, Darjeeling.

... Petitioner.

Vs.

1. The Union of India.
2. The Deputy Commissioner, K.V.S.,
New Delhi.
3. The Asstt. Commissioner, K.V.S.,
Guwahati Region, Guwahati-3.
4. The Chairman,
Vidyalaya Management Committee,
Kendriya Vidyalaya, Sukna, Darjeeling,
5. The Principal, Kendriya Vidyalaya, Khaprail,
Sukna, Darjeeling.

... Respondents.

(13.) CIVIL RULE NO. 1994/95.

Smti. Sabnam Parween,
W/o. Ashique Hussain,
Coochbehar, West Bengal.

... Petitioner.

Vs.

1. The Kendriya Vidyalaya Sangathan,
New Delhi-16.
2. The Commissioner, K.V.S.,
New Delhi-16.
3. The Asstt. Commissioner, K.V.S.,
Guwahati-3.
4. The Chairman, Selection Committee,
K.V.S., Guwahati-12.
5. The Principal,
Kendriya Vidyalaya School,
Coochbehar.
6. The Union of India.

... Respondents.

(14.) CIVIL RULE NO. 696/93.

1. Mrs. Purnima Kumar, Kendriya Vidyalaya,
Salugara, Jalpaiguri.
2. Mrs. Jayalaxmi Siva,
Salugara, Jalpaiguri.
3. Mrs. L. Rathi,
Salugara, Jalpaiguri.
4. Miss. Purabi Das,
Siliguri, Jalpaiguri.
5. Sri Paramesh Paul,
Siliguri.
6. Sri A.P. Upadhyaya,
Salugara, Jalpaiguri.
7. Sri Sashidhar Singh,
Mal, Jalpaiguri.

... Petitioners.

Vs.

1. The Union of India.
2. Kendriya Vidyalaya Sangathan,
through the Commissioner, KVS,
New Delhi.

Contd...

- 3. The Asstt. Commissioner, KVS, Guwahati Region, Guwahati-3.
- 4. The Principal, Kendriya Vidyalaya, Salugara, Jalpaiguri.

... Respondents.

(15) CIVIL RULE NO. 17/95.

Sri Rupak Chaudhury,
S/o. Sri R.C. De Chaudhury,
Darjeeling.

... Petitioner.

Vs.

- 1. The Union of India.
- 2. The Kendriya Vidyalaya Sangathan, through the Commissioner, KVS, New Delhi.
- 3. The Asstt. Commissioner, KVS, Guwahati Region, Guwahati-12.

... Respondents.

(16) CIVIL RULE NO. 2262/95.

Miss. Madhu Srivastava,
D/o. Sri RC Srivastava,
Sonitpur.

Petitioner.

Vs.

- 1. The Kendriya Vidyalaya Sangathan, through the Commissioner, KVS, New Delhi.16.
- 2. The Asstt. Commissioner, KVS, Regional Office, Guwahati-12.
- 3. The Principal, Kendriya Vidyalaya No.2, Salanibari, Sonitpur.
- 4. The Union of India.

... Respondents.

(17) CIVIL RULE NO. 885/95.

Sri Krishna Singh,
S/o. Sri Nandalal Singh,
Itanagar, A.P.

... Petitioner.

Vs.

- 1. The Union of India.

Contd...

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- 281
2. The Kendriya Vidyalaya Sangathan,
Through the Commissioner, KVS,
New Delhi.
 3. The Asstt. Commissioner, KVS,
Guwahati Region, Guwahati-12.
 4. The Principal,
Kendriya Vidyalaya No.2.
Itanagar, A.P.

... Respondents.

(18) CIVIL RULE NO. 3027/95.

Smti. Sahana Sarkar,
D/o. Dr. RB Sarkar,
Jalpaiguri, W.Bengal.

... Petitioner.

Vs.

1. The Kendriya Vidyalaya Sangathan,
through the Commissioner, KVS,
New Delhi.
2. The Asstt. Commissioner, KVS,
Guwahati Regional Office,
Guwahati-12.
3. The Asstt. Commissioner, KVS,
Calcutta Regional Office,
Calcutta-54.
4. The Union of India.

... Respondents.

(19) CIVIL RULE NO. 5140/94.

Smti. Ajanta Baruah,
W/o. Sri Pritam Kr. Barthakur,
Tarajan, Jorhat.

... Petitioner.

Vs.

1. The Union of India.
2. The Asstt. Commissioner, KVS,
Guwahati Region, Guwahati.
3. The Commissioner, K.V.S.,
New Delhi-16.

... Respondents.

(20) CIVIL RULE NO. 66/95.

Sri Pradip Kumar Saikia,
S/o. Sri Khageswar Saikia,
Borigaon, Jorhat.

... Petitioner.

Vs.

1. The Union of India.

Contd...

24

- 2. The Kendriya Vidyalaya Sangathan, through the Commissioner, KVS, New Delhi.
- 3. The Asstt. Commissioner, KVS, Guwahati Region, Guwahati-12.

Respondents.

(21) CIVIL RULE NO. 1729/95.

Sri Aruna Prakash Upadhyaya,
S/o. Sri Indrapati Upadhyaya,
Allahabad, U.P.

... Petitioner.

Vs.

- 1. The Kendriya Vidyalaya Sangathan, through the Commissioner, KVS, New Delhi.
- 2. The Asstt. Commissioner, K.V.S., Guwahati Region, Guwahati-12.
- 3. The Asstt. Commissioner, Calcutta Region, Calcutta-54.
- 4. The Principal, Kendriya Vidyalaya, Salugara, Jalpaiguri.
- 5. The Union of India.

... Respondents.

(22) CIVIL RULE NO. 1382/95.

Smti. Chitra Sarma (Bardoloi),
W/o. Sri Priti Mohan Sarma,
Tezpur, Sonitpur.

... Petitioner.

Vs.

