

30/10/00  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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( SEE RULE -4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : 328 2002

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant (s) Anjumani Sonowal

Respondent (s) U.O.I 2 002 -Vs-

Advocate for the Applicant (s) Mr. C. Barua, P.J. Saikia

Advocate for the Respondent(s) Mr. U.J. Saikia

KVS. M.K. Majumdar

Notes of the Registry	Date	Order of the Tribunal
1. The application is in formalities. The same is admitted. Call for records.	3.10.02	Heard Mr C. Barua, learned Sr. counsel for the applicant. Application is admitted. Call for the records.
2. Date <u>27/9/02</u> Dy. Registrar		Issue notice to show cause as to why interim order as prayed for shall not be granted. Return- able by 3 weeks.
3. Steps taken.  16 30/9/02		List on 13.11.02 for further order. In the meantime the respon- dents are directed to keep one post of PGT(English) vacant until further orders.

No. WLS has been  
Billed.

26.11.02.

26.11.02 Heard Mr. P.J.Saikia, learned  
counsel for the applicant and also Mr.  
M.K.Mazumdar, learned counsel for the  
respondents.

No written statement so far filed  
by the respondents. Let the  
matter be listed for hearing on  
2.1.2003. In the meantime, respondents  
may file written statement within  
three weeks from today.

No written statement  
has been filed

mb

Vice-Chairman

3/12/02

2.1.2003. Due to vacation, the Case is  
adjourned to 9/1/2003 for  
hearing.

AG

A.K.Jay

9.1.03 Present : The Hon'ble Mr Justice V.S.  
Aggarwal, Chairman.

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

Mr P.J.Saikia, learned counsel for the  
applicant and Mr M.K.Mazumdar, learned  
counsel for the respondents are present.

Learned counsel for the respondents  
states that he would be filing written  
statement within four weeks and prays for  
time. In the absence of any objection  
list it for orders on 10.2.03.

K.K.Sharma  
Member

Chairman

pg

(3)

O.A. 328/02

3

10.2.03 Heard Mr P.J.Saikia, learned counsel for the applicant. Also heard Mr M.K. Mazumdar, learned counsel for the respondents. Mr Mazumdar stated that the respondents are filing written statement in a short time.

List on 17.3.03 for hearing. In the meantime parties may exchange pleadings.

17-2-03

WTS submitted  
by the Respondents.

pg

Vice-Chairman

17-3-2003 Division bench did not sit today. The case is adjourned to 28/4/2003.

AKR

28/4/2003, Division bench did not sit today. The case is adjourned to 06/5/2003.

AKR

5.6.03 Adjourned on the prayer of Mr P.J.Saikia, learned counsel for the applicant.

List again on 11.6.03 for hearing.

Ch. 3.9.03  
Member

Vice-Chairman

pg

11.6. Heard Mr. C. Baruah, learned Counsel for the applicant Mr. M.K. Mazumdar, learned Counsel for the TWS.  
Hearing Concluded,  
Judgment reserved.

PLO  
A. B. Deka

20.3.2003

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

The Hon'ble Mr R.K. Upadhyaya, Administrative Member

Two different Judgments pronounced in open court, as per separate sheets, by us. There is a difference of opinion between us. In view of the difference of opinion the case may now be placed before the Hon'ble Chairman for appropriate order in conformity with the provisions of Section 26 of the Administrative Tribunals Act, 1985 on the following point: Issue

Whether, On the facts and circumstances of the case the impugned order No.2-16/2002/KVS(SR) 10367-69 dated 5.9.2002, withdrawing and/or revoking the offer of appointment of the applicant to the post of Post- Graduate Teacher in English in KV Duliajan, Assam in terms of O.M. No.F.2-16/(PGT)/KVS(SR)/8975-77 dated 21/22.8.2002, is lawful.

Office to act accordingly.

Member

Vice Chairman

*Cancelled*

P.T.O.

(W)

Notes of the Registry

Date

Orders of the Tribunal

20.6.2003

Present: The Hon'ble Mr Justice D.  
 N. Chowdhury,  
 Vice-Chairman  
 The Hon'ble Mr R.K.  
 Upadhyay, Administrative  
 Member

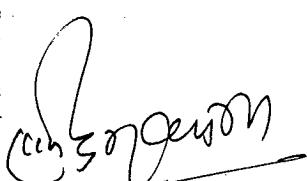
Judgments pronounced in open court, as per separate sheets. There is a difference of opinion between us. In view of the difference of opinion, the case may now be placed before the Hon'ble Chairman for appropriate order in terms of Section 26 of the Administrative Tribunals Act, 1985 on the following issue:

Whether, on the facts and circumstances of the case the impugned order No.2-16/2002/KvS(SR) 10367-69 dated 5.9.2002 (Annexure-11) withdrawing and/or revoking the offer of appointment of the applicant to the post of Post-Graduate Teacher in English in KV Duliajan, Assam vide O.M. No.F.2-16/(PGT)/KVS(SR)/8975-77 dated 21/22.8.2002 (Annexure-7) is lawful.

Office to act accordingly.

JK  
 15/7/03

nkm  
 Member




Vice-Chairman

888

Notes of the Registry

Date

Orders of the Tribunal

## Full Bench

13-5-2005

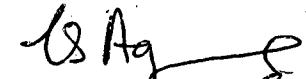
Present : The Hon'ble Mr Justice V.S. Aggarwal, Chairman  
 The Hon'ble Mr Justice G. Sivarajan, Vice-Chairman  
 The Hon'ble Mr K.V. Prahmadan, Member(A).

10.6.05

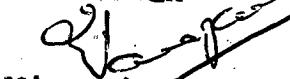
Copy of the judgment  
 has been sent to the  
 office for issuing the  
 judgment to the applicant  
 by post and sometimes  
 been handed over to  
 the L/Advocates for the  
 K.V.S.  
 J.S.

Heard Mr U.J. Saikia, learned  
 counsel appearing for the applicant.  
 None present for the respondents.

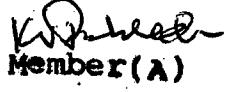
For the reasons to be recorded  
 separately the present O.A. fails  
 and is dismissed.

  
 V.S. Aggarwal

Chairman

  
 G. Sivarajan

Vice-Chairman

  
 K.V. Prahmadan  
 Member(A)

pg

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

**Original Application No.328/2002**

Guwahati, this the 3rd day of May, 2005

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman(J)  
Hon'ble Mr. K.V.Prahladan, Member (A)**

Smt. Anjumani Sonowal  
D/o Late Kinaram Sonowal  
C/o Dr. Debananda Sonowal  
Assam Petrochemical Ltd.,  
Hospital, P.O. Parbatpur, Namrup  
District – Dibrugarh, Assam.

... Applicant

**(By Advocate: Mr. U.J.Saikia)**

Versus

1. Union of India, represented by its Secretary to the Govt. of India, Ministry of Human Resources Development, Department of Higher Education & Secondary Education, New Delhi.
2. The Kendriya Vidyalaya Sangathan – Represented by the Commissioner 18 Institutional Area, Saheeb Jeet Sing Marg New Delhi – 110 016.
3. The Deputy Commissioner (Admn.) Kendriya Vidyalaya Sangathan – 18 Institutional Area, Saheeb Jeet Sing Marg New Delhi – 110 016.
4. The Assistant Commissioner Kendriya Vidyalaya Sangathan – Regional Office, Silchar, Hospital Road Silchar, Dist-Cachar, Assam.
5. The Principal Kendriya Vidyalaya, Duliajan P.O. Duliajan – 786 602 District – Dibrugarh. ... Respondents

**(By Advocate: None)**

— 2 —

**O R D E R(Oral)**

**By Mr. Justice V.S.Agarwal:**

The following question has been referred to this Full Bench for consideration:

“Whether, on the facts and circumstances of the case the impugned order No.2-16/2002/KVS(SR) 10367-69 dated 5.9.2002 (Annexure-11) withdrawing and/or revoking the offer of appointment of the applicant to the post of Post Graduate Teacher in English in KV Duliajan, Assam vide O.M. No.F.2-16/(PGT)/KVS(SR) /8975-77 dated 21/22.8.2002 (Annexure-7) is lawful.”

2. Some of the relevant facts would precipitate the question in controversy. The facts are not in dispute and, therefore, they can conveniently be delineated.

3. Respondent No.2 had issued an advertisement inviting applications for appointment/recruitment, amongst others, for the post of Post Graduate Teacher in English (for short 'PGT'). It appeared in the Employment News of 24-30.11.2001. The advertisement mentioned the following essential qualifications for PGT (English):

**“Essential:**

1. Two years integrated Post Graduate M.Sc. Course of Regional College of Education of NCERT in the concerned subject with atleast 50% marks in aggregate or Master's Degree from a recognized University with at least 50% marks in aggregate in the following subject:-

a. **PGT (English)** - **English**

.....  
V.S. Agarwal

- 3 -

2. B.Ed. or equivalent qualification from recognized University.
3. Proficiency in teaching in Hindi and English.

**Desirable**

Knowledge of Computer Applications."

4. The last date for submission of the applications was 31.12.2001.

It was subsequently extended to 20.1.2002. The applicant also submitted her application for the post of PGT (English).

5. Part-II of the advertisement provided for **eligibility of applicants** and the relevant portion of the same reads:

**"ELIGIBILITY OF APPLICANTS:**

Eligibility of candidates will be determined by their EDUCATIONAL QUALIFICATIONS and AGE LIMIT and other criteria as prescribed in this advertisement as on the closing date for receipt of applications.

All applicants must fulfill the essential requirement of the post applied for and other conditions stipulated in this advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications prescribed for various posts. No inquiry will be entertained. The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be selected."

6. In addition to that, it is relevant to mention that the advertisement further provided that Sangathan can scrutinize the applications for eligibility of the candidates. It reads:



“6. The Sangathan may/may not take any scrutiny of applications for eligibility before the written test and the applicants will be allowed to appear in the examination/screening test etc. at their own rise. The applicant therefore must carefully read the eligibility conditions, prescribed essential qualifications etc. before submitted his/her application(s). His/her candidature will purely provisional subject to eligibility being verified after the test and/or interview consequently because a candidate has been allowed to appear for the written test and/or interview, it should not be presumed that he/she is eligible for appointment to the post. The Sangathan reserves the right to cancel his/her candidature at any stage of the selection if it is not as per the provisions laid down in this advertisement.

7. The decision of the Sangathan about the mode of selection to the post and eligibility conditions of the applicant shall be final and binding. No correspondence will be entertained in this regard.”

7. There were special instructions for the candidates. We are not concerned with all of them, but pertaining to the special instructions, Paragraphs (xii) and (xxvii) read:

(xii) “The Sangathan may take up the verification of eligibility of the candidate at any point in time prior to or after the completion of the formalities. If found unsatisfactory, the candidature shall be summarily rejected.

XXXXXXXX XXXXX XXXXXXXXXXXXXXXXXXXXXXX

(xxvii) The candidate should not fill in the qualification in the application form for which they have appeared in any of the examination or whose result are awaited/withheld/not declared.”

*ls Ag*

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8. The applicant was called for the written examination that was held on 12.5.2002. She qualified the written examination and by a communication dated 21.6.2002, she was advised to appear for interview for the said post at Kendriya Vidhyalaya Sangathan, JNU Campus, New Mehrauli Road, New Delhi. She appeared in the interview. She was informed vide Memorandum of 21.8.2002 that she has been selected for appointment against the temporary post of PGT (English) in the KVS, Duliajan. The operative part of the same is:

"With reference to his/her application dated Nil Ms. Anjumoni Sonowal is hereby informed that he/she has been selected for appointment against temporary post of PGT(English) in Kendriya Vidyal, Duliajan (Assam) on intial pay of Rs.6500/- in the scale of pay Rs.6500-200-10500/- as per terms and conditions mentioned below: ....."

9. The appointment letter indicated that the offer of appointment was subject to her being declared fit for the post by a Civil Surgeon and that the applicant was to be on probation for a period of two years, which could be extended by one year by the competent authority. On successful completion of probation, she would be considered for confirmation in her turn as per the KVS Rules, provided nothing adverse was found against her upon verification of her character and antecedents by the competent authority. It was also mentioned that the appointment to the post was provisional and subject to the Caste/Tribe certificate to be verified through the channels.

10. On 28.8.2002, Respondent No.2 had asked the applicant to submit and clarify with respect to other facts particularly the mark

*As Ag*

sheets submitted at the time of interview and results of the examination was declared in March, 2002. The said letter reads:

"Sub: Appointment to the post of PGT  
(English)—reg.

Ref: F-16/PGT/KVS(SR)8975-77 dt. 21/22  
August 2002 & 9024 dt. 21.8.02

Kindly clarify the following in respect of  
your appointment to the above post.

1. As per the advertisement the candidate should possess the eligible qualification on the extended last date of submission of application i.e. 20.1.02.
2. As per the mark sheet submitted by you at the time Interview you have taken up the B.Ed., Examination in July 2001.
3. The results of the Examination have been declared in March 2002, after the last date for possessing the eligible qualification.

It is therefore requested that you are to submit the necessary particulars in support of your qualifications.

Thanking you,"

11. In the said communication, it was indicated that as per conditions mentioned in the advertisement, the candidate was to possess the eligibility qualifications on the extended date of submission of the application, i.e., 20.1.2002.

12. The applicant submitted her representation before the Assistant Commissioner, KVS, North East Region, wherein, she stated that she had appeared in the qualifying examination in July 2001 and she had qualified the examination. She also mentioned that the result of the examination was declared in March 2002 and not before that. She

A handwritten signature in black ink, appearing to read "S Ag".

requested that she might be allowed to join the duties as per the appointment letter. She also submitted an application to the Principal for allowing her to join. The Principal of the concerned School, in turn, informed the applicant that the matter was referred to the Assistant Commissioner, KVS and he could not permit her to join. On 5.9.2002, the impugned order had been passed which reads:

"The offer of appointment to the post of Post Graduate Teacher (English) with posting in Kendriya Vidyalaya Duliajan Assam issued vide this Office Memorandum No.F.2-16(PGT)/KVS(SR) 8975-77 dated 21/22.8.2002 to Smt. Anjumoni Sonowal is hereby withdrawn as she was not obtained the Professional Qualification (B.Ed.) or equivalent as on the last date of submission of application in terms of the advertisement.

To

Smt. Anjumoni Sonowal  
C/o Mrs. R. Saikia. H.S.School JYPR, JYPR  
PIN - 786614.

Sd/-  
(M.M.Joshi)  
Assistant Commissioner"

13. The applicant filed the Original Application assailing the validity of the impugned order contending that it is arbitrary, illegal and discriminatory.

14. Respondents justified their stand and submitted that the applicant lacks the essential qualification, namely, B.Ed. Degree on the last date of submissions of the application. She had acquired the B.Ed. Degree only after the expiry of the closing date for receipt of the applications. Respondents denied, in this process, that there is any discrimination, illegality or arbitrariness in the order.

*As Ag*

15. On behalf of the applicant, it had been urged that the order violates the principles of natural justice. There was no notice issued before cancelling the offer of appointment and, therefore, it cannot be sustained.

16. In our considered opinion, this particular contention has to be stated to be rejected. Reasons are obvious and not far to fetch.

17. We have already reproduced above the question in controversy that was framed by the Bench. It pertains to the controversy as to if the impugned order withdrawing and/or revoking the offer of appointment of the applicant is valid or not? In the following paragraphs we shall consider the said controversy. Once that controversy has been adjudicated by this Tribunal, we fail to understand as to why the question of principles of natural justice would creep in. The same question cannot be directed to be adjudicated by the administrative authorities after we have pronounced on the main question about the validity of the order. Indeed, it would be an exercise in futility.

18. Be that as it may, the principles of natural justice cannot be couched in a straightjacket formula. The broad principle is as to whether the particular person has been given a reasonable opportunity to put forward her/his claim or not. In the present case, the offer of appointment of 21-22.8.2002 was endorsed to the Principal of the KVS where the applicant was to join. The application form in original had also been endorsed to him. The Principal, on 28.8.2002, had asked the applicant, as referred to above, that she should produce the results of the examination having been declared in March, 2002, after the last date for possessing the eligible qualification. She submitted a reply on

*18 Aug*

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02.09.2002. The Principal informed her that the matter has been referred to the higher authorities and she could not be permitted to join. It was thereafter that the impugned order of 5.9.2002 was passed. Thus, it is obvious that reasonable opportunity to explain had been granted and in the peculiar facts, this particular plea so much thought of by the learned counsel, cannot be permitted to succeed.

19. Before proceeding further, we take liberty in mentioning to the fact that there was a difference of opinion in the members of the Bench. The Hon'ble Vice Chairman (Judicial) observed:

"10 .... The prescribed procedure will be followed creates a legitimate expectation that must not be thwarted. In the case in hand the applicant was first asked to appear in the written test, thereafter she was called for the viva-voce where the authority insisted for physical production of the testimonials. The Selection Board was charged with the duty to assess the suitability of the candidates on fulfillment of the bench mark of eligibility. The Selection Board adjudged the applicant as suitable, naturally only on being satisfied with the qualification of the applicant. The protection of a substantive legitimate expectation is another facet of the constitutional policy in built in Article 14 of the Constitution of India. Discretion conferred on the public functionaries cannot be devoid of fairness and discretion implies good faith in the discharge of public duties. A public authority discharging public functions is duty to bound to act fairly, justly and reasonably. In constitutional democracy the scope of exercise of public power cannot be looked in isolation from the general principles governing exercise of discretionary power. Decisions that are extravagant cannot also be legitimate. De Smith, Woolf and Jowell in its treatise on "Judicial Review of Administrative Action" (5<sup>th</sup> Edition) observed that "official decisions may be held unreasonable when they are unduly oppressive because they subject the complainant to an excessive hardship or an

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unnecessarily onerous infringement of his rights and interests..... The focus of attention in these cases will be principally the impact of the decision upon the affected person. The outcome or end product of the decision making process will thus be assessed..... Since the claim is essentially abuse of power, in the sense of excessive use of power .....” (paras 13-046; 13-047).

11. The respondents while passing the impugned order was totally oblivious of the exercise undertaken by the Selection Board in selecting the applicant, which caused grave failure of justice. The respondents remained silent as to the decision making process of the Selection Board. The silent party's failure to give evidence on that score is also not explained. The legality and validity of revocation of the selection and appointment is under challenge. The respondents were under obligation to produce the evidence that the decision of the Selection Board in selecting the applicant as qualified was unlawful. In the words of Lord Scarman in the GCHQ case (1985) AC 374 (404) – “Though there are limits dictated by the law and common sense which the court must observe when dealing with this question (Question of National Security), the Court does not abdicate its judicial functions. If the question arises, as a matter of fact, the Court requires evidence to be given”.

Thereafter, it was further held that the respondents were charged with the public duty and appoint persons for public purpose as per established practice. It was admitted that Sangathan was within the right to cancel the candidature. She had crossed that stage and the respondents had misconstrued its authority. When all the controversies had been settled, the order was withdrawn.

20. It was further observed that it was the selection authority, which was charged with the duty to assess the relative eligibility and merits of the panel.

18 Aug

21. Once the select panel was prepared as per Rules, it could only be cancelled in accordance with Rule 8.

22. On the contrary, as per the contra view, it was felt that Sangathan could take up the verification of eligibility of the candidates at any point of time and otherwise also, the appointment remained cancelled till she joined the post for which she had applied. The offer of appointment could be withdrawn and if the applicant's plea was to be accepted, many other persons could also apply. Relevant portion of the findings are:

"3. Basic issue for consideration is whether such a person can be said to be an eligible candidate and whether selection of such a person cannot be cancelled by withdrawal of offer of appointment as has been done by the respondents vide their memorandum dated 5.9.02 (Annexure-11). Special instructions to the candidates contained in the Advertisement (Annexure-4) also provided as under:

"xii) The Sangathan may take up the verification of eligibility of the candidate at any point in time prior to or after the completion of the formalities. If found unsatisfactory, the candidature shall be summarily rejected."

In view of the above provision in the advertisement, the eligibility of the candidate can be examined even after the completion of the selection process and preparation of the selection panel. In my opinion, the candidate remains a candidate only, till joining the post applied for. In this case, the offer of appointment of the applicant was withdrawn on the ground of being not an eligible candidate as she did not obtain the professional qualification (B.Ed.) on the last date, viz. 20.1.2002 in terms of the advertisement."

*MS Ag*

23. On behalf of the applicant, it was highlighted that the applicant had legitimate expectation after having crossed all the hurdles of having been selected that she would be appointed. At the fag end of the process of selection, claim could not be rejected.

24. We find least hesitation in rejecting the said contention. This is for the reason that the principles of legitimate expectation will not be attracted in the facts of the present case. As would be noticed hereinafter, the applicant was not eligible and competent to apply. She had to be eligible on the last date of receipt of the applications. This legal position would be expected to know to all, including the applicant. If she was not eligible, it is too late in the day to rake up the plea of legitimate expectation in the peculiar facts of the present case.

25. In fact, the applicant cannot claim success for the mistake of the respondents. If the plea of the applicant was to be accepted, necessarily it would amount, in fact, to discriminate between similarly situated other persons. There may be many who would not be eligible and they did not therefore, apply because they did not have the qualification on the last date of the receipt of the application. It would be unfair to those who understood the advertisement in the proper prospective.

26. We refer with advantage to the decision of the Supreme Court in the case of **DISTRICT COLLECTOR & CHAIRMAN, VIZIANAGARAM SOCIAL WELFARE RESIDENTIAL SCHOOL SOCIETY, VIZIANAGARAM AND ANOTHER v. M. TRIPURA SUNDARI DEVI**, (1990) 3 SCC 655. In the cited case, respondent, before the Supreme Court, applied for Grade-I

*LS Ag*

and Grade-II Teacher posts. It was in pursuance of a newspaper advertisement calling for applications for the said posts. The qualification prescribed was a second class Degree in M.A.. The respondent held a third class Degree in M.A.. An order was issued wrongly appointing that person as Post Graduate Teacher in Hindi. The order was subject to the production of original certificates. When mistake was noticed that the respondent was not qualified, she was not allowed to join duty and was sent back. She filed a petition before the Andhra Pradesh Administrative Tribunal at Hyderabad. The Supreme Court held that the Tribunal was in error and merely because the order of appointment had been issued, has no logic to allow the petition. Once she did not meet the required qualifications, she could not have been so appointed and that it was not a matter between the appointing authority and the appointee. The aggrieved persons would be those who are similar and better qualified and they did not apply because they did not possess the qualification. In Paragraph 6, the Supreme Court held:

"6. It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or even better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint persons with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No court should be a party to the perpetuation of the fraudulent practice. We are afraid that the Tribunal lost sight of this fact."

*(S. A. Q.)*

This particular decision of the Supreme Court puts an end to the said controversy.

27. Another limb of the argument was that the applicant had been issued the offer of appointment and as such there should be an estoppel and now the respondents are estopped from not allowing the applicant to join. This particular dispute need not detain us into further discussion because such a question has already been adjudicated by the Apex Court in the case of **U.P. PUBLIC SERVICE COMMISSION U.P., ALLAHABAD AND ANOTHER v. ALPANA**, (1994) 2 SCC 723. In the cited case, an advertisement was issued inviting applications for a competitive Examination. The last date for receipt of the applications was 20.8.1988. The person had to possess the LL.B Degree on the last date of the receipt of the applications. The respondent submitted the application stating that she had appeared in the Law Degree Examination and was waiting for results. The result was declared in October, 1988. She had been allowed to appear in the examination but was not called for the interview because she did not satisfy the eligibility condition. The Supreme Court again noticed that if the plea was to be accepted, there would be several applications received from such other candidates who are not eligible. The rule of estoppel, therefore, was not allowed to have a say in the peculiar facts. Almost identical are the facts before us. Therefore, we have no hesitation in holding that rule of estoppel will not apply.

28. Reverting back to the main controversy as to if the applicant was eligible or not, as already pointed above, on the last date fixed for the

  
S. Ag

application, the applicant did not have the requisite qualifications. Even if it is not mentioned in the advertisement, the person concerned must have the necessary qualification on the last date of the receipt of the applications. Applications have to be so taken when a person should be duly qualified.

29. In this regard, we refer with advantage to the some of the precedents. In the case of **A.P. PUBLIC SERVICE COMMISSION, HYDERABAD AND ANOTHER v. B. SARAT CHANDRA AND OTHERS,** (1990) 2 SCC 669, the Public Service Commission had invited applications for selection in the combined competitive Examination. The respondents before the Supreme Court had applied for that post. The minimum age prescribed for the post of Deputy Superintendent of Police was 20 years as on 1.7.1983, as against 18 years for other posts. Respondents did not complete 21 years of age on the prescribed date. Two years after the selection, the respondents approached the Andhra Pradesh Administrative Tribunal contending that a direction should be issued to Public Service Commission to select them to the post because they had completed 21 years on the date of the select list. The Supreme Court held:

"If the word 'selection' is understood in a sense meaning thereby only the final act of selecting candidates with preparation of the list for appointment, then the conclusion of the Tribunal may not be unjustified. But round phrases cannot give square answers. Before accepting that meaning, we must see the consequences, anomalies and uncertainties that it may lead to. The Tribunal in fact does not dispute that the process of selection begins with the issuance of advertisement and ends with the

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preparation of select list for appointment. Indeed, it consists of various steps like inviting applications, scrutiny of applications, rejection of defective applications or elimination of ineligible candidates, conducting examinations, calling for interview or viva voce and preparation of list of successful candidates for appointment. Rule 3 of the Rules of Procedure of the Public Service Commission is also indicative of all these steps. When such are the different steps in the process of selection, the minimum or maximum age for suitability of a candidate for appointment cannot be allowed to depend upon any fluctuating or uncertain date. If the final stage of selection is delayed and more often it happens for various reasons, the candidates who are eligible on the date of application may find themselves eliminated at the final stage for no fault of theirs. The date to attain the minimum or maximum age must, therefore, be specific, and determinate as on a particular date for candidates to apply and for recruiting agency to scrutinize applications. It would be, therefore, unreasonable to construe the word selection only as the factum of preparation of the select list. Nothing so bad would have been intended by the rule making authority."

**(Emphasis added)**

30. A few years later in the case of **MRS. REKHA CHATURVEDI v.**

**UNIVERSITY OF RAJASTHAN & ORS.**, JT 1993 (1) SC 220, a similar argument was advanced. It was rejected. It was held that date of selection is uncertain and, therefore, it cannot be taken as the date as to when a person would be eligible. The Supreme Court held:

"12. The contention that the required qualifications of the candidates should be examined with reference to the date of selection and not with reference to the last date for making applications has only to be stated to be rejected. The date of selection is invariably uncertain. In the absence of knowledge of such date the candidates who apply for the posts would be unable to state

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whether they are qualified for the posts in question or not, if they are yet to acquire the qualifications. Unless the advertisement mentions a fixed date with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, it would not be possible for the candidates who do not possess the requisite qualifications *in praesenti* even to make applications for the posts. The uncertainty of the date may also lead to a contrary consequence, viz., even those candidates who do not have the qualifications *in praesenti* and are likely to acquire them at an uncertain future date, may apply for the posts thus swelling the number of applications. But a still worse consequence may follow, in that it may leave open a scope for malpractices. The date of selection may be so fixed or manipulated as to entertain some applicants and reject others, arbitrary. Hence, in the absence of a fixed date indicated in the advertisement/notification inviting applications with reference to which the requisite qualifications should be judged, the only certain date for the scrutiny of the qualifications will be the last date for making the applications. We have, therefore, no hesitation in holding that when the Selection Committee in the present case, as argued by Shri Manoj Swarup, took into consideration the requisite qualifications as on the date of selection rather than on the last date of preferring applications, it acted with patent illegality, and on this ground itself the selections in question are liable to be quashed. Reference in this connection may also be made to two recent decisions of this Court in **A.P. Public Service Commission, Hyderabad & Anr. v. B. Sarat Chandra & Ors.** [(1990) 4 SLR 235] and **The District Collector & Chairman, Vizianagaram (Social Welfare Residential School Society) Vizianagaram & Anr. v. M. Tripura Sundari Devi** [(1990) 4 SLR 237]."