- 1. The Union of India, Represented by the Secretary, Govt. of India, Ministry of H.R.D., Central Secretariat, New Delhi.
- 2. The Kendriya Vidyalaya Sangathan, Through the Commissioner, K.V.S., New Delhi.
- 3. The Asstt. Commissioner, K.V.S., Guwahati Region, Guwahati-781 011.
- 4. The Principal, Kendriya Vidyalaya No. 2, Air Force, Tezpur, Sonitpur.

... Respondents.

Contd...

2-

(23) CIVIL RULE No. 19/95
 Smti Gita Karmakar,
 W/o Sri Dipak Mahanta .. Petitioner

-vs-

1. Union of India, through the Secretary to the Govt of India, Ministry of Human Resources Development, Central Sectt. New Delhi.
2. Kendriya Vidyalaya Sangathan, through the Commissioner, KVS 18 Institutional Area, New Delhi.
3. The Asstt Commissioner, KVS Guwahati Region, Guwahati. .. Respondents

(24) CIVIL RULE No. 20/95
 Sri Mukul Phukan,
 S/o Sri Guna Kanta Phukan. ..Petitioner

-vs-

1. Union of India, through the Secretary to the Govt of India, Ministry of Human Resources Development, Central Secctt. New Delhi.
2. Kendriya Vidyalaya Sangathan, through the Commissioner, KVS, New Delhi.
3. The Asstt Commissioner, KVS Guwahati Region, Guwahati-12. ..Respondents

(25) CIVIL RULE No. 67/95
 Miss Urmila Chowrasia,
 D/o Sri Rajaram Chowrasia. ..Petitioner

-vs-

1. Kendriya Vidyalaya Sangathan, (through the Commissioner) New Delhi.
2. Asstt Commissioner, KVS, Regional Office, Guwahati.
3. Principal, Kendriya Vidyalaya, Salanibari, Dist. Sonitpur.
4. Union of India, through Secretary, Govt of India, Ministry of Human Resources and Development, Central Sectt. New Delhi. ..Respondents

2

(26) CIVIL RULE No.18/95
Smti Shobha Maheshwari,
W/o Sri AK Maheshwari,
BRPL Township, Bongaigaon. ..Petitioner

-vs-

1. Union of India
2. Kendriya Vidyalaya Santhan,
New Delhi.
3. The Asstt Commissioner, KVS,
Guwahati Region, Guwahati. ..Respondents

(27) CIVIL RULE No. 3028/95
Smt Shefali Roy,
C/o Sri D Chattopadhyaya. ..Petitioner

-vs-

1. Kendriya Vidyalaya Santhan,
through the Commissioner, KVS,
New Delhi.
2. The Asstt Commissioner, KVS,
Guwahati Regional Office,
Guwahati.
3. The Asstt Commissioner, KVS,
Calcutta Regional Office,
Calcutta-54.
4. Union of India, represented
by Secretary to the Govt of
India, Ministry of Human Resources
Development, New Delhi. ..Respondents

(28) CIVIL RULE No. 5206/94
1. Miss Radha Srivastava,
2. Miss Sudha Srivastava,
daughters of Sri RC Srivastava,
11 Wing, 99 APO. ..Petitioners

-vs-

1. Kendriya Vidyalaya Santhan,
represented by the Commissioner,
KVS, New Delhi.
2. Asstt Commissioner, KVS,
Guwahati Region, Guwahati.
3. Union of India, represented
by the Secretary, Human Resources
& Development Deptt. New Delhi. ..Respondents

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(29) CIVILRULE No. 1176/95

Miss Urmila Chowrasia,
D/o Sri Rajaram Chowrasia,
Air Force, PO Salanibari, Tezpur.

...Petitioner

-vs-

1. Kendriya Vidyalaya Sangathan,
through the Commissioner, KVS
New Delhi -16.
2. The Asstt Commissioner, KVS,
Regional Office, Maligaon,
Guwahati-12.
3. Principal, KV, Salanibari,
Dist Sonitpur.
4. The Union of India, through
Secretary, Ministry of Human
Resources & Development)
Central Sectt. New Delhi.

..Respondents

(30) CIVIL RULE No. 3172/93

Sri Om Prakash Sharma,
S/o Sri Shiv Shankar Sharma.

..Petitioner

-vs-

1. Kendriya Vidyalaya Santhan,
through the Commissioner,
New Delhi.
2. The Asstt Commissioner, KVS
Guwahati Region, Shankar Dev Path,
Guwahati-3.
3. The Asstt Commissioner, KVS,
Calcutta Region, Calcutta-54.
4. The Union of India, through the
Secretary to the Govt of India,
Ministry of Human Resources
Development, Central Sectt.
New Delhi-1.

..Respondents

(31) CIVIL RULE No. 3171/93

Sri Subrata Guha,
S/o Sri Sailendra Nath Guha.

..Petitioner

-vs-

1. Kendriya Vidyalaya Sangathan,
through the Commissioner,
New Delhi-16.
2. The Commissioner, KVS,
New Delhi-16.
3. The Asstt Commissioners, KVS,
Guwahati Region, Guwahati.

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- 4. The Asstt Commissioner, KVS, Calcutta Regional Office, Calcutta-54.
- 5. Union of India, (through Secretary, Ministry of Human Resources Development) Central Sectt. New Delhi.

.. Respondents

(32) Civil Rule No. 3170/93

Smti Sahana Sarkar,
D/o Dr RB Sarkar,

..Petitioner

-vs-

- 1. Kendriya Vidyalaya Santhan, through Commissioner, New Delhi.
- 2. The Asstt Commissioner, KVS, Guwahati Region, Guwahati.
- 3. The Asstt Commissioner, KVS, Calcutta Region, Calcutta-54.
- 4. The Union of India, through the Secretary to the Govt. of India, Ministry of Human Resources Development, Central Sectt. New Delhi-1.