31. In identical terms was the decision rendered in the case of **DR. M.V. NAIR v. UNION OF INDIA AND OTHERS**, (1993) 2 SCC 429. In that case, the Tribunal had held that a person had become eligible

*As Ag*

during the pendency of the proceedings. The Supreme Court held that the date relevant for assessment is the last date for receiving the applications. The findings read:

“9. In the above situation, it was necessary for the Tribunal to have recorded a finding on the correctness or otherwise of the above submission of the Union of India and Dr. Nair. Without doing so, the Tribunal could not have set aside the appointment of Dr. Nair to the said post. The Tribunal was also not justified in holding that Dr. Bhatnagar was also equally qualified and eligible for the said post like Dr. Nair when Dr. Bhatnagar had himself come forward with the plea that he was not eligible and asked for grant of relaxation to make him eligible. The Tribunal, in our opinion, was also not justified in stating, in the direction granted by it, that inasmuch as Dr. Bhatnagar “has by now become eligible in all respects under the recruitment rules, his suitability should be considered along with other eligible candidates and if he is found suitable for the appointment he should be appointed to the said post.” **It is well settled that suitability and eligibility have to be considered with reference to the last date for receiving the applications, unless, of course, the notification calling for applications itself specifies such a date.”**

(Emphasis added)

32. The Andhra Pradesh High Court in the case of **S.B.DWARAKANATH AND OTHERS v. R. DILIP KUMAR AND OTHERS,** 1993(8) SLR 654 was concerned with almost a similar situation as in the facts of the present case. The last date of receipt of the applications had been notified. It was noticed further that candidate had acquired qualifications afterwards. The plea as has been put forward before us had been repelled after a detailed discussion and the High Court held:

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“17. It is necessary that there shall be a fixed and unalterable date to determine whether the candidates who had responded to the advertisement were eligible and qualified in terms thereof. We are of the opinion that it is elementary that the person who applies has all the necessary qualifications at least as on the last date of submission of applications. It was so laid down by the Supreme Court in **Principal Kind Georg's Medical College, Lucknow v. Dr. Vishan Kumar Agarwal**, AIR 1984 SC 221. The last date for submission of the applications is a date which cannot be altered on the individual whims and fancies either of the applicants or of the University inviting applications. On the other hand, if eligibility and qualifications are to be determined as on the date on which a person had acquired the qualification after the last date for submission of applications and by the actual date of interview, it may result in arbitrary postponement of the interview to suit one or the other of the candidates. That was the specific case which the petitioners had advanced in the Writ Petition. Neither the University nor respondents 8 and 12 could or did effectively controvert that assertion. ....”

The Delhi High Court in the case of **V.K. SEHGAL v. UNION OF INDIA AND OTHERS**, 1997(1) SLR 306 took a similar view.

33. More recently, in the case of **JASBIR RANI AND OTHERS v. STATE OF PUNJAB AND ANOTHER**, (2002) 1 SCC 124, the Supreme Court reiterated the earlier view that a person should be eligible by the last date of receipt of the applications, even when no such date is prescribed. The findings read:

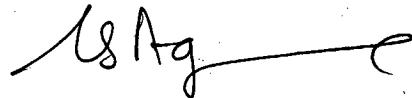
“13. This Court in the case of **Bhupinderpal Singh v. State of Punjab** [(2000) 5 SCC 262] disapproving of the practice prevalent in the State of Punjab to determine the eligibility with reference to the date of interview,

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made the following observations: (SCC pp.267-69, paras 13-14)

“13. Placing reliance on the decisions of this Court in *Ashok Kumar Sharma v. Chander Shekhar* [(1997) 4 SCC 18], *A.P. Public Service Commission v. B. Welfare Chandra* [(1990) 2 SCC 669], *District Collector and Chairman, Vizianagaram Social Welfare Residential School Society v. M. Tripura Sundari Devi* [(1990) 3 SCC 655], *Rekha Chaturvedi v. University of Rajasthan* [1993 SCC (L&S) 951], *M.V.Nair (Dr.) v. Union of India* [(1993) 2 SCC 723] and *U.P. Public Service Commission, U.P., Allahabad v. Alpana* [(1994) 2 SCC 723] the High Court has held (i) that the cut-off date by reference to which the eligibility requirement must be satisfied by the candidate seeking a public employment is the date appointed by the relevant service rules and *if there be no cut-off date appointed by the rules then such date as may be appointed for the purpose in the advertisement calling for applications*; (ii) that if there be no such date appointed then the eligibility criteria shall be applied by reference to the last date appointed by which the applications have to be received by the competent authority. The view taken by the High Court is supported by several decisions of this Court and is therefore well settled and hence cannot be found fault with. However, there are certain special features of this case which need to be taken care of and justice be done by invoking the jurisdiction under Article 142 of the Constitution vested in this Court so as to advance the cause of justice.....”

34. From the aforesaid, it is clear that a person must be eligible and fulfil the qualifications by the last date of the receipt of the



application. Even if it is detected later, the mistake can always be rectified because in the present case, the same was so done before the applicant, in fact, could take over the post.

35. The learned counsel for the applicant relied upon the decision of the Supreme Court in the case of **CHHOTU RAM v. STATE OF HARYANA AND OTHERS**, (2000) 10 SCC 399. Perusal of the facts would show that it was distinguishable. The appellant before the Supreme Court was appointed as Junior Engineer. The Supreme Court noticed that there was an administrative order clarifying that eligibility could be determined with reference to the completion of the examination. It is not so in the present case. Therefore, cited decision does not come to the rescue of the applicant.

36. For these reasons, we answer the reference as under:

"In the facts and circumstances, the order withdrawing the offer of appointment is lawful."

37. Thus, in the absence of any other contentions the petition is dismissed.

  
(K.V. Prahladan)  
Member (A)

  
(G. Sivarajan)  
Vice-Chairman (J)

  
(V.S. Aggarwal)  
Chairman

/NSN/

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / XXXX No. 328. . . of 2002

DATE OF DECISION 20.6.2003

Smt Anjumani Sonowal

APPLICANT(S).

Mr C. Baruah, Mr P.J. Saikia and  
Mr U.J. Saikia

ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

The Union of India and others

CENTRAL ADMINISTRATIVE TRIBUNAL RESPONDENT(S).  
GUWAHATI BENCH

Mr M.K. Mazumdar, Standing Counsel, KVS

ADVOCATE FOR THE  
RESPONDENT(S).

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

DATE OF DECISION

THE HON'BLE MR R.K. UPADHYAYA, 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 ?

- VERSUS -

Judgment delivered by Hon'ble Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL RESPONDENT(S).

ADVOCATE FOR THE  
RESPONDENT(S).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.328 of 2002

Date of decision: This the 20<sup>th</sup> day of June 2003

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

The Hon'ble Mr R.K. Upadhyaya, Administrative Member

Smt Anjumani Sonowal  
D/o Late Kinaram Sonowal,  
C/o Dr Debananda Sonowal,  
Assam Petrochemical Ltd. Hospital,  
P.O.- Parbatpur, Namrup,  
District- Dibrugarh, Assam. ....Applicant  
By Advocates Mr C.Baruah, Mr P.J. Saikia and  
Mr U.J. Saikia.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resources Development, Department of Higher Education & Secondary Education, New Delhi.
2. The Kendriya Vidyalaya Sangathan, Represented by the Commissioner, New Delhi.
3. The Deputy Commissioner (Admn.), Kendriya Vidyalaya Sangathan, New Delhi.
4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar, Hospital Road, Silchar, Distrcit- Cachar, Assam
5. The Principal, Kendriya Vidyalaya, Duliajan, P.O.- Duliajan, Dibrugarh. ....Respondents.

By Advocate Mr M.K. Mazumdar, Standing Counsel, KVS.

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O R D E R

CHOWDHURY. J. (V.C.)

The issue relates to the legality and validity of the action of the respondents in revoking the order of appointment of the applicant in the post of Post Graduate Teacher (English) by the impugned order dated 5.9.2002 in the following circumstances:

The respondent No.2 issued an advertisement inviting applications for recruitment, amongst others the post of Post Graduate Teacher in English (hereinafter referred to as PGT) in the Employment News on 24/30.11.2001. The advertisement mentioned the following as essential qualifications for PGT (English):

**"ESSENTIAL QUALIFICATIONS:**

**Essential:**

1. Two years Integrated Post Graduate M.Sc Course of Regional College of Education of NCERT in the concerned subject with atleast 50% marks in aggregate or Masters Degree from a recognised University with at least 50% marks in aggregate in the following subject:-

a) PGT (English) ; English

.....

.....

.....

2. B.Ed. or equivalent qualification from recognized University.

3. Proficiency in teaching in Hindi and English.

**Desirable**

Knowledge of Computer Applications."

The last date for submission of applications was 31.12.2001 which was subsequently extended to 20.1.2002. The applicant duly submitted her application for the post of PGT (English).



2. The applicant was called for the written examination that was held on 12.5.2002. She qualified in the written examination and by communication dated 21.6.2002 the applicant was advised to appear for interview for the post of PGT (English) at Kendriya Vidyalaya, JNU Campus, New Mehrauli Road, New Delhi on the specified date. The applicant accordingly alongwith others appeared in the interview in terms of the call letter. The respondent authority by Memo dated 21.8.2002 informed the applicant that she was selected for appointment against the temporary post of PGT (English) in the Kendriya Vidyalaya, Duliajan. The appointment letter itself indicated that the offer of appointment was subject to the candidate being declared fit for the post by a Civil Surgeon. It was also mentioned that the applicant was to be on probation for a period of two years which might be extended by one year by the competent authority. Upon successful completion of probation she would be considered for confirmation in her turn as per KVS Rules, provided nothing adverse was found against her upon verification of her character/antecedents by the competent authority. It was also mentioned that the appointment to the post was purely provisional and subject to the caste/tribe certificate being verified through the channels. The applicant accordingly reported for duty. But, according to the applicant she was not allowed to join in the post and she was asked to report on a later date. On the next date she was served with a communication dated 28.8.2002 by the Principal. In the said communication it was indicated that as per the conditions mentioned in the advertisement, the candidate was to possess the eligibility on the extended last date of submission of

application.....

application, i.e. 20.1.2002 and as per the marksheets submitted by the applicant at the time of interview, the applicant took the B.Ed. Examination in July 2001, the result of which was declared in March 2002, i.e. after the expiry of the last date for submission of applications. The applicant was asked to submit the necessary particulars as to her qualifications. The applicant submitted a representation before the Assistant Commissioner of Kendriya Vidyalaya Sangathan, N.E. Region, wherein she stated that she appeared in the qualifying examination (B.Ed) in July 2001 and qualified in the examination. She also mentioned that the result of the examination held in July 2001 was declared in March 2002 and not before that. Accordingly, she requested the said authority to allow her to join her duties as per the appointment letter. The applicant submitted an application before the Principal for allowing her to join in the post. The Principal, in turn, informed the applicant on 4.9.2002 that the matter was referred to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, and therefore, he could not permit her to join. While things rested as such, the following impugned order dated 5.9.2002 was passed:

'The offer of appointment to the post of Post Graduate Teacher (English) with posting in Kendriya Vidyalaya Duliajan Assam issued vide this Office Memorandum No.F.2-16/(PGT)/KVS(SR)/8975-77 dated 21/22.08.2002 to Smt Anjumoni Sonowal is hereby withdrawn as she was not obtained the professional Qualification (B.Ed.) or equivalent as on the last date of submission of application in terms of the advertisement."

Hence this application assailing the validity of the impugned order as arbitrary and discriminatory.

3. The respondents justifying its stand submitted its written statement and asserted that the applicant lacked one of the essential qualification, namely B.Ed. Degree on the last date fixed for submission of applications. She acquired the B.Ed. degree only after expiry of the closing date for receipt of applications.

4. Mr C. Baruah, learned Sr. counsel appearing on behalf of the applicant, strenuously contended that the applicant was unlawfully sought to be deprived from being appointed in a post in which she was duly selected by the competent authority. The learned Sr. counsel submitted that the applicant truly and correctly disclosed her educational qualification. In the application she had mentioned that she appeared in the B.Ed. examination in July 2001 and she was awaiting for her result. She earned the B.Ed. degree long before the date of interview and she produced the pass certificate on the date of interview and the concerned authority was satisfied. Accordingly, she was appointed to the post of PGT(English). The learned Sr. counsel further submitted that the provisional certificate issued by the Principal followed by the certificate issued by the Dibrugarh University only indicated that the applicant qualified for degree of B.Ed. in the University at the Annual Examination held in the year 2001. The learned Sr. counsel referred to the consistent good academic record of the applicant and submitted that the applicant was lawfully selected and on a frivolous and insubstantial ground her appointment was sought to be revoked in a most illegal fashion. The learned Sr. counsel, in support of his contention amongst others also referred to the decision of the Supreme Court in Chhotu Ram Vs. State of Haryana and

others.....

others, reported in (2000) 10 SCC 399.

5. Mr M.K. Mazumdar, learned counsel for the respondents, submitted that law is settled as to the cut off date, by reference to which the eligibility requirement needs to be satisfied by the candidate seeking public employment. It was consistently held by Courts that the date appointed by relevant Service Rules and in the absence of any such cut off date appointed by the rules then such date as per the advertisement and in the absence of appointed date then eligibility criteria would be determined by reference to the last date appointed, by which the applications are received by the competent authority. The learned counsel contended that the applicant since did not acquire the qualification of B.Ed. degree on the extended last date for submission of applications her appointment was lawfully repudiated.

6. There is no dispute on the facts. The applicant appeared in the B.Ed. examination in the month of July 2001 and her result was declared in March 2002. A person attains his/her qualification only on being declared successful by the University/concerned Authority. Till the results are announced and the candidate is declared qualified one cannot claim to have attained the qualification. One can claim to be qualified only on being successful in the test/examination. In the instant case the applicant appeared in the B.Ed. examination in the month of July 2001 from Namrup College of Teacher Education under the Dibrugarh University. The result of the examination was declared on 5.3.2002 and the applicant was declared successful and placed in the 1st Class 5th position. The applicant applied for the post of

PGT (English) before the result was declared. The applicant mentioned this fact in her application. The application cannot be blamed for misrepresentation on her part. She was also selected by the Selection Committee and was offered appointment to the post. The respondents contended that the fact could be detected later in point of time. It is also an admitted fact that the applicant was not responsible for the delay in the declaration of the result. But then, the fact remains that the applicant was not a B.Ed. degree holder. The legal policy is that where applications are called for prescribing a particular date as the last date for filing of applications the eligibility of the candidates is to be adjudged with reference to that date and that date alone is a time tested proposition. It is the consistent view of the Supreme Court as reflected in A.P. Public Service Commission Vs. B. Sarat Chandra, reported in (1990) 2 SCC 669; District Collector and Chairman, Vizianagaram Social Welfare Residential School Society Vs. M, Tripura Sundari Devi, reported in (1990) 3 SCC 655; Rekha Chaturvedi Vs. University of Rajasthan, reported in 1993 Supp (3) SCC 168; M.V. Nair (Dr) Vs. Union of India, reported in (1993) 2 SCC 429; U.P. Public Service Commission, U.P. Allahabad Vs. Alpana, reported in (1994) 2 SCC 723; Ashok Kumar Sharma Vs. Chander Shekhar, reported in (1997) 4 SCC 18 cited in Jasbir Rani and others Vs. State of Punjab and another, reported in (2002) 1 SCC 124.

7. The thesis to the effect that required qualification of a candidate is to be determined on the last date for making the application is beyond any controversy.....

controversy. But, we are here concerned as to the legitimacy of the action of the respondents in revoking and repudiating the selection and appointment of the applicant by the impugned order dated 5.9.2002.

8. Mr M.K. Mazumdar, learned counsel for the respondents, referred to the notice inviting applications for recruitment to the post of teachers. He particularly drew our attention to the following caveat:

"PART - II

ELIGIBILITY OF APPLICANTS:

All applicants must fulfil the essential requirement of the post applied for and other conditions stipulated in this advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications prescribed for various posts. No inquiry will be entertained. The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be selected."

.....

.....

"6. The Sangathan may/may not take any scrutiny of applications for eligibility before the written test and the applicants will be allowed to appear in the examination/screening test etc. at their own risk. The applicant therefore must carefully read the eligibility conditions, prescribed essential qualifications etc. Before submitting his/her application(s). His/her candidature will purely provisional subject to eligibility being verified after the test and/or interview consequently because a candidate has been allowed to appear for the written test and/or interview. It should not be presumed that he/she is eligible for appointment to the post.  
The Sangathan reserves the right to cancel his/her candidature at any stage of the selection if it is not as per the provisions laid down in the advertisement."

Mr Mazumdar also drew our attention to the following special instructions to the candidates:

"SPECIAL INSTRUCTIONS TO THE CANDIDATES:-

xii) The Sangathan may take up the verification of eligibility of the candidate at any point in time prior to or after the completion of the formalities. If found unsatisfactory, the candidature shall be summarily rejected."

All the cautions referred to by Mr Mazumdar pertains to the scrutiny and verification of the application. By the above conditions the authority reserved the right to reject an application if found unsatisfactory on verification of the application. In the instant case the stage reached beyond the stage of verification and scrutiny of the application. Rule 22 of the Memorandum of Association and Rules of Kendriya Vidyalaya Sangathan has empowered the authority of the Sangathan to prescribe procedure for appointment of the officers and staff of the Sangathan etc. Accordingly, the Sangathan framed its own recruitment rules. It adheres to the method of direct recruitment as well as departmental promotion for the recruitment of various categories of teacher/staff. The direct recruitment of teaching staff is made through an open advertisement on All India basis. From 1999 the recruitment to teaching and non-teaching posts has been centralised. Direct recruitment of teaching as well as non-teaching staff except post of Group 'D' for Kendriya Vidyalaya is made centrally by the Headquarter's office as and when necessary on the basis of All India advertisement and in accordance with the procedure prescribed in Kendriya Vidyalaya Sangathan (Appointment, Promotion and Seniority etc.) Rules, 1971 (as amended). The rules also prescribe the essential as well as desirable educational qualification required for various categories of posts in the Vidyalaya. Recruitment under the Rules envisages preparation of the select panel in terms of Rule 7 which enjoins upon the selection authority to place the candidates considered suitable for appointment in a select panel in the order of merit after test or interview or both. A candidate empanelled in the

select.....

select panel for selection continues to be included in the select panel during the lifetime of the panel. Clause 8 (3) also categorised the persons whose names can be removed from the select panel. Every direct recruit is initially appointed on probation, The period of probation is also prescribed in the rules. Rule 11 provides for confirmation of probationers. A probationer can be discharged in conformity with Rule 12.

9. In the instant case the applicant not only crossed the second stage of the written test held on 12.5.2002, but she was also asked to appear for the interview for the post of PGT (English) before the Selection Board. By the communication dated 21.6.2002 she was also advised to appear alongwith the documents indicating the proof of her date of birth, the copy of the Master's degree marksheet, copy of the B.Ed. degree certificate from a recognised University alongwith other connected documents. She was also advised to take the originals for verification. From the above it was apparent that the applicant was not required to satisfy as to her qualification of Master's degree, but she was insisted to produce the marksheet to show and establish that she obtained 50% marks in M.A. At the same time she was asked to produce the B.Ed. or equivalent examination certification and was advised to bring the original certificates. Significantly, in Notice B.Ed. was shown as a professional qualification for the posts of PGT and TGT as well - not a basic qualification for either. The selection authority found her suitable, empanelled her as Post Graduate Teacher and thereafter appointment order was issued to her on 21.8.2002.

10. The written statement filed by the respondent authority did not address to the full facts. It had only referred to the conditions mentioned in the advertisement. At para 8 of the written statement, the deponent averred to the effect that "The Sangathan may/may not take any scrutiny of application for eligibility before the written test and the applicants will be allowed to appear in the examination/screening test etc. at their own risk....." The aforesaid statement is verified to be based on records. The record of the Selection Committee was, however, not placed before us. The authority also did not produce the record showing how the Selection Committee proceeded to assess and evaluate the respective merits of the candidates by easing/diminishing the criteria in favour of the applicant in exercise of its discretionary power. The consideration that weighed upon the committee in mitigating/relaxing the qualification is not before us. The legitimacy of the selection process is never questioned. In the written statement the respondents only stated that the Sangathan did not verify the application of the candidates before the written test(s) and for calling the successful candidates for interview. The matter travelled beyond that stage. The applicant appeared before the Selection Board alongwith her testimonials and her candidature alongwith her eligibility criteria was duly assessed and she was found suitable. There is no whisper or suggestion in any stage that the Selection Committee committed any illegality in selecting the person, obviously by and/or relaxing the eligibility criteria. In the absence of any illegality in the action of the Selection Board it

was.....

was unlawful on the part of the respondents in repudiating or cancelling the selection of the applicant. Where a public authority is acting within the legal ambit, it is to be presumed that public acts have been regularly performed and that the common course of business has been followed in particular cases. <sup>2</sup> The prescribed procedure will be followed creates a legitimate expectation that must not be thwarted. In the case in hand the applicant was first asked to appear in the written test, thereafter she was called for the viva-voce where the authority insisted for physical production of the testimonials. The Selection Board was charged with the duty to assess the suitability of the candidates on fulfilment of the bench mark of eligibility. The Selection Board adjudged the applicant as suitable, naturally only on being satisfied with the qualification of the applicant. The protection of a substantive legitimate expectation is another facet of the constitutional policy in build in Article 14 of the Constitution of India. Discretion conferred on the public functionaries cannot be devoid of fairness and discretion implies good faith in the discharge of public duties. A public authority discharging public functions is duty to bound to act fairly, justly and reasonably. In constitutional democracy the scope of exercise of public power cannot be looked in isolation from the general principles governing exercise of discretionary power. Decisions that are extravagant cannot also be legitimate. De Smith, Woolf and Jowell in its treatise on "Judicial Review of Administrative Action" (5th Edition) observed that "official decisions may be held unreasonable when

they.....

they are unduly oppressive because they subject the complainant to an excessive hardship or an unnecessarily onerous infringement of his rights and interests..... The focus of attention in these cases wil be principally the impact of the decision upon the affected person. The outcome or end product of the decision making process will thus be assessed..... Since the claim is essentially abuse of power, in the sense of excessive use of power....." (paras 13-046; 13-047).

11. The respondents while passing the impugned order was totally oblivious of the exercise undertaken by the Selection Board in selecting the applicant, which caused grave failure of justice. The respondents remained silent as to the decision making process of the Selection Board. The silent party's failure to give evidence on that score is also not explained. The legality and validity of revocation of the selection and appointment is under challenge. The respondents were under obligation to produce the evidence that the decision of the Selection Board in selecting the applicant as qualified was unlawful. In the words of Lord Scarman in the GCHQ case (1985) AC 374 (404) - "Though there are limits dictated by the law and common sense which the court must observe when dealing with this question (Question of National Security), the Court does not abdicate its judicial functions. If the question arises, as a matter of fact, the Court requires evidence to be given".

12. The respondents were charged with the public duty and appoint persons for public purpose as per established practice. It was the respondents who were to choose the right person on going through the process of selection. The Sangathan in the instant case sought to take recourse to.....

to Clause 6 of the Notice indicated in Part IV Stage II. Mr Mazumdar also contended that because a candidate was allowed to appear in the written test and the interview, it could not be presumed that he/she was eligible to the post. The learned counsel contended that the Sangathan reserved the right to cancel the candidature at any stage of the selection if it was not as per the provisions laid down in the advertisement. There cannot be any controversy on this issue. The Sangathan was within its right to cancel the candidature at any stage of the selection. But that is not the case here. The candidature of the applicant was never cancelled. She crossed that stage, she was allowed to appear before the Selection Committee and the Selection Committee duly found her suitable. As mentioned earlier, no impropriety is even remotely suggested in the process of selection including the selection of the applicant by the Selection Board. As alluded earlier, it was open to the respondents to cancel the candidature of the applicant before she was selected. Selected means found suitable in all respects including the eligibility criteria. The respondent authority, however, misconstrued its authority and sought to revoke the selection on extraneous consideration. The selection process came to an end after the selection amongst the eligible candidates. All the stages of selection was over and culminated in preparation of the panel of the selected candidates. An employee included in the select panel for a post in terms of Rule 7 continued to be included in the select panel during the lifetime of the panel as indicated in the Sub-rule of Rule 8 and the names of persons that can be removed from the select panel is also indicated in Sub-rule 3 of Rule 8.

13. As per the Recruitment Rules it is the selection authority which is charged with the duty to assess the relative eligibility and merits of the panel. The selection authority is also charged with the duty to place the candidate considered suitable for appointment to the particular grade/post in the select panel in order of their merit. In the absence of any contrary indications, the selection authority is equally clothed with the concomitant power to relax and/or mitigate the qualification and assess their suitability in a given case. There is no discernible material to counter that the selection authority acted illegally in assessing the suitability of the applicant for appointment. The methodology for recruitment is provided by the rules indicating for appointment of persons according to the procedure prescribed. The rules also provided to prepare a select panel which also contained the provisions for removal of names from the select panel in terms of conditions mentioned therein. The provision for removal of names from the select panel is clearly spelt out in Rule 8 where a methodology is provided in by the rules. Methods other than the prescribed methods are forbidden. The respondents, therefore, fell into obvious error in withdrawing the offer of appointment of the applicant.

14. The decision making process becomes unreasonable for the defects in the process of arriving at the decision. The respondent No.3, therefore, acted unlawfully in withdrawing the appointment order which was lawfully made. The impugned order also suffers from the vices of procedural impropriety. Admittedly, before passing the impugned order dated 5.9.2002 withdrawing the

offer.....

offer of appointment of the applicant, she was not taken into confidence though the impugned order is visited with civil consequence.

15. For all the reasons stated above, the impugned order dated 5.9.2002 withdrawing the offer of appointment to the applicant to the post of Post Graduate Teacher in English with posting in Kendriya Vidyalaya Duliajan, Assam, issued vide O.M. dated 21/22.8.2002 is liable to be set aside and quashed and as such the same is set aside and quashed. The respondents are directed to take necessary steps for appointing the applicant as a Post Graduate Teacher in English on the basis of the selection made pursuant to her selection on the basis of the employment notice of 2001. The seniority of the applicant shall also be computed on the basis of her selection communicated vide order dated 21.8.2002. She shall, however, not be entitled to any back wages.

The application is allowed to the extent indicated. There shall, however, be no order as to costs.

( R. K. UPADHYAYA )  
ADMINISTRATIVE MEMBER

( D. N. :CHOWDHURY )  
VICE-CHAIRMAN

PER R.K.UPADHYAYA, ADMINISTRATIVE MEMBER

The judgment proposed by the Hon'ble Vice-Chairman has been perused by me but it has not been possible for me to agree with the conclusions in spite of my best persuasions.

2. The basic facts are not in dispute. The applicant applied for the post of PGT (English) in K.V.S as per advertisement (Annexure-4). Essential qualifications prescribed included "B.Ed. or equivalent qualification from recognised University." In part II of the advertisement, it was mentioned that "All applicants must fulfill the essential requirement of the post applied for and other conditions stipulated in this advertisement." Special instructions to the candidates mentioned in this advertisement stated ; "xxii) The candidate should not fill in the qualification in the application form for which they have appeared in any of the examination or whose result are awaited/withheld/not declared." It is undisputed that the result of the B.Ed. examination in which the applicant had appeared in July, 2001 was declared only in March, 2002 whereas the extended last date for receipt of the applications was 20.1.2002. In other words, the applicant was not eligible to apply for the post of P.G.T (English) on the cut off date, viz, 20.1.2002 as she was not having one of the essential qualifications of holding B.Ed. qualification on that date. In spite of special instructions to the candidates contained in the advertisement, she represented to have the B.Ed. qualification and by such representation, she managed to appear in the written test as well as in the interview and found herself in the list of selected candidates.

*Chintanay*

3. Basic issue for consideration is whether such a person can be said to be an eligible candidate and whether selection of such a person cannot be cancelled by withdrawal of offer of appointment as has been done by the respondents vide their memorandum dated 5.9.02 (Annexure-11). Special instructions to the candidates contained in the Advertisement (Annexure-4) also provided as under :

"xii) The Sangathan may take up the verification of eligibility of the candidate at any point in time prior to or after the completion of the formalities. If found unsatisfactory, the candidature shall be summarily rejected."

In view of the above provision in the advertisement, the eligibility of the candidate can be examined even after the completion of the selection process and preparation of the selection panel. In my opinion, the candidate remains a candidate only, till joining the post applied for. In this case, the offer of appointment of the applicant was withdrawn on the ground of being not an eligible candidate as she did not obtain the professional qualification (B.Ed.) on the last date, viz, 20.1.2002 in terms of the advertisement.