... Respondents

(33) CIVIL RULE No. 3333/95

Sri Pinaki Sarkar,
S/o Sri Phani Bhusan Sarkar,

..Petitioner

-vs-

- 1. The Union of India,
- 2. The Deputy Commissioner, KVS, New Delhi.
- 3. The Asstt Commissioner, KVS, Guwahati Region, Guwahati-3.
- 4. The Chairman, Vidyalaya Management Committee, K.V. Coochbehar,
- 5. The Principal, KV, Coochbehar.

.. Respondents

(34) CIVIL RULE No. 1608/93

Smti Nupur Shrivastava,
W/o Sri KK Shrivastava,
BRPL Township, Dhaligaon, Assam.

..Petitioner

-vs-

- 1. Union of India, through the Secretary to the Govt of India, Ministry of Human Resources Development) Central Sectt. New Delhi.

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(35) CIVIL RULE No. 1804/95

- 1. Smt Alka Misra,
W/o Sri AK Misra.
- 2. Smt Oli Sarmah,
W/o Sri Hiren Sarmah.

..Petitioners

-vs-

- 1. Kendriya Vidyalaya Sangathan,
through the Commissioner,KVS,
New Delhi.
- 2. The Asstt Commissioner,KVS
Guwahati Region,Guwahati.
- 3. Union of India,through the
Secretary to the Govt of India,
Ministry of Human Resources
Development,Central Sectt.
New Delhi.

.. Respondents

(36) CIVIL RULE No. 274/96

- Smt Latifa Khatun,
W/o Md Rashidur Nabi.

..Petitioner

-vs-

- 1. Union of India,through the
Secretary to the Govt of
India,Ministry of Resources
Development)New Delhi.
- 2. Kendriya Vidyalaya Santhan,
through the Commissioner,KVS,
New Delhi.
- 3. The Asstt Commissioner, KVS,
Guwahati Region,Guwahati.

..Respondents

(37) CIVIL RULE No.5188/94

- 1. Ms Deepa Barkataki,
D/o late HN Barkataki.
- 2. Ms Gurucharanjit Kaur,
D/o Sri Harpal Singh.
- 3. Sri Bimal Ch. Medhi,
S/o late Joseph Medhi.

.. Petitioners

-vs-

- 1. The Union of India,
represented by the Secretary,
Ministry of Human Resources
Development,Senral Sectt.
NewDelhi.
- 2. Kendriya Vidyalaya Sangathan,
represented by the Chairman,KVS
New Delhi.
- 3. Commissioner,KVS,New Delhi.
- 4. Asstt Commissioner,KVS,
Guwahati-3.

..Respondents

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(38) CIVIL RULE No.5204/94
Sri Tusar Kanti Deb Nath,
S/o Shri Kalipada Debnath. .. Petitioner

-vs-

1. The Kendriya Vidyalaya Sangathan,
through the Commissioner, KVS,
New Delhi.
2. Asstt Commissioner, KVS,
Regional Office, Guwahati.
3. The Principal, KV No.2
Binaguri Cantt. West Bengal.
4. Union of India, through the
Secretary, Ministry of HR & D)
New Delhi.

.. Respondents

(29) CIVIL RULE No.1732/95
Sri Om Prakash Sharma,
S/o Sri Shiv Shankar Sharma. ..Petitioner

-vs-

1. Kendriya Vidyalaya Sangathan,
through the Commissioner, KVS,
New Delhi.
2. The Asstt Commissioner, KVS,
Guwahati Region, Guwahati.
3. The Asstt Commissioner, KVS,
Calcutta Region, Calcutta.
4. Dr SP Singh, Principal KV No.1
Binnaguri Cant. West Bengal.
5. Union of India, through the
Secretary to the Govt of India,
Ministry of Human Resources Develop-
ment, New Delhi.

... Respondents

(40) CIVIL RULE No. 5155/94
1. Sri N Arunkumar Singh,
S/o N Pishak Singh, Imphal.

2. Ms Sukanya Gupta,
D/o Sunil Chandra Gupta.
3. Smt Malti Devi,
Lamphelpat, Imphal.
4. Smt Raj Bala Yadav,
D/o Sri Mam Chand,
Group Centre, CRPF,
Imphal.

...Petitioners

-vs-

1. Kendriya Vidyalaya Sangathan,
New Delhi.
2. The Asstt Commissioner, KVS,
Regional Office, Guwahati.
3. The Principal, K.V. of Lamphelpat,
4. Principal, KV, Imphal. ... Respondents

B E F O R E

THE HON'BLE JUSTICE SMT. M SHARMA

For the petitioners : Mr RP Sharma, Mr P Sharma,
Mr TN Srinivasan, Mr SC Dutta Roy,
Mr BC Pathak, Mr AK Roy,
Mr HK Baishya, Mr B Chakraborty,
Mr SC Biwas, Mr K Bhattacharyya,
Mr HN Sarma, Mr BD Goswami,
Mr BP Sahu, Mr NB Singh, Mr KK Gupta,
Advocates.

For the respondents: Mr KN Choudhury, Sr. Central Govt.
Standing Counsel.

Date of hearing : 20.1.98

Date of judgment : 15 th September, 1998

JUDGMENT AND ORDER

The above mentioned writ petitions have been preferred by the petitioners, who were appointed by the respondents - Kendriya Vidyalaya Sangathan on adhoc/part-time basis. Services of these petitioners were terminated as they were not found suitable for the post on the basis of an advertisement published on 16.11.94 (Office Order No. F.16-237/92-KVS(RP-II)). As all the above writ petitions are identical and similar on facts as well as on law, I propose to dispose of these Civil Rules by a common judgment. Petitioners claiming substantive appointment under Kendriya Vidyalaya Sangathan can be grouped into two groups, i.e. First group being petitioners who were not called for interview and Second group being those candidates who were called for interview but were not selected by the Selection Committee.