4. The impugned memorandum dated 5.9.02 (Annexure-11) cannot be assailed even on the ground of violation of principles of natural justice. The offer of appointment dated 21/22 August, 2002 (Annexure-7) was also endorsed to the Principal, K.V., Duliajan (Assam) where the applicant was posted. The original application form of the applicant was also forwarded to him. He was responsible for final verification of eligibility of the candidate. Accordingly, the Principal vide letter 28.8.02 (Annexure-8) asked the applicant as under :

"Kindly clarify the following in respect of your appointment ...

contd...3

*C. M. Biju*

"3. The results of the examination have been declared in March 2002, after the last date for possessing the eligible qualification."

The applicant submitted a reply dated 2.9.02 (Annexure-9). When the applicant vide application dated 4.9.02 (Annexure-10) insisted on joining, she was informed by the principal vide endorsement dated 4.9.02 (Annexure-10) that the matter was already referred to higher authorities and the "joining could not be permitted." It was in this background that the impugned memorandum dated 5.9.02 (Annexure-11) has been issued. On the facts of this case, the principles of natural justice have been followed and no grievance on that account could be raised. Therefore, such a ground for assailing the impugned memorandum dated 5.9.02 is hereby rejected.

5. There is another way to look into the entire controversy. The advertisement specifically provided that candidate should not fill in the qualification for which result was awaited. In view of this provision, other candidates whose results were awaited must not have applied in response to the advertisement. If the present applicant is allowed to get benefit of her statement in spite of clear direction to the contrary, it will amount to grave injustice to all those who did not apply for the post even though similarly situated. The applicant is, therefore, not eligible to get undue advantage even on this account.

6. For the reasons mentioned in the preceding paragraphs on the facts of this case, the O.A. is dismissed without any order as to cost.

7. In view of difference of opinion between the Hon'ble Vice-Chairman and Administrative Member, the matter is directed to be placed before the Hon'ble Chairman under Section 26 of Central Administrative Tribunals Act 1985

contd...4

for hearing himself or on reference to be heard by any other Member or Members.

*R.K.Upadhyaya*  
20.6.2003

( R.K.UPADHYAYA )  
ADMINISTRATIVE MEMBER

21/02/02  
21/02/02  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
G U W A H A T I .

ORIGINAL APPLICATION NO.

/2002.

21/02/02  
Smti. Anjumoni Sonowal. .... Applicant.  
-Vs-  
Union of India & Ors. .... Respondents.

I N D E X

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Filed by :- Smti. Anjumoni Sonowal through :- Mr. P.J. Saikia, Advocate.

Date of filing :- 27/09/02.

filed by  
Smti. Anjumani Sonowal  
- Applicant  
through  
Molayipti Lohar  
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

AN APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNAL ACT, 1985.

ORIGINAL APPLICATION NO. /2002.

Smti. Anjumani Sonowal,  
D/o Late Kinaram Sonowal,  
C/o Dr. Debananda Sonowal,  
Assam Petrochemical Ltd., Hospital,  
P.O. Parbatpur, Namrup,  
District-Dibrugarh, Assam.

..... Applicant.

-Versus-

1. Union of India, represented by its  
Secretary to the Govt. of India,  
Ministry of Human Resources  
Development, Department of Higher  
Education & Secondary Education,  
New Delhi.
2. The Kendriya Vidyalaya Sangathan -  
represented by the Commissioner,  
18 Institutional Area, Saheeb Jeet  
Sing Marg, New Delhi-110016.

Contd.....2.

Al

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3. The Deputy Commissioner (Admn.),  
Kendriya Vidyalaya Sangathan, 18,  
Institutional Area, Saheb Jeet  
Sing Marg, New Delhi-110016.
4. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan, 18  
Regional Office, Silchar, Hospital  
Road, Silchar, Dist-Cachar, Assam.
5. The Principal,  
Kendriya Vidyalaya, Duliajan,  
P.O. Duliajan-786602,  
District-Dibrugarh.

..... Respondents.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION  
IS MADE :

Memorandum No.2-16/2002/KVS(SR) 10367-69 dated  
5.9.2002 issued by the Assistant Commissioner, K.V.S.  
Regional Office, Silchar, Hospital Road, Silchar,  
District-Cachar (Annexure- 11 ).

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of  
the Order/Direction against which the relief is sought  
for is within the jurisdiction of this Hon'ble Tribunal.

Contd.....3.

Ab

3. LIMITATION :-

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

4. FACTS OF THE CASE :

(i) That the applicant is a citizen of India and a permanent resident of Namrup in the district of Dibrugarh, Assam. The applicant has passed her Post Graduate Master Degree in English and also appeared in the Bachelor of Education i.e. B.Ed. in the month of July, 2001 from Namrup College of Teacher's Education conducted by the Dibrugarh University. The result of the said examination declared on 5th March, 2002 wherein, the applicant was declared successful and placed in 1st Class, 5th position. The applicant also belongs to 'Sonowal Kachari' community which is recognised as Scheduled Tribe Community of Assam.

The copy of the Admit Card issued by the Dibrugarh University, the copy of the Provisional Certificate issued by the Principal of the College and the Certificate of Degree of Bachelor of Education issued by the Dibrugarh University are annexed as ANNEXURES -01, 02 & 03 respectively.

(iii) That, the respondent No.2 is a registered Society under the Societies Registration Act, 1860 and fully under control and authority of the Central Government, Ministry of Human Resource and Development as such

is a State within the meaning of Article 12 of the Constitution of India. The Commissioner is the Executive Head of the Sangathan. Respondent No. 3 and 4 are the Officers under the respondent No. 2 and the respondent No. 4 is the Regional Officer and is the head of the Regional Office of the Sangathan at Silchar.

(iii) That Respondent No. 2 issued one advertisement in the Employment News on 24-30 Nov, 2001 inviting applications for recruitment among others for the posts of Post Graduate Teachers in English hereinafter in short P.G.T. As per the said advertisement the essential qualification for the said post of P.G.T. English are as follows:

- (1) Two years integrated Post Graduate M.Sc. Course of Regional College of Education of NCERT in the concerned subject with at least 50% marks in aggregate or Masters Degree from a recognised University with at least 50% marks in aggregate.
- (2) B.Ed. or equivalent qualification from recognised University.
- (3) Proficiency in teaching in Hindi and English.

A copy of the aforesaid advertisement is annexed as ANNEXURE-04.

Contd.....5.



(iv) That the applicant states that on going through the said advertisement and as she being possessing all the aforesaid qualification applied for the post of PGT English in the prescribed form enclosed with the said advertisement. Though as per the advertisement the last date of submission of application form was 31.12.2001 yet same was subsequently extended upto 28.1.2002.

(v) That though the applicant has appeared in the final examination of B.Ed. in the month of July, 2001 yet as the result were not declared soon thereafter, the applicant's in her application form for the aforesaid post of PGT had mentioned that she appeared in the B.Ed. Examination.

(vi) That, after scrutinizing the application forms and the authority having found the application form of the applicant is complete and valid in all forms allowed the applicant to appear in the Screening Test on 10th March, 2002 and having come out successfully the authority issued the Admit Card asking the applicant to appear in the Written Test., of Stage - II and on the basis of the performance of the applicant in the said Stage - II Written Examination, the respondent No.3 issued the letter under File No.I-10/2001-KVS dt'd. 21.6.2002 asking the applicant to appear for an interview

to be held on 22.7.2002 at Kendriya Vidyalaya, JNU Campus, New Delhi. Vide aforesaid letter, the respondent No. 3 asked the applicant to bring certain documents including the copy of B.Ed. or equivalent qualifications from recognised University.

The copies of the Admit Card and the Call letters dated 21.6.2002 aforesaid is annexed as ANNEXURES-05 & 06 respectively.

(vii) That, in pursuance of the said Call letter dtd. 21.6.2002, <sup>the applicant</sup> appeared in the interview and also produced all the documents including the B.Ed. Pass Certificate issued by the College authority in original and the authority also considering the performance of the applicant in the said interview as well as scrutiny of the documents in original, vide Memorandum No.F-2-16/(PGT)/KVS/(SR) 8975 -77 dtd. 21st August, 2002 issued by the Respondent No.4 appointed the applicant against temporary post of PGT (English) in Kendriya Vidyalaya, Duliajan, Assam which was received by the Applicant on 27-8-2002.

A copy of the aforesaid Memorandum dtd. 21.8.2002 is annexed as ANNEXURE-07.

(viii) That on receipt of the aforesaid Memorandum of appointment, the applicant went to the Kendriya



Vidyalaya, Duliajan to join in the post on 29.8.2002 but to the utter surprise of the applicant the Principal of the said School raised several quaries which were though satisfactorily replied by the Applicant yet refused to allow the applicant to join in the post and asked the applicant to come ~~on~~ a later date and accordingly the applicant again went on 2nd <sup>fruit</sup> of Sept, 2002 but without any ~~fax~~ and on the other hand the applicant was handed over with a letter under reference No.F.2-121/KVD/2002-03/930-31 dtd. 28.8.2002 issued by the Principal of the said School asking the petitioner to submit necessary particulars in support of her qualification. The applicant also as per the said request submitted all necessary document in proof of her qualification.

A copy of the aforesaid letter dtd. 28.8.2002 is annexed as ANNEXURE-08.

*as per*

(ix) That the applicant states that the Memorandum of appointment the last date of joining in the post was 10th Sept, 2002. Therefore, as the respondent No.5 even after submission of the quaries by the applicant as per the letter dtd. 28-8-2002, the applicant again vide his application dtd. 4th Sept, 2002 requested the Respondent No. 5 to allow the applicant to join in the post. Similar application are also submitted by the applicant on 2nd Sept, 2002 before the Respondent No.4

Contd.....8.



But to the utter surprise of the applicant the applicant was served with the Memorandum No. 2-16/2002/KVS(SR) 10367-69 dtd. 5.9.2002 issued by the Respondent No. 4 whereby the Memorandum of appointment of the applicant under Memorandum No. F2-16/(PGT)/KVS(SR)/ 8975-77 dtd. 21/22-8-2002 has been withdrawn on the ground that the applicant had not obtained the professional qualification(B.Ed) or equivalent as on the last date of submission of application in terms of the advertisement.

The copies of the application dtd. 2-9-2002 & 4-9-2002 submitted by the Applicant before the Respondent No. 4 and 5 respectively and the copy of the Memorandum dtd. 5.9.2002 issued by the Respondent No. 4 is annexed as ANNEXURE-09, 10 & 11 respectively.

**5. RELIEF SOUGHT FOR :**

In the facts and circumstances mentioned above the applicant prays for following reliefs :-

- (I) The Office Memorandum No. 2-16/2002/KVS(SR) 10367-69 dtd. 5.9.2002 issued by the Respondent No. 4 may be quashed.
- (II) The respondent authorities may be directed to allow the applicant to join in the post of

 Contd....9.

PGT(English) in Kendriya Vidyalaya, Duliajan, Assam, forthwith and accept the joining report w.e.f. 29-8-2002.

6. INTERIM RELIEF SOUGHT FOR :

I) The Office Memorandum No.2-16/2002/KVS(SR) 10367-69 dtd. 5.9.2002 issued by the respondent No.4 may be stayed and allow the applicant to join in the post of PGT(English) in Kendriya Vidyalaya, Duliajan, Assam, forthwith.

II) The respondent authorities may be directed not to fill up the vacant post of PGT (English) in Kendriya Vidyalaya, Duliajan, Assam.

7. The above relief are prayed on the following among other :

- : G R O U N D S :-

(A) For that the advertisement for the aforesaid post of PGT having laid down that the eligibility of candidates will be determined by their Educational qualifications as on the closing date ~~xx/xx/xx~~ for receipt of the application and the closing date for receipt of the application being on 20-1-2002, and the applicant having appeared in

Contd.....10.

the B.Ed. Examination <sup>in</sup> the month of July, 2001, though result was not declared by then, the applicant has to be considered as qualified in B.Ed. irrespective of the date of the result, of course subject to successfully passing the said examination in the result that may be declared. Therefore, the withdrawal of the Memorandum of Appointment of the applicant dated 21/22-8-2002 on the ground that the applicant did not obtained the professional qualification i.e. B.Ed. as on the last date of submission of application in terms of advertisement is highly erroneous and illegal.

(B) For that the applicant having mentioned in her filled in prescribed form that she has appeared in the examination and not having stated that she has passed B.Ed. Examination nor having mentioned the year of passing ~~or passing~~ or marks obtained by her in the said examination, and if the said entry that she has appeared in B.Ed. Examination at all meant that she is not qualified, her application would have been summarily rejected as per the said advertisement. But the said entry having signified that she is qualified her application was treated as valid and she was called for to appear in the Screening test as well as the subsequent tests/interview. Therefore, the withdrawal of the Memorandum of appointment dated

Contd.....11.



21/22-8-2002 vide Memorandum dated 5.9.2002 issued by the Respondent No.4 is highly illegal and after thought.

(C) For that vide Call letter dated 21.6.02 issued by the Respondent No.3, the applicant having been asked to produce the various document including the copy of the B.Ed. qualification in the interview and the applicant also having produced the said certificate before the interviewing authority on 22.7.2002, the authorities were fully satisfied about the possession of the said qualification by the applicant and only on the basis of the said satisfaction, the Memorandum dated 21/22-8-2002 was issued appointing the applicant in the post of PGT (English). Therefore, the subsequent Memorandum dated 5-9-2002 issued by the respondent No.4 withdrawing the earlier Memorandum dated 21/22-8-02 on the allegation that the applicant was not obtained the professional qualification (B.Ed.) on the last date of submission of the application is highly illegal, unjust and arbitrary.

(D) For that the applicant having not submitted any false or incorrect particulars in the application form and she having successfully undergone all the test conducted by the authorities on the All India basis and having proved meritorious which

Contd.....12.



is the primary consideration for conducting the various tests/interviews to find out the best persons for parting education to the Young Students, the withdrawal of the Memorandum of appointment vide Memorandum dated 5-9-02 on some flimsy ground like having not possessing the qualification on the last date of sumission of the application is highly illegal, unjust and also against the basic objective of holding various test/interview and the same has also the effect of treating the merit of the applicant in vein.

(E) For that the authority before issuing the Memorandum dated 5-9-2002 have failed to consider the fact that the applicant belongs to Scheduled Tribe Community which is a socially backward Class and the preference/reservations have been made by the Govt. in the post and Services only to uplift their backwardness and further that the applicant inspite of belonging to one of the remotest place of this Country have competed with other previledged candidate and outnumbering ~~many~~ ~~and~~ have managed to get a source of livelihood in these days when the Scope of employment is very rate.

(F) For that non-issuance of any show cause notice as well as denial of an adequate opportunity of

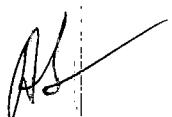
Contd.....13.



hearing before issuing the Memorandum dated 5.9.2002 has violated the principles of natural justice.

(G) That if the criteria for determining the date of passing and examination is to be judged from the date of declaration of result declared by University, it will have provide scope to the appointing authority to act arbitrarily in as much as though the examinations are commence for a particular year simultaneous in different Universities, the result may be declared by different University on different dates because of the internal inconvenience. The declaration of result, merely discloses that the applicant had passed the examination which was held in a particular date and for all practical purpose the candidates deem to have passed the examination on the date when examination of B.Ed. was over. The respondent authorities was fully aware of this fact that on the date of interview the result of the B.Ed. Examination was already declared and to that effect the Dibrugarh University nad already issued a certificate in favour of the applicant showing that she had passed the B.Ed. examination. There being ample materials before the Respondent authorities, <sup>to hold</sup> that the applicant had

Contd.....14.



passed B.Ed. Examination held in the month of July, 2001. The impugned order dtd. 5.9.2002 withdrawing the offer of appointment given to the applicant to the post of Post Graduate teacher (English) in Kendriya Vidyalaya, Duliajan is extremely illegal and without jurisdiction.

8. That, the applicant declares that the matter regarding which the present application is made is not pending in any other Court.

Particulars of the Bank Draft/P.O. in respect of the application fee.

An Index is enclosed. List of enclosure as per list.

VERIFICATION

I, Smti. Anjumoni Sonowal, Daughter of Late Kinaram Sonowal, aged about 27 years, resident of Assam Petro Chemical Ltd., P.O. Parbatpur, Namrup, District-Dibrugarh, do hereby declare and verify that the statement made in paragraphs 1 to 6 & 8 of the application are true to my knowledge and those made in paragraphs \_\_\_\_\_ of the application being matters of record true to my information which I believe to be true and rests are my humble submissions. And I sign this verification on this the \_\_\_\_\_ day of Sept, 2002 at Guwahati.

  
Anjumoni Sonowal  
(SIGNATURE)

Sl. No. A

1839

DIBRUGARH



UNIVERSITY

ANJUMONI SONOWAL



ADMIT PROVISIONALLY

Admittance shall automatically stand cancelled if the candidate appears in violation of the Rules and Regulations of the examination.

Anjumoni Sonowal

No. 779

ROLL

REGISTRATION No. 17502

OF 2000-01 of Dibrugarh University

To the B. Ed. Examination in

2001

to Commence on 10 JUL 2001

Note — Hours of Examination — As noted in the Programme.

Countersigned

A handwritten signature of the Head of the Institution.

Head of the Institution

HEAD

Office seal Department of Education

Dibrugarh University

Sd/ (Dr. K. Dutta  
Controller of Examinations  
Dibrugarh University)

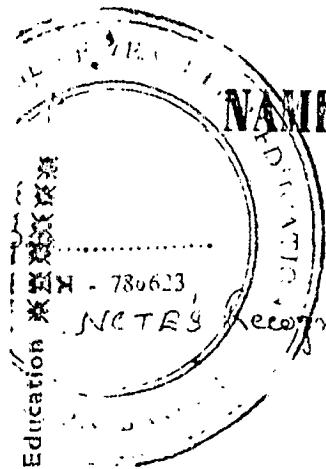
Attested  
for  
Sonowal

Attested  
for  
Sonowal

Annexure - 02  
No. C.....36.....

**NAMRUP COLLEGE OF TEACHER EDUCATION**

P. O. PARBATPUR, NAMRUP.



N.C.T.E.'s Recognition Vide Letter No F.T-12/99-ERC/132 dt. 14/1/2000

**PROVISIONAL CERTIFICATE**

This is to certify that Anjumani Sonowal has passed the B. Ed. Examination from this College under Dibrugarh University held in the month of July 2001, and was placed in the I (5<sup>th</sup>) class.

Dated, Namrup

the 14<sup>th</sup> May, 2001

14/5/01  
Principal  
Principal

Attested Namrup College of Teacher Education.

Principal  
Asstt. Engineer, R.W.D.

Guwahati Electrical Sub-Division  
Fancy Bazar, Guwahati-1

Attested  
Advocated

**Dibrugarh University**  
  
**B. Ed. EXAMINATION, 2001.....**



Amherst — 03

No. B. Ed. 0064

B. Ed. EXAMINATION, 2001.....

This is to certify that  
Anjumoni Sonowal

Roll No. 779 qualified for the Degree of Bachelor of Education in this University at the Annual Examination held in the year 2001, and was placed in First Class.

Dibrugarh, Assam

The 31 AUG 1982 200

Alfredo  
F. D. S.  
Alvarez

Walter,  
Vice-Chancellor

66

# KENDRIYA VIDYALAYA SANGATHAN

## NOTICE RECRUITMENT FOR THE POSTS OF TEACHERS

The Kendriya Vidyalaya Sangathan (an autonomous organization under the Ministry of Human Resource Development, Department of Higher Education and Secondary Education), Govt. of India invite applications in the prescribed format for recruitment of teachers for the year 2002-2003 from Indian Nationals for filling up of vacancies and drawing a panel of candidates for the period upto 30<sup>th</sup> June, 2003. The following posts as per details given below are proposed to be filled in the Kendriya Vidyalayas spread all over India:

### PART - I

#### 1. POST GRADUATE TEACHERS IN :

- (i) English (ii) Hindi (iii) Physics
- (iv) Chemistry (v) Economics (vi) Commerce

PAY SCALE : 6500-200-10500

Upper Age Limit : 40 years.

#### ESSENTIAL QUALIFICATIONS :

##### Essential :

1. Two years Integrated Post Graduate M.Sc. Course of Regional College of Education of NCERT in the concerned subject with atleast 50% marks in aggregate or Master's Degree from a recognized University with at least 50% marks in aggregate in the following subject :-

- a. PGT (English) English
- b. PGT(Hindi) Hindi
- c. PGT(Physics) Physics/Electronics/Applied Physics/Nuclear Science
- d. PGT(Chemistry) Chemistry/Bio Chem.
- e. PGT(Economics) Economics/Applied Economics/Business Economics
- f. PGT(Commerce) Commerce with Accounting/Cost Accounting/Financial Accounting as a Major subject of study. Holder of Degrees of M.Com in Applied/ Business Economics shall not be eligible.

2. B.Ed. or equivalent qualification from a recognized University.

3. Proficiency in teaching in Hindi and English.

##### Desirable

Knowledge of Computer Applications.

#### 2. TRAINED GRADUATE TEACHERS IN :

- (I) Sanskrit
- (II) English
- (III) Social Studies
- (IV) Science

PAY SCALE : 5500-175-9000

Upper Age Limit : 35 years.

#### ESSENTIAL QUALIFICATIONS :

i) Four years Integrated degree course of Regional Colleges of Education of NCERT in the concerned subject with at least 50% marks in aggregate; or Second Class Bachelor's Degree with atleast 50% marks in the concerned subject(s) and in aggregate including elective and Languages in the combination of subjects as under :

- a. For TGT (Sanskrit) – Sanskrit as an elective subject at Degree level.
- b. For TGT(English) – English as an elective subject at Degree level.
- c. For TGT(Social Studies) – Any two of the following : History, Geography, Economics and Pol. Sc. Of which one must be either History or Geography.
- d. For TGT (Science) – Botany, Zoology and Chemistry.

ii) B.Ed. or equivalent qualification from a recognized University.

iii) Proficiency in teaching through Hindi and English.

##### Desirable

Knowledge of Computer operation.

#### RESERVATION

The reservation of vacancies for SC, ST, OBC, Ex-servicemen and Physically Handicapped candidates will be as per rules of the Government of India. A person who has served in any rank (whether as combatant or as a non-combatant) in the Regular Army, Navy and Air Force will only be eligible for reservation for Ex-servicemen.

### (PART - II)

#### ELIGIBILITY OF APPLICANTS:

Eligibility of candidates will be determined by their EDUCATIONAL QUALIFICATIONS and AGE LIMIT and other criteria as prescribed in this advertisement as on the closing date for receipt of applications.

All applicants must fulfill the essential requirement of the post applied for and other conditions stipulated in this advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications prescribed for various posts. No inquiry will be entertained. The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle candidates to be selected.

#### AGE RELAXATION

Maximum relaxation in upper age relaxation will be as under :

- (a) Upto a maximum of Five years in the case of SC/ST candidates.
- (b) Upto a maximum of Three years in the case of OBC candidates.
- (c) Upto a maximum of Five years for persons who had ordinarily been domiciled in the State of Jammu & Kashmir during 11.80 to 31.12.89;
- (d) Upto a maximum of Ten years in respect of women candidates.
- (e) Upto a maximum of Five years in the case of Govt. servants/KVS regular employees.
- (f) An ex-serviceman who has put in not less than 6 months continuous service in the Armed Forces (Army, Navy and Air Force) 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. This is applicable for the posts of Trained Graduate Teachers.

Upto a maximum of 10 years in the case of SC/ST candidates and 8 years in the case of OBC candidates serving as Govt. employees in accordance with instructions or orders issued by the Govt. of India. An applicant claiming age relaxation under this para should produce a certificate from his/her employer to the effect that he/she is a Govt. servant as on the date of advertisement.

Upto a maximum of 10 years in the case of physically handicapped.

EXCEPT PHYSICALLY HANDICAPPED CANDIDATES, ALL THE CONCESSIONS MENTIONED ABOVE WILL BE CONCURRENT, THAT IS, IF A PERSON IS ELIGIBLE FOR MORE THAN ONE CONCESSION ONLY ONE OF THE CONCESSIONS OF THE HIGHLY PERMISSIBLE LIMIT WILL BE GRANTED.

FOR PHYSICALLY HANDICAPPED, IF A PERSON BELONGS TO SC/ST HE WILL BE ALLOWED 15 YEARS, I.e. 10 YEARS FOR PHC AND 5 YEARS FOR SC/ST.

No candidate will be accorded age relaxation unless he / she produces the requisite certificate along with his / her application for the recruitment to the post.

### PART III

#### HOW TO APPLY

- I. Application must be submitted in the prescribed format published as Annexure I of this advertisement.
- II. Application must be submitted in duplicate.
- III. Candidates desirous to apply for more than one post should submit application for each post accompanied by the prescribed fee and necessary enclosures for each post in separate envelopes.
- IV. Applicants cannot apply for more than one subject in each category of post i.e. one subject in PGT and/or one in TGT.
- V. Envelope containing the application must be superscribed in bold letters as "APPLICATION FOR THE POST OF \_\_\_\_\_".
- VI. Duly filled in application must only be submitted latest by 31.12.2001

KENDRIYA VIDYALAYA SANGATHAN

Post Box No. 4624

New Delhi-110016

Extended - 26<sup>th</sup> Jan 2002

#### APPLICATION FEE

1. Candidates will have to pay a NON-REFUNDABLE FEE OF Rs.250/- (Rupees two hundred and fifty only) by demand draft in favour of "KENDRIYA VIDYALAYA SANGATHAN" payable at New Delhi along with his/her applications. Candidate should note that the fee sent through IPO/Money Order/Crossed Cheque/Currency note on the Treasury Challans etc. will not be accepted by the Sangathan and such applications will be treated as having received without fee. Separate fee is to be paid for each post applied and not to send a bank draft for the total amount of fee.
2. The refund of the fee will not be allowed in any case.
3. The bank draft should be valid for at least 6 months and should not have been purchased prior to the date of publication of this advertisement.
4. No fee is required to be paid by SC/ST / Ex-servicemen categories. Physically Handicapped persons are also exempted from payment of fee subject to submission of prescribed Medical Certificate issued by a Govt. Hospital duly signed by Chief Medical Officer.

### PART IV

#### MODE OF SELECTION

1. The Sangathan desirous to hold written examinations for the recruitment to the above mentioned posts at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Chandigarh, Chennai, Delhi, Dehradun, Guwahati, Hyderabad, Jabalpur, Kolkata, Jaipur, Jammu, Lucknow, Mumbai, Patna.
2. The centers for the examinations as mentioned above are subject to change at the discretion of the Sangathan. Every effort will be allowed to make the candidates to the centre of his/her choice for examination. However the Sangathan may at its discretion allot a different centre to the candidate when the circumstances so warrant. BLIND CANDIDATES WILL HOWEVER BE REQUIRED TO TAKE THE EXAMINATION AT DELHI ONLY.
3. The mode of selection shall include a written test/ examination, professional practice tests, proficiency tests, skill tests and personal interviews.
4. The written examination will be conducted in two parts i.e. one of multiple objective type and another of Descriptive type. To Descriptive Type Examination only those candidates will be allowed to appear who qualify the multiple objective type examination and no weightage of this examination will be given. The difficulty level of both the examinations are as under :-

#### I. Stage Multiple Objective Type

Post	Difficulty level	Duration of Examination	No. of Questions
A. Trained Graduate Teachers	Graduation	02 hrs.	120
B. Post Graduate Teachers	Post Graduation	02 hrs.	120

#### I. Stage Multiple objective examination will be held on 10.03.2002 as per schedule given below:

Trained Graduate Teachers (All Subjects)	0900 hrs. to 1100 hrs.
Post Graduate Teachers (All subjects)	1300 hrs. to 1500 hrs.

The place of examination will be intimated to candidates separately.

#### II. Stage Descriptive Type (to judge the subject competence)

Post	Difficulty level	Duration of Examination
A. Trained Graduate Teachers	Graduation	03 hrs.
B. Post Graduate Teachers	Post Graduation	03 hrs.

5. The applicants, who are called for written test will have to appear for the written test at the prescribed center. Those applicants who will qualify in the written test(s) will be evaluated for eligibility to the post(s) applied for and will be called for an interview.