2. As transpires from the contentions of these writ petitions, the brief facts of the cases are that they were appointed on adhoc/part time basis, some of them for 179 days and some of them completed six months or more. Petitioners have requisite qualification for those post. They were appointed as per laid down Rules after due interview on adhoc/part time basis. Apprehending termination, some appointees filed writ petitions before this Court and this Court after hearing the counsel for the parties,

directed....

directed the respondents to call those petitioners for selection test/interview for the posts, for which they applied for, with a further direction to the Respondents to allow those petitioners to continue in their respective posts till regular selection and appointment is made. By the present writ petitions, petitioners have challenged the said selection process, which was subsequently undertaken by the respondents/Kendriya Vidyalaya Sangathan as per the order of this Court dated 13.7.93 passed in Writ Appeal No. 76/93. As stated above, these writ petitions can be categorised in two groups for proper consideration of the cases in hand.

3. Respondents/Kendriya Vidyalaya Sangathan authorities have filed a common affidavit-in-opposition in all the writ petitions as all those writ petitions involved same question of facts as well as law.

4. Mr KN Choudhury, Senior Central Govt. Standing Counsel has submitted that before proceeding to decide the petitions the Court is required to examine the back ground of the cases leading to filing of these writ petitions. Mr Choudhury has submitted that a batch of writ petitions were filed for regularisation of adhoc/part time teachers of Kendriya Vidyalaya Sangathan before this Court and this Court in Writ Appeal No.109/94 and others, decided the issue by judgment and order dated 13.9.94. While deciding the issues involved in those petitions/writ appeals Division Bench of this Court placed reliance, on the decision of the Division Bench of this Court in Kendriya Vidyalaya Sangathan -vs- Smt Latifa Khatun, (1994)GLR 187, wherein the Division

Bench...

Bench directed the Kendriya Vidyalaya Sangathan to formulate a Scheme for regularisation of adhoc appointees among teaching and non-teaching staff subject to such reasonable conditions as may be incorporated in the scheme. The Division Bench further directed that on formulation of such a scheme it is open to the petitioners to apply for regularisation and the respondent was directed to consider the same in the light of the provisions of the scheme so formulated and pass appropriate orders.

5. Mr Choudhury has further submitted that a scheme was formulated and placed before the Writ Appellate Court and the Writ Appellate Court approved the scheme after hearing the counsel of different writ petitioners and the Standing Counsel for Union of India and also giving liberty to the aggrieved petitioners to approach this Court. It was further submitted that after approval of the Scheme, Kendriya Vidyalaya Sangathan published a special advertisement on 16.11.94 inviting applications from adhoc/part time teachers for regularisation of their services. Only those adhoc/part time teachers who satisfied the conditions as per the scheme were called for interview held on 28/29-12-94 and thereafter, their cases were considered. Those conditions were ;-

- a) Candidates who possess the requisite educational qualifications and experience as per the Recruitment Rules of the KVS for the post;
- b) who have served at least 6 months on adhoc/part time basis in an academic session at the time of approaching this Court; and

c) The candidates who fulfilled the above conditions were called for interview by the Selection Committee and their cases were considered for regular appointment."

Mr Choudhury has pointed out that the Special Advertisement dated 16.11.94 was in respect of only those adhoc/part time teachers of Kendriya Vidyalaya Sangathan, who were working on the strength of the interim orders of this Court from time to time as it was a one time action.

6. As stated above, in the first group of writ petitions, the petitioners were not called for interview. Their common prayer is to withdraw/cancel/revoke/rescind the condition of six months teaching experience on adhoc/part time basis in an academic session and to call the petitioner to the interview. These category of petitioners' services were automatically terminated as they did not fulfil the eligibility criteria of having served for six months in an academic session as per the Advertisement dated 16.11.94. In that view of the matter, I am of the view that the condition put forth in the scheme has been approved by the Division Bench of this Court by order dated 13.11.94, and therefore, this Court cannot now go beyond the order of the Division Bench.

7. In the second group of writ petitions, the writ petitioners were qualified for interview held on 28/29.12.94 pursuant to the Special Advertisement dated

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16.11.94 but could not be appointed, as the Selection Committee did not find them suitable for the posts. Services of those petitioners were terminated after finding them not suitable.

8. From the above discussion, it is seen that the Special Advertisement dated 16.11.94 was published in view of the Special Scheme, as per direction of the Division Bench of this Court and the scheme was recommended accordingly. As stated by Mr Choudhury issuance of Special Advertisement was a one time action as per direction of this Court. All the petitioners and similarly situated teachers applied in pursuance of that Special Advertisement in the respective posts they were holding at the relevant time. Accordingly qualified teachers/ persons were called for interview and the Selection Committee considered their cases. In support of this contention the respondents/Kendriya Vidyalaya Sangathan produced the proceeding of selection Committee. After going through it I find no infirmity in the proceedings and no interference by this Court is called for. Further by orders dated 5.1.95 passed in CR 68/95, dated 2.2.95 passed in CR 475/95 & 2.2.95 in CR 5040/95 (annexure-III, IV, V of the affidavit-in-opposition) those Civil Rules were dismissed by this Court.

9. A group of the petitioners pray for direction from this Court to rescind/cancel the conditions of six months adhoc/part time service in an academic session for regularisation of adhoc appointment. The Division bench of this Court approved the scheme wherein this condition was inserted for regularisation and accordingly in the Special Advertisement ~~XXXX~~ condition was given

as...

Dr

as they fulfilled 'six months' criteria for regularisation. In that view of the matter, this eligibility/qualification was required to be fulfilled by the candidates as prescribed under the advertisement in response to which they had applied. Therefore, if the petitioners did not have that qualification as per the approved scheme, this Court cannot interfere and review the same.

10. As averred in the affidavit-in-opposition this Special Advertisement was only one time action and this special scheme was taken as per direction of a Division Bench of this Court. From this averment it appears that the respondents can consider the case of the petitioners (ad hoc/part time teachers) who are otherwise qualified for regularisation under the said scheme, but could not complete the qualifying time of six months. Therefore, petitioners of this group can certainly be offered an opportunity in due course considering their continuation in service. In *Dr Meera Massey and others -vs- Dr SR Mehrotra and others*, (1998) 3 SCC 88, the Apex Court held that ad hocism in services, particularly in case of appointment of professors, readers and teachers of Universities should be deprecated. The Kendriya Vidyalaya Sangathan authority, as it is seen, normally follow the procedures regarding qualification/merit of the teachers while making appointment in ad hoc appointments. In that case, the authority shall take due care so that qualified ad hoc/part time appointees, when appointed as a stop gap arrangement, be regularised in due course, after completion of six months.