6. The Sangathan may or may not take any scrutiny of applications for eligibility before the written test and the applicants will be allowed to appear in the examination/ screening test etc. at their own risk. The applicant therefore must carefully read the eligibility conditions, prescribed essential qualifications etc. Before submitting his/her application(s). His / her candidature will purely provisional subject to eligibility being verified after the test and/or interview consequently because a candidate has been allowed to appear for the written test and / or interview, it should not be presumed that he / she is eligible for appointment to the post.

The Sangathan reserves the right to cancel his / her candidature at any stage of the selection if it is not as per the provisions laid down in this advertisement.

7. The decision of the Sangathan about the mode of selection to the post and eligibility conditions of the applicant shall be final and binding. No correspondence will be entertained in this regard.

#### DOCUMENTS TO BE ATTACHED WITH THE APPLICATION

1. A crossed Bank Draft of Rs. 250/- (Rupees two hundred fifty only) in favour of Kendriya Vidyalaya Sangathan, payable at New Delhi.
2. One self-addressed and self stamped post card by affixing postage stamp of Rs. 3/-.

#### LAST DATE FOR RECEIPT OF APPLICATION(S):

31.12.2001

#### GUIDELINES FOR FILLING UP THE APPLICATION FORM :

1. The candidates must fill in the application form published as Annexure-I to this advertisement and utilize it in original. Fill in the columns with ballpoint pen (to prevent spreading of ink) and sent it, if needed they can get this form photocopied or typed neatly on white paper of FOOLSCAP SIZE (21 cms x 30 cms) in double space on one side of the paper and fill up the columns in their own handwriting. There is no objection to candidates using printed Application Form, if available from private agencies. In case where the candidate use typewritten application

Continued on page 25

Continued from page 24

forms or application forms printed by private agencies, they should ensure that its format is exactly the same as published by the Sangathan in their advertisement. If any wrong entries/mistakes/omissions are made by the candidates in their application form on the account of wrong or inaccurate printing of application form by private agencies their applications shall be rejected. Applications filled in on the format used for the previous year(s) will not be considered. The candidates should note that application form will NOT be supplied by the Kendriya Vidyalaya Sangathan or Kendriya Vidyalaya(s).

2. Candidates admitted to the examination will be sent an Admit Card permitting them to take the examination. No candidate will be permitted to appear in the examination without the Admit Card duly authenticated by the competent authority along with Date Sheet and specific instructions.

3. Candidates are advised to ensure that all the copies of photographs affixed by them on the application form and on the Admit Card are identical. If, on verification at any stage, any variation is found in the copies of photographs affixed by him/her on the application form and on the Admit Card(s), his/her candidature will be liable to be cancelled by the Sangathan.

4. Candidates should ensure that the signatures appended by them in all the places viz. in the application form, on the Admit Card(s) and in all the correspondence with the Sangathan should be identical and there should be no variation of any kind. If any variation is found in the signatures appended by him at different places, his/her candidature will be liable to be cancelled.

5. The application form must be filled in by the candidate. Corrections, if any, should be legible and attested by the candidate.

6. Candidates should use only International forms of Indian numbers in filling of application form and writing the code e.g. 1,2,3,4,5,6 etc. Only the Code Numbers as thus filled in will be taken into account.

7. Since there application forms are to be processed in computerized system, candidates should take special care that entries made in the application form are clear, legible and complete. The candidate will be solely responsible for any adverse decision on his/her candidature due to illegible or misleading entries. Applications, which are illegible or are incompletely/incorrectly filled, not accompanied by the prescribed fee and enclosures shall be summarily rejected.

8. No change in the entries made in original application form will be allowed under any circumstances.

9. The candidates should note that no request for change of subject or Post originally indicated by them in the application form shall be entertained by the Sangathan under any circumstances.

10. While filling in his/her application form, the candidate should carefully decide about his/her choice for the centre of the examination. More than one application form from a candidate giving different centers and/or will not be accepted in any case. Even if a candidate sends more than one completed application the Sangathan will accept only one application at their discretion and Sangathan's decision in the matter will be final. Further, if a candidate indicates the names of more than one center his/her application is liable to be rejected.

11. While filling information in boxes relating to name, address, father's name etc. one box should be left blank between the names/words in BLOCK LETTERS ONLY.

#### SPECIAL INSTRUCTIONS TO THE CANDIDATES :-

i) Applicants should note that in case a communication is received by the Sangathan, from his/her employer, withholding the candidates to appear in the written test/interview, his/her application will be rejected and his/her candidature shall be cancelled.

ii) Any change of address given in the application form should at once be communicated to Sangathan clearly indicating the Post applied for, candidate's Application Number and Roll Number, if allotted.

iii) Applicants are requested to arrange for the redirection of correspondence to his/her new address, if necessary Sangathan will make all efforts to take into account of changes in applicant's address but cannot accept any responsibility in the matter.

iv) Applicants, if required, must attend written test and/or interview at such place(s) as may be communicated.

v) The summoning of candidates for written test and/or interview conveys no assurance whatsoever that they will be selected.

vi) Appointment orders to the selected candidates will be issued by the Sangathan.

vii) Selected candidates will be informed of the result in due course and any interim inquiries about the results are therefore unnecessary and will not be attended to. The Sangathan does not enter into correspondence with the candidates about reasons for their non-selection for interview/appointment.

viii) The Sangathan may at its discretion recommend higher initial pay to exceptionally qualified and experienced candidates.

ix) Canvassing in any form will disqualify a candidate.

x) Applicants must read the "Guidelines" before filling up the Application Form.

xi) They must ensure that no column applicable to them is left blank or wrongly filled as the information furnished therein would be used for deciding the eligibility and suitability of the applicants for being called for written examination/interview. Applications not filled correctly and not as per the "Guidelines" are liable to be rejected and the onus of such rejection would be on the applicant(s). The Sangathan will not entertain any claim for such rejection.

xii) The Sangathan may take up the verification of the candidate at any point in time prior to or after the completion of the formalities. If found unsatisfactory, the candidature shall be summarily rejected.

xiii) The Sangathan may at its discretion hold re-examination as and when necessary.

xiv) The applications received in time will be acknowledged by returning the self-addressed post card attached.

xv) Candidates serving in any recognized institution/organization, autonomous body of Central Govt./State Govt. must apply under intimation to his/her Employer.

xvi) Applications of only those candidates who have valid current Employment Exchange Registration number will be entertained. The candidate must indicate the Employment Exchange Registration Number and name and place of the Employment Exchange where registered. The candidates (except KVS employees) who are working must also indicate the current Registration No. Employment Exchange. The applications of the candidates who have not registered their names with the Employment Exchange or whose registration has expired before the last date for receipt of applications will be summarily rejected.

xvii) No TA will be paid for appearing in the written tests and interview.

xviii) Selected candidates are liable to be posted anywhere in India. Their services are however transferable to any establishment of KVS in India or abroad.

xix) Selected candidates will be entitled to various allowances as admissible under the Central Govt./KVS Rules.

xx) Selected candidates will be given a posting based upon the vacancies in specific region.

xxi) Selected candidates will initially be on probation for two years which is extendible by one year, if necessary.

xxii) Vacancies are not available for initial posting in Vidyalayas located in metropolitan and major cities of India.

xxiii) Maximum number of vacancies for initial posting are available in the Vidyalayas of North-Eastern Region, J&K and remoter areas of the country.

xxiv) No request for change of place of posting will be entertained.

xxv) Application should be submitted for the post to the specific authorities at the address(s) mentioned in the advertisement. No applications should be submitted to any other officer or at any other address of the Sangathan. Applications submitted to the authorities at any other

address of the Sangathan other than the specific will not be entertained and are liable to be rejected.

xxvi) Qualifications acquired by the candidates should be strictly in accordance with the prescribed qualifications and candidate should not seek claim of equivalence of their qualifications with that of a qualifications.

xxvii) The candidate should not fill in the qualification in the application form for which they have appeared in any of the examination or whose result are awaited/withheld/not declared.

xxviii) Applications have been invited only for the post of Post Graduate Teacher and Trained Graduate Teacher. Applications for other posts may not be submitted.

xxix) Since Stage I, examination for all subjects of TGTs and all subjects of PGTs will be held simultaneously on 10.03.2002 at two different times, therefore, at the most the candidate can apply only for one subject in TGT and one subject in PGT category. So that he/she can appear in both the examination on 10.03.2002. However, in such cases candidate will have to fill up two separate forms one for TGT subject and one for PGT subject.

#### SPECIFIC INSTRUCTIONS FOR FILLING THE APPLICATION FORM

POST CODE	CODE
POST GRADUATE TEACHERS	A
TRAINED GRADUATE TEACHERS	R

#### POST GRADUATE TEACHERS

##### Post Subject Codes :

PGT (Chemistry)	0 1	PGT (Physics)	0 2
PGT (English)	0 3	PGT (Hindi)	0 4
PGT ((Economics))	0 5	PGT (Commerce)	0 6

#### TRAINED GRADUATE TEACHERS

TGT (Sanskrit)	1 1	TGT (PCB)	1 2
TGT (English)	1 3	TGT ((S.S.I.))	1 4

#### Academic Qualifications :

(a) Percentage of marks should be rounded off to one lower 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.

(b) For subjects offered use the following codes for various subject combinations:

##### (1) Plus two/ Higher Secondary/ Prep/ PUC/ Intermediate

01 Physics, Chemistry, Mathematics	02 Physics, Chemistry, Botany/Zoology
03 Chemistry, Botany and Zoology	04 Physics, Botany and Zoology
05 English Literature as one of the main subjects	06 Hindi Literature as one of the main subjects
08 Social Sciences (having at least two subjects out of History, Geography, Economics and Pol. Science)	09 Others
16 Commerce/ Accountancy/ Business Studies	

##### (2) Graduate degree

01 Physics, Chemistry, Mathematics	02 Physics, Chemistry, Botany/Zoology
03 Chemistry, Botany and Zoology	04 Physics, Botany and Zoology
05 English Literature as one of the main subjects	06 Hindi Literature as one of the main subjects
07 Sanskrit literature as one of the main subjects	
08 Social Studies (having at least two subjects out of History, Geography, Economics and Pol. Science)	
09 B.A.(Hons) in History/ Geography/ Economics/ Pol. Science as a major subject.	
18 B.Com./B.Com.(Hons.)	
99 Others	

##### (3) Post Graduate Degree

10 Biology	11 Chemistry	12 Physics
13 Mathematics	14 English	15 Hindi
16 History	17 Commerce	18 Economics
19 M.Phil/Ph.D.		

#### EXAMINATION CENTRE CODE

##### 1<sup>st</sup> Stage Examination (Multiple Objective Type)

Bangalore	0 1	Bhopal	0 2
Chennai	0 3	Delhi	0 4
Guwahati	0 5	Kolkata	0 6
Lucknow	0 7	Mumbai	0 8
Ahmedabad	0 9	Bhubaneshwar	1 0
Chandigarh	1 1	Dehradun	1 2
Hyderabad	1 3	Jabalpur	1 4
Jalpur	1 5	Jammu	1 6
Patna	1 7		

#### EXAMINATION CENTRE CODE

##### 2<sup>nd</sup> Stage Examination (Descriptive type)

Bangalore	2 1	Epoch	2 2
Chennai	2 3	Delhi	2 4
Guwahati	2 5	Kolkata	2 6
Lucknow	2 5	Mumbai	2 8



**KENDRIYA VIDYALAYA SANGATHAN**  
**ADMIT CARD - STAGE II**  
**WRITTEN EXAMINATION FOR RECRUITMENT TO THE POST OF**  
**POST GRADUATE TEACHERS**

Name of the candidate with address

UPC NO. 05699

ANJUMONI SONONAL

C/O R. SAIKIA H S SCHOOL  
 JYPR  
 786614

Roll No.

2501030072



6  
C

Assam H.C.

Subject and Subject code in which candidate is appearing

ENGLISH (03)

Examination Venue

KENDRIYA VIDYALAYA  
 AT & PO MALIGAON DIST KAMRUP  
 GUWATHI ASSAM  
 781011

25/01

Ref. No. 0501030076

**Candidate's Signature**

(To be signed by the candidate in the Examination Hall in the presence of Invigilator)

*G. B. S.*

Examination Co-ordinator

**Stage - II**

**Examination Schedule :**

Examination for all subjects for recruitment of Post Graduate Teachers  
 to be held on same day

**May 12, 2002 and same time 1400 Hrs to 1700 Hrs**

Examination Papers for PGT	Day & Date	Time & Duration	Max. Marks
Subject: English, Hindi, Physics, Chemistry, Economics, Commerce Paper :- Descriptive Type ( To judge the subject competence ) Difficulty level : Post Graduation	Sunday 12-05-2002	1400hrs - 1700hrs 3 Hours	100

*Abhijit  
 Ghosh  
 Advocate*

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**GENERAL INSTRUCTIONS TO CANDIDATES APPEARING FOR  
"RECRUITMENT FOR THE POST OF POST GRADUATE TEACHERS"**

1. This Admit Card is issued to only those candidates, who have qualified in the stage I examination (multiple objective type examination) held on March 10, 2002. It indicates your Roll No, Reference No., Schedule and Venue for stage II Examination. In case this Admit Card does not relate to the post you have applied for, kindly send this Admit Card immediately back to Kendriya Vidyalaya Sangathan, Post Box No. 4624, New Delhi - 110016 with a request for change to the appropriate post as published in the Employment News Dt. Nov.24-30, 2001.
2. In case, at any stage, it is found that you are not fulfilling the eligibility criteria as stipulated in the Advertisement issued in the Employment News dated 24-30 November 2001, your candidature will be cancelled for the said post without assigning any reason or notice.
3. Please ensure to bring this Admit card at the allotted Examination Centre failing which you will not be allowed to appear in the Examination. Kindly affix your recent photograph (35mm X 45mm) duly attested by a **Gazetted Officer** on the space provided in Admit Card. You are advised to ensure that all the copies of photographs affixed on the application form and on the Admit Card are identical. If, on verification at any stage, any variation is found in the copies of photographs affixed by you on the application form and on the Admit Card(s), your candidature will be cancelled.
4. You are advised to sign only in the presence of the Invigilator at the time of the Examination at the space provided in the Admit Card. You should ensure that the signature appended by you in all the places viz. in the application form, on the Admit Card(s) and in all the correspondence with the Sangathan should be identical and there should be no variation of any kind. If any variation is found in the signatures appended by you at different places, your candidature will be cancelled.
5. The Admit Card will be taken back by the Examination Authority in your centre for the record purposes. If you want to retain a photocopy of the same, please make a photocopy and retain the same with you for your record.
6. You are requested to reach at your allotted Examination Centre at least 30 minutes before the commencement of examination.
7. No candidate will be allowed to enter the Examination Hall after 30 minutes from the schedule time of commencement of the examination.
8. No candidate will be allowed to leave the Examination Hall 10 minutes before, from the closing time.
9. The question paper will be bilingual i.e. in English and Hindi except language papers.
10. Mark your Roll No., Category, post applied for correctly on the Answer Booklet provided separately.
11. In addition to the above instructions, please read all the specific instructions as contained in the Answer-Booklet to be supplied separately on the examination day.
12. Possession and use of Calculator, Cellular Phone, Pager or any other electronic device is strictly prohibited in the Examination Centre.
13. Paper of those candidates found using unfair means, during the course of Examination, will be cancelled.
14. Legal action shall be taken against anybody found impersonating.
15. Blind/Low Vision/Locomotor impaired candidate having disability in both arms and hands shall be provided with a writer for stage II examination on May 12, 2002 in Delhi. The Centre Superintendent shall suitably arrange for the writer keeping in view that the writer is:
  - One grade junior in Academic qualification from the candidate.
  - Should be one possessing 50% or less marks.Such candidates on receipt of Admit Card, must inform in writing to the Centre Supdt./Principal concerned. Extra time of one hour for this test shall be provided to such candidates.