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11. In view of the above discussion and also considering the facts and circumstances of the case, I direct the respondents to consider the case of the petitioners and allow them to appear in any interview that may be held for future appointment. Though the special advertisement in question was only a one time action as stated by the respondents, in my opinion, that cannot prevent the authority to consider the case of the petitioners in allowing them to appear in the interview, if they are otherwise qualified.

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12. with the above direction and observation the writ petitions are disposed of. No order as to costs.

Sd/- M. Sharma
Judge

Authenticated True Copy
Shyamal Bezborovae
Supintendent, Copying
Gauhati High Court, Gauhati
9/11/28
AS
9/11/28

आप गलत फार्म भरने से बचने के लिये फार्म की कटिंग अवश्य देखें या सम्पर्क करें -
मौर्या पुस्तक केन्द्र- पेट्रोल पम्प के पीछे, विजया नगरम मार्केट, रेलवे स्टेशन के सामने, जी0टी0 रोड कैन्ट, वाराणसी

मूल्य ५/-

विज्ञापन - २७ फरवरी ९९/ रोजगार

प्राप्ति स्थान: मौर्या पुस्तक केन्द्र,
परदे कौठी (विजयानगरम मार्केट), कैन्ट, वाराणसी

अन्तिम तिथि- १० अप्रैल ९९

केन्द्रीय विद्यालय संगठन

अध्यापकों की भर्ती



SPECIFIC INSTRUCTION FOR FILLING THE APPLICATION FORM:

I. POST CODE
TGT [B]
PRIMARY [C]
MUSIC TEACHERS [D]
PET [E]
SUPV TEACHERS [F]
LIBRARY TEACHERS [G]
DRAWING TEACHERS [H]
Note: The pattern in which the post code has to be written.
For example:
TGT: [B] Or PET: [E] etc.

2. SUBJECT CODE
(i) TGT (PCM): [01] (ii) TGT (CBZ): [02]
(iii) TGT (English): [03] (iv) TGT (Hindi): [04]
(v) TGT (Social Science): [05] (vi) TGT (Sanskrit): [06]
(vii) PRT: [07] (viii) MUSIC: [08] (ix) PET: [09]
(x) SUPV: [10] (xi) LIBRARIAN: [11]
(xii) DRAWING: [12]

EXAMINATION CENTRE CODE:
Ahmedabad: 01, Bangalore: 02, Bhopal: 03, Bhubaneswar: 04
Calcutta: 05, Chandigarh: 06, Chennai: 07, Delhi: 08,
Dispur: 09, Hyderabad: 10, Jaipur: 11, Jammu: 12,
Lucknow: 13, Mumbai: 14, Patna: 15

Note: The pattern in which the Examination Centre Code has to be written.
For example:
Ahmedabad: [01] Bangalore: [02] etc.

ACADEMIC QUALIFICATION / PROFESSIONAL / TECHNICAL

A. PLUS TWO / SENIOR / SECONDARY / PREPPUC INTERMEDIATE
Note: For filling the subject offered at +2 PU/OU level please use the following codes only.

SUBJECT OFFERED	CODE
Physics, Chemistry & Mathematics	[01]
Physics, Chemistry, Botany/Zoology	[02]
Chemistry, Botany & Zoology	[03]
Physics, Botany & Zoology	[04]
Social Sciences having atleast two subjects out of History, Geography, Economics & Pol. Science	[05]
Commerce/Accountancy/Business Studies	[06]
Others	[07]

B. GRADUATE LEVEL.

Physics, Chemistry & Mathematics	[01]
Physics, Chemistry, Botany/Zoology	[02]
Chemistry, Botany & Zoology	[03]
Physics, Botany & Zoology	[04]
English Literature as one of the main subjects	[05]
Hindi Literature as one of the main subjects	[06]
Sanskrit Literature as one of the main subjects	[07]
Social Sciences having atleast two subjects out of History, Geography, Economics & Pol. Science	[08]
B.A. (Hons) in History/Geography/Economics/ Pol. Science as a major subject	[09]
B.Com/Fin.Com (Hons)	[10]
Physical Education	[11]
Computer Science	[12]
Music	[13]
Others	[14]

C. POST GRADUATE LEVEL.

Biology	[15]
Chemistry	[16]
Physics	[17]
Mathematics	[18]
English	[19]
Hindi	[20]
History	[21]
Geography	[22]
Commerce	[23]
Economics	[24]
Pol. Science	[25]
Physical Education	[26]
Computer Science	[27]
Music	[28]
Others	[29]

NOTE:
Percentage of marks should be rounded off to one place of decimal (0.05 to 0.09 to be rounded off to 0.1 and 0.01 to 0.04 to be rounded off to 0.0). Percentage of aggregate marks should be given and not for electives alone.

१. प्रशिक्षित स्नातक टीचर्स TREND GRADUATE TEACHERS (T.G.T.)
अंग्रेजी, हिन्दी, संस्कृत, सामाजिक अध्ययन, गणित युग और जीव विज्ञान युग
वेतनमान- ५५००-९००० आयु सीमा- अधिकतम ३५ वर्ष
शैक्षिक योग्यता (१) द्वितीय श्रेणी (४५ प्रतिशत) से स्नातक के साथ शिक्षा शास्त्र में डिग्री/ डिप्लोमा बिना टीचिंग के डिप्लोमा के अभ्यर्थियों हेतु ६० प्रतिशत अंको के साथ स्नातक तथा ५५ प्रतिशत अंको के साथ स्नातकोत्तर (२) हिन्दी और अंग्रेजी दोनों भाषाओं में पढ़ाने का ज्ञान

२. प्राइमरी टीचर्स PRIMARY TEACHERS (P.T.)
वेतनमान- ४५००-७००० आयु सीमा- अधिकतम ३० वर्ष
शैक्षिक योग्यता- (१) हायर सेकेण्डरी के साथ २ वर्ष J.B.T. अथवा इण्टरमीडिएट के साथ १ वर्ष J.B.T. अथवा के SSCE साथ एक वर्ष J.B.T. (२) अंग्रेजी और हिन्दी दोनों माध्यम से पढ़ाने का ज्ञान

३. संगीत टीचर्स- MUSIC TEACHERS (M.T.)
वेतनमान- ४५००-७००० आयु सीमा- अधिकतम ३० वर्ष
शैक्षिक योग्यता- संगीत में डिग्री अथवा हायर सेकेण्डरी के साथ संगीत विसारद आफ गन्धर्व महाविद्यालय, मुम्बई अथवा भातखण्डे संगीत विद्यापीठ लखनऊ अथवा इन्दिरा कला संगीत विश्वविद्यालय, खारीगढ़ (मो प्रो) अथवा प्रयाग संगीत समिति इलाहाबाद द्वारा संगीत प्रभाकर परीक्षा अथवा समकक्ष परीक्षा उत्तीर्ण

शारीरिक टीचर्स PHYSICAL EDUCATION TEACHERS (P.E.T.)
वेतनमान- ५५००-९००० आयुसीमा- अधिकतम ३५ वर्ष
शैक्षिक योग्यता: शारीरिक शिक्षा में डिग्री अथवा डिप्लोमा अथवा समकक्ष एवं वह खिलाड़ी जो राष्ट्रीय तथा अन्तरराष्ट्रीय स्तर पर भाग ले चुके हों एवं स्नातक हों वह भी आवेदन के पात्र हैं।

5.S.U.P.W.TEACHERS
वेतनमान- ५५००-९००० आयु सीमा- अधिकतम ३५ वर्ष
शैक्षिक योग्यता- हायर सेकेण्ड्री के बाद इलेक्ट्रिकल / इलेक्ट्रानिक्स इंजीनियरिंग में मान्यता प्राप्त संस्थान से ३ वर्षिय डिप्लोमा अथवा मान्यता प्राप्त विश्वविद्यालय से इलेक्ट्रिकल/ इलेक्ट्रानिक्स इंजीनियरिंग में डिग्री or B.Sc.(Tech) B.Ed. From Regional College of education, Bhopal/Bhubneshwar/ Musore/Ajmer. (Desirable: One year practical experienc in recognised workshop institution.

लाइब्रेरियन-(LIBRARIAN)
वेतनमान- ५५००-९००० आयु सीमा- अधिकतम ३५ वर्ष
शैक्षिक योग्यता: १. स्नातक के साथ लाइब्रेरी साइंस में डिग्री/ डिप्लोमा कला टीचर्स : (DRAWING TEACHERS)
वेतनमान- ५५००-९००० आयु सीमा- अधिकतम ३५ वर्ष
शैक्षिक योग्यता- ड्राइंग और पेन्टिंग में ५ वर्षिय डिप्लोमा अथवा विश्वभारती, शान्ती निकेतन से फाइन आर्ट्स और क्राफ्ट में ४ वर्षिय डिप्लोमा, अथवा राजकीय आर्ट्स और क्राफ्ट विद्यालय पटना से डिप्लोमा इन फाइन आर्ट्स, आगरा विश्वविद्यालय से ड्राइंग और पेन्टिंग में M.A. अथवा समकक्ष।
परीक्षा शुल्क: २००/- रू० का डिमान्ड ड्राफ्ट जो "केन्द्रीय विद्यालय संगठन" नयी दिल्ली पर देय होना चाहिए (अनु० जाती/ अनु० ज० जाती हेतु अथवा शारीरिक रूप से विकलांग का कोई शुल्क नहीं है।
नोट: (१) I.P.O. /मनीऑर्डर/ रेखांकित चेक/ करेन्सी नोट तथा ट्रेजरी चालान स्वीकार नहीं होगा
(२) बैंक ड्राफ्ट प्रकाशन तिथि से ६ माह तक वैध होना चाहिये।
(३) आवेदन पत्र के लिफाफे पर मोटे अक्षरों में आवेदित पद का नाम अवश्य लिखें।
(४) ड्राफ्ट बनवाने के लिये सम्पर्क करें - मौर्या पुस्तक केन्द्र जी० टी० रोड वाराणसी कैन्ट संगलग्नक (१) रेखांकित बैंक ड्राफ्ट २०० रू० का (२) राजपत्रित अधिकारी के द्वारा प्रमाणित फोटो.
उनमें से एक आवेदन पत्र पर दो प्रवेश पत्र पर तथा एक हुप्लीकेट आवेदन पत्र पर चिपकाए (३) २ स्वयं का लिखा पता, टिकट लगा हुआ लिफाफा (४) एक अपना नाम, पता लिखा पोस्ट कार्ड (५) आयु के समर्थन में हाईस्कूल का अंकपत्र- अनु० जाति अनु० जन जाति/ पिछड़ी जाति तथा शारीरिक रूप से विकलांग के समर्थन में प्रमाणित प्रमाण पत्र। (६) हाईस्कूल/इण्टर तथा उच्च योग्यता का अंक पत्र एवं प्रमाण पत्र (७) डिग्री/ डिप्लोमा का अंक पत्र/ प्रमाण पत्र (८) डिग्री/ डिप्लोमा (सभी शैक्षिक योग्यता का अंक पत्र एवं प्रमाण पत्र (९) अनुभव का प्रमाण पत्र जैसे पढ़ाने का (१०) खेलकूद, एन० सी० सी० इत्यादि का प्रमाण पत्र

आवेदन भेजने का पता-
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Educational Consultants India Ltd.
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S.Chand Publication- Delhi; दिल्ली- पब्लिकेशन दिल्ली.
जयप्रकाश नाथ पब्लिकेशन मेरठ; भारतीय भवन पब्लिकेशन पटना,
रमेश पब्लिकेशन दिल्ली, उपकर प्रकाशन आगरा, प्रकाश प्रकाशन मेरठ, नवजीवन पब्लिकेशन (पूजा) आगरा, प्रियंका पब्लिकेशन वाराणसी, Inside Publication, Lucknow.
IAS/PCS के लिये यूथ कम्पैशन टाइम और के पब्लिकेशन, नियम पब्लिकेशन (पूना), एडमिनिस्ट्रेटिव टाइम तथा प्रतियोगिता पियुस की फाइनें तथा अन्य प्रकाशन के सभी पुस्तकों के धीक एवं फुलर विक्रेता
प्राप्ति स्थान: मौर्या पुस्तक केन्द्र,
परदे कौठी (विजयानगरम मार्केट), कैन्ट, वाराणसी

KENDRIYA VIDYALAYA SANGATHAN

(APPLICATION FOR THE POST OF TEACHER)



**IMPORTANT NOTES: (1) BEFORE FILLING THIS FORM READ THE INSTRUCTIONS CAREFULLY
(2) ALL ENTRIES SHOULD BE MADE IN CAPITAL LETTERS**

ANNEXURE-1
(To be submitted in duplicate)

1. Post Code 2. Subject Code 3. Examinations Centre

4. Name/ Mr/ Ms./ (FULL NAME) (IN BLOCK LETTERS)

5. Address

PIN CODE

6. Date of Birth
DATE MONTH YEAR

7. Father's / Husband's Name

8. Category SC ST OBC In Govt. Service K.V.S. Employee Resident of Kashmir Division of J & K Domiciled during 1-1-60 to 31-12-87

Ex- Serviceman Physically Handicapped Blind

9. Academic/ Professional/ Technical/ Other Qualifications: (Beginning from +2 stage)

Name of Examination Degree/Diploma/Certificate	Year	Total marks Obtained	% age Marks	Division	Subject Offered (CODE)	Duration of the Course (in months)	Board/ University

Note: If instead of marks, grades are given, then gradation list must accompany the marksheet.

10. Experience

Post held	Name of the Institution Indicate whether recognised	Period		No. of Completed months	Subject and Classes taught	Scale of pay and salary per month
		From	to			

11. Participations/ Achievements in: (Tick Whichever is applicable)

(a) Games & Sports
 (1) Distt. Inter- College: State/ University Level Nationa Level
 (b) Scouts/ Guides
 (1) HWB (2) ALT (3) LT
 (c) N.C.C. (Sr. Wing)
 (1) Cert A (2) Cert. B (3) Cert. C

12. Are you able to teach through English & Hindi in both medium Yes No

Ref. No. (To be filled by the Office).....

Application Fee: Bank draft No..... dated..... Rs. 200/- Drawn on..... (Name of Bank & Branch)

DECLARATION TO BE SIGNED BY THE CANDIDATE

- I hereby certify that
 - I am an Indian national
 - I have read the provisions in the Notice of the KVS.
 - All statements made and information given by me in this application are true, complete and correct to the best of my knowledge and belief. In the event of any information or part of it being found false or incorrect before or after the exam/ interview or appointment action can be taken against me by the KVS and my candidature/ appointment shall automatically stand cancelled/ terminated.
 - I further declare that I fulfil all the conditions of eligibility regarding age, professional qualifications etc prescribed for the post applied for.

Place..... Date.....

Signature of the Candidate

KENDRIYA VIDYALAYA SANGATHAN

(APPLICATION FOR THE POST OF TEACHER)



**IMPORTANT NOTES: (1) BEFORE FILLING THIS FORM READ THE INSTRUCTIONS CAREFULLY
(2) ALL ENTRIES SHOULD BE MADE IN CAPITAL LETTERS**

ANNEXURE: I

(To be submitted in duplicate).

Please affix one recent signed photograph of size 35mm x 45 mm.

1. Post Code 2. Subject Code 3. Examinations Centre

4. Name/ Mr/ Ms./ (FULL NAME) (IN BLOCK LETTERS)

5. Address

6. Date of Birth PIN CODE
DATE MONTH YEAR

7. Father's / Husband's Name

8. Category SC ST OBC In Govt. Service K.V.S. Employee Resident of Kashmir Division of J & K Domiciled during 1-1-60 to 31-12-87
(Please tick):
Ex- Serviceman Physically Handicapped Blind

9. Academic/ Professional/ Technical/ Other Qualifications: (Beginning from +2 stage)

Name of Examination Degree/Diploma/Certificate	Year	Total marks Obtained	% age Marks	Division	Subject Offered (CODE)	Duration of the Course (in months)	Board/ University

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(1) HWB (2) ALT (3) LT
(c) N.C.C. (Sr. Wing)
(1) Cert A (2) Cert. B (3) Cert. C

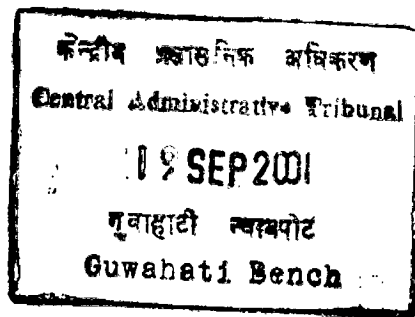
12. Are your able to teach through English & Hindi in both medium Yes No

Ref. No. (To be filled by the Office).....
Application Fee: Bank draft No..... dated..... Rs. 200/- Drawn on..... (Name of Bank & Branch)

DECLARATION TO BE SIGNED BY THE CANDIDATE

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(i) I am an Indian national
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(iv) I further declare that i fulfil all the conditions of eligibility regarding age, professional qualifications etc prescribed for the post applied for.

Place..... Date..... Signature of the Candidate



KS
Filed by Assistant Commissioner
Kendriya Vidyalaya Sangathan
Through :
Dipjyoti Baruah
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

... AT GUWAHATI

Original Application No. 159/2001

... Sri Krishna Singh

..... Applicant

-Versus-

Union of India and ors

..... Respondents

The Respondent Nos 2,3,4,5 & 6 beg to
filed their Written statement as follows :-

1. That all the averments made in the Original appli-
cation (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 records of the case.

2. That with regard to the statements made in para-
graph 1 of the application the answering respondents begs to
submit as follows. As the applicant begins by raising the
allegation that he was not considered for appointment in the
available vacant post of Trained Graduate Teacher in Ken-
driya Vidyalaya under Guwahati Region in total disregard to
the direction of the Hon'ble High Court passed in Civil Rule
No.885/95 dated 15.9.1998 it would be relevant to first
examine the judgment and order passed by the Hon'ble High

Court. It is clear from paragraph 11 of the said judgment and order that the Hon'ble High Court had directed the respondents i.e the Sangathan to consider the case of the petitioner and allow ^{him} to appear in any interview that may be held for ~~future~~ appointment if he is otherwise qualified and special advertisement in question was only a one time action. Subsequent to the aforesaid judgment and order, the applicant was informed through a speaking order, in compliance of the same to apply for the post as and when vacancies are advertised in the newspaper after which the candidature of the applicant will be considered for the post in accordance with the rules giving weightage to age, relaxation to the extent of his/her adhoc service rendered by him in the Vidyalaya subject to a maximum of five years provided the candidate fulfills the essential qualifications as prescribed in the Recruitment rules and as also he has to qualify in the written test and to appear for the interview for the post for being found selected to the post.

The Kendriya Vidyalaya Sangathan after advertising the vacancies for the posts made recruitments to the teaching posts to be filled on regular posts. The applicant could have been considered only if he had applied for the post and qualified in the test/interview for being appointed to the post.

It is clear from the above submission that the applicant has wrongly interpreted the direction of the

Hon'ble High court passed in the aforesaid judgment and order. In fact this application is made in total disregard to the direction of the Hon'ble High Court, hence it is not maintainable and may be dismissed on the ground of resjudicata.

3. That with regard to the statements made in paragraph 2,3,4.1 and 4.2 the answering respondents offers no comments.

4. That with regard to the statements made in paragraph 4.3 of the application the answering respondents denies the same. It is submitted that in the respondent organization, creation and abolition of post for each Vidyalaya is reviewed every year and sanction orders creating/abolishing the posts are issued every year depending upon the strength of students and number of sections in the Vidyalaya. Hence the averment made by the applicant that the post(s) once created are permanent is not correct. It is further submitted that the period of work on adhoc during the period has no relevance with ^{the} merits of the case.

5. That with regard to the statements made in paragraph 4.4 of the application the answering respondents begs to submit as follows. The applicant has worked on the post on adhoc/part time basis for a period of about 3 years one month with intermittent breaks on need basis. His services were terminated in accordance with the rules and regulations

and no violation of any rules were made as alleged by the applicant.

The answering respondents in complying with the direction given in the judgment and order passed by the Hon'ble High Court in Civil Rule No.885/95 dated 15.9.1998 informed the applicant through a speaking order to apply for the post as and when the vacancies are advertised in the newspaper after which the candidature of the applicant will be considered for the post in accordance with the rules by giving due weightage to age, relaxation to the extent of his/her adhoc service rendered by him in the Vidyalaya subject to a maximum of five years provided the candidate fulfills the essential qualifications as prescribed in the Recruitment Rules and also has to qualify in the written test and to appear for the interview for the post for being found selected to the post.

6. That with regard to the statements made in paragraph 4.5 of the application the answering respondents begs to submit that the publication of advertisement is a matter of fact and as a result no principle of law is violated or no disregard in disposing of the claim has been shown to the Hon'ble Court.

7. That with regard to the statements made in paragraph 4.6 of the application the answering respondents offers no comments but begs to reiterate what has been

already stated in paragraph 2 of this Written statement.

8. That with regard to the statements made in paragraph 4.6() & 4.7 of the application the answering respondents denies the same. Regarding existence of vacancies it is submitted that the creation/abolition of posts is a regular feature/action of the respondent organisation and therefore, it does not call for any action or consideration for the reason that there is no provision in the rules to make appointment of any candidate without observance of the prescribed procedure. As far as prescribed procedure and provision of rules are concerned, one has to apply for the post as and when applications are invited and his case will be considered in accordance with the rules to call him for interview for the post provided he fulfills the educational qualifications and other conditions as prescribed in the Recruitment Rules. The same were intimated to the applicant in the speaking order.

The answering respondents further submits that the service rendered by the applicant during short term has no relevance with the merits of the case and he was free to leave the job at any time as his appointment was for short duration. As already submitted in paragraph 1 of this Written statement, an adhoc teacher cannot claim automatic regularisation but has to apply for a regular post whenever it is advertised and get himself selected.

9. That with regard to the statement made in paragraph 4.8 of the application the answering respondents denies the same.

10. That with regard to the statements made in paragraph 5.1 to 5.10, the answering respondents begs to submit that the grounds shown by the applicant in the said application are not tenable in the eye of law. The answering respondents beg to further repeat what has been stated in paragraph 2 of this Written statement.

11. That with regard to the statements made in paragraph 6 and 7 of the application the answering respondents begs to state that the applicant is put to the strictest proof of the correctness of the statements made therein.

12. That with regard to the statements made in paragraph 8.1, 8.2, 8.3 & 9 of the application the answering respondent begs to state that in view of the circumstances explained in the preceding paragraphs of this Written statement, the applicant is not entitled to any of the reliefs sought by him, hence the application may be dismissed with costs.

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

I, Sri D. K Saini, son of Sri C.L Saini, aged about 53 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region do hereby verify that the statements made in paragraphs 2, 5, 6, 8, 9, 10, 11, 12 are true to my knowledge and those made in paragraphs 4 are based on records.

And I sign this verification on this the 19th day of September, 2001 at Guwahati.

Place : Guwahati

D. K. Saini
DEPONENT

Date : 19-9-2001