CONTROLLER OF EXAMINATION

*Attested  
Gopal  
Advocate*

-22-

KENDRIYA VIDYALAYA SANGATHAN  
18, INSTITUTIONAL AREA,  
SHAHEED JEET SINGH MARG,  
NEW DELHI - 110016

Annexure-06  
A/

F.NO. 1-10/2001-KVS (RPI)

U.P.C.

Dated: 21.06.2002

2993

ROLL NO: 2501030072

ANJUMONI SONOWAL

C/O R SAIKIA H S SCHOOL  
JYPR 786614

Sub:- INTERVIEW FOR THE POST OF PGT (ENGLISH)

Sir/Madam,

On the basis of your performance in the 2nd stage written examination held on 12.05.2002, you are hereby requested to appear for an interview for the post of PGT (ENGLISH) at the place, date and time indicated below:-

PLACE: KENDRIYA VIDYALAYA, JNU CAMPUS  
NEW MEHRAULI ROAD,  
NEW DELHI - 110067.

DATE: 22-07-2002  
TIME: 09.00 AM

1. You are also requested to bring the followings:

i) Proof of Date of Birth

(Copy of secondary school certificate showing date of birth)

ii) In case claiming age relaxation

Requisite certificate for age relaxation (whichever is applicable)  
(Copy of SC/ST/OBC/J & K RESIDENT/Govt. Servant/ KVS regular employee / Ex-Serviceman / Physically handicapped) from the competent authority of State Government/U.T. etc.

iii) For T.G.T.

Copy of Bachelor's degree and Marks sheet showing atleast 50% marks in the concerned subject(s) and in aggregate.

iv) For P.G.T.

copy of Master's degree/ Marks sheet showing atleast 50% marks in aggregate.

v) Copy of B.Ed or equivalent qualification from recognized university.

vi) Copy of No Objection Certificate from your present employer, in case you are in strength of service of State Government/U.T. etc.

(P.T.O.)

Attested  
G. D.  
Advocate

*XV*  
You are requested to bring original certificate(s) for verification.

Bio data (5 copies) in the proforma enclosed.

An undertaking to the effect in the proforma attached with this letter that in case of selection you are willing to be posted anywhere in India including the North-East and Jammu & Kashmir Regions.

If any of the particulars stated by you in the application on verification is found incomplete or wrong, or if you are found to have willfully suppressed any material information relevant to the consideration of your case without prejudice to any other action that may be taken in consequence thereof, your candidature will summarily be rejected and you will not be interviewed. Candidate while coming to attend the interview must satisfy himself/herself that he/she possess the requisite qualification prescribed as per adv. Dt.24-30th Nov,2001 in Employment News, on the last date of submission of application i.e., 20.01.2002.

Sangathan reserves the right of postponing or deferring the date of interview for which intimation will be sent to you for which no claim will be entertained against cancellation charges of ticket or otherwise. Also, a candidate called for interview on the date may have to overstay by not more than one day for which he/she should make arrangements at his/her own expenses.

No Travelling Allowances will be paid to you for attending the interview. However, unemployed SC/ST candidates will be paid second class rail fare or bus fare from the shortest route from Railway Station/Bus Station nearest to their home/place of residence or from which they would actually perform the journey for attending the interview, to the place of interview and back to the same station provided the fare of the first 30 KM in both cases is borne by the candidate. However, reimbursement will be restricted to the fare in respect of the balance distance, which should be exceeding 30 KM for onward journey and also for return journey.

Yours Faithfully,

VR MS

(V.K. GUPTA)  
DEPUTY COMMISSIONER (ADMN.)

: AS ABOVE

KENDRIYA VIDYALAYA SANGATHAN

REGIONAL OFFICE: SILCHAR

HOSPITAL ROAD, SILCHAR

DIST. - CACAHRASSAM-788001

Speed Post/  
Registered

Fax/Tel No. : 03842 34009

No.F.2-16/ (PGT) / KVS(SR)

8975-78

Dated: 21st August, 2002.

**MEMORANDUM**

SUB: OFFER OF APPOINTMENT TO THE POST OF... POST. GRADUATE. TEACHER (ENGLISH)

With reference to his/her application dated... Nil..... Shri/Ms. Anjumoni Sonowal ..... is hereby informed that he/she has been selected for appointment against temporary post of PGT (English).... in Kendriya Vidyalaya, Duliajan (Assam) on initial pay of Rs. 6500/- in the scale of pay.. Rs. 6500-200-10500/-..... as per terms and conditions mentioned below:

1. He/She will draw allowances and other benefits in addition to pay at rates admissible to the Kendriya Vidyalaya Employees.
2. This offer of appointment is subject to the candidate being declared fit for the post of Post Graduate Teacher (English) by a Civil Surgeon.
3. If the candidate is a woman, she should certify that she is not in the family way at the time of acceptance of the appointment. If, however, she is pregnant of twelve weeks standing or over at the time of acceptance of appointment as a result of medical test, she will be declared temporarily unfit and the offer would be treated as withheld for the present. She would be re-examined for a fitness certificate six weeks after the date of confinement & her appointment would be subject to production of medical certificate from a Civil Surgeon. In case, the candidate fails to comply with these instructions her selection will stand cancelled and no further correspondence will be entertained from her. On production of medical fitness certificate, she will be appointed to the same post.
4. T.A. on first appointment in case of journeys for taking up initial appointment to a post in the North eastern Region limited to ordinary bus fare/second class rail fare for road/rail journey for himself/herself and his/her family will be admissible.
5. He/She will be on probation for a period of two years, which may be extended by one year by competent authority. Upon successful completion of probation he/she will be considered for confirmation in his/her turn as per KVS rules, provided nothing adverse is found against him/her upon verification of his/her character/antecedents by the competent authority. Adverse report on his/her character and antecedents submitted by the competent authority will render him/her liable to be terminated from the services under Kendriya Vidyalaya Sangathan.
6. During the probation and thereafter, 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 to itself the right to terminate the services of the appointee before expiry of the stipulated period of notice by making payment of sum equivalent to the pay and allowances for the stipulated period of notice or the un-expired portion thereof.
7. If at any time after the appointment any statement/declaration furnished/made, whether before or after his/her selection, if found false his/her services shall be terminable forthwith without giving prior notice.

P.T.O./2

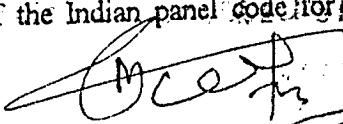


Abdul Basit  
Advocate

-25-

X4

8. Other terms and conditions of services governing the appointment as laid down in the Education Code for Kendriya Vidyalayas as amended from time to time. Since KVS Employees Welfare Scheme has been introduced with effect from 01.4.2002 joining to above scheme is compulsory.
9. He/She will be liable to be transferred any where in India in the interest of Kendriya Vidyalaya Sangathan, initially he/she is posted as PGT(English) ..... at Kendriya Vidyalaya Duliajan (Assam).....
10. A person already in service will be allowed to join Kendriya Vidyalaya Sangathan when he/she produces relieving order of his/her parent department at the time of joining. He/She will not request for transfer outside Silchar Region within three years of initial posting.
11. In case of any dispute or claim against the Kendriya Vidyalaya Sangathan in respect of service or any contact arising out of or flowing from this offer of appointment, the courts at Delhi alone shall have jurisdiction.
12. If he/she accepts the offer under the terms and conditions stipulated above, he/she should send his/her acceptance immediately on receipt of this memorandum in the form attached to the Principal and the undersigned and join KV mentioned above. Necessary proforma for purpose mentioned forms VII A/B, VIII to XI (if necessary) and XII are enclosed herewith which should be submitted to the Principal concerned after getting the same duly completed in all respects. This acceptance should reach the undersigned in any case by 29-8-2002. If the offer is not accepted by the said date or after acceptance, if the appointee does not report for duty at the above named KV latest by 10-9-2002, this offer of appointment will be treated as automatically cancelled and no further correspondence will be entertained from him/her in this regard.
13. The appointment to the post of Post Graduate Teacher (English) is purely provisional, and subject to the caste/tribe certificate being verified through the channels and if the verification reveals that the claim to belong SC/ST/OBC as the case may be is false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian panel code for production of false certificates.

  
(M.M.JOSHI) 22/8/2002  
ASSISTANT COMMISSIONER

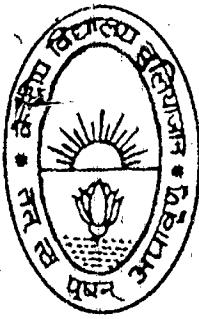
Encl: As above

To  
Ms. Anjumoni Sonowal  
C/o. R. Saikia H.S. School  
JYPR  
Pin: 786614.

Copy forwarded to :-

1. The Principal, K.V. Duliajan (Assam)..... The date of joining of the candidate should be intimated to this Office by Fax followed by Speed Post/Regd. post after the candidate reports for duties. In case he/she does not join on or before 10.9.2002, this office should be informed by Fax followed by Speed Post/Regd. post. This appointment is further subject to production of certificates etc. as per article 49(I) of Education Code for KVS. The original application form along with its enclosures of the said candidate is enclosed herewith which should be kept in the personal file of the official. The candidate be allowed to join his/her duties only after verification of original certificates and on submission of requisite forms/statements vide appendices VII(A)/(B), VIII, IX, X, XI (if necessary); and XII duly completed in all respects. The receipt of this application form should be acknowledged.
2. The Assistant Commissioner (Admn. & Fin.) KVS (HQ), NEW DELHI - 16.

  
ASSISTANT COMMISSIONER



-26- अन्तर्राष्ट्रीय - 08

केन्द्रीय विद्यालय

# KENDRIYA VIDYALAYA

15

दुलियाजान - 786 602 (असम)

DULIAJAN - 786 602 (ASSAM)

दूरभाष : ऑयल 0374-80-8999/98, पी. एन. टी. 0374-800573

TEL : OIL 0374-80-8999/98, P&T 0374-800573

पत्रांक/Ref. No. F-2-121/KVD/2002-03/ 930-3/

दिनांक/Date .....

28 August 2002

Ms. Anjumoni Sonowal  
C/O. R. Saikia H.S. School  
JYPR  
PIN - 786614

Madam,

Sub: Appointment to the post of PGT (English) — reg

Ref: F-16/PGT)/KVS (SR) 8975-77 dt 21/22 August 2002 & 9024 dt 21.8.02

Kindly clarify the following in respect of your appointment to the above post

1. As per the advertisement the candidate should possess the eligible qualification on the extended last date of submission of application i.e. 20.1.02
2. As per the mark sheet submitted by you at the time Interview you have taken up, the B.Ed. Examination in July 2001
3. The results of the Examination have been declared in March 2002, after the last date for possessing the eligible qualification.

It is therefore requested that you are to submit the necessary particulars in support of your qualifications.

Thanking you,

Yours faithfully,

Principal  
(K. Sreenivasan)  
Kendriya Vidyalaya

Enclosed copy of the mark sheet of the candidate

Copy to:  
The Assistant Commissioner  
Kendriya Vidyalaya Sangathan  
Silchar Region  
Silchar

Attested  
By  
Advocate

ANNEXURE-09

27

To

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Silchar Region, Silchar.

Dated, 2nd Sept, 02.

Sub :- Appointment to the post of PGT (English).

Ref :- F2-16/PGT/KVS(SR) 8975-77 dt. 22nd Aug'02.

Dear Sir,

At the very outset, I would like to thank you for selecting me and appointing me to the post of PGT (English) in K.V. Duliajan vide letter No. F-16/PGT/KVS(SR) 8975-77 dated 22nd Aug'02. However, the Principal of K.V. Duliajan has raised certain queries regarding my joining to the said post vide letter No. F-2-12/KVD/2002-031 930-31 dated 28th Aug'02. With reference to the said letter, please be noted on the following particulars.

1. While applying for the post of PGT(English) as against the concerned advertisement please note that I have clearly mentioned in the application form that I have 'appeared' for the B.Ed. Examination. However, during my interview at KVS, New Delhi, it is important to note that my results for the same were announced and documents pertaining to my qualifications were submitted for evaluation at that time. Trust, my candidature thus comply to the pre-requisite for the post as I have submitted the necessary qualification prior to my selection. Also note that I have not

Contd....-

Attested  
J. Baru  
Advocate

- 28 -

provided any misinformation at the time for applying for the post as it was clearly mentioned about my qualifying status at that point of time.

2. I confirm that I have appeared in the qualifying examination (B.Ed) in July, 2001 and have passed the same without any failure in any course, neither were any course being incomplete till the time the results were declared.

3. Please note that the results of the B.Ed. examination held in July, 2001 were declared in March, 2002 and not before that. This indicates that the results were delayed by the University and not because of my failure or incompletion of the course. However, it is important to mention again that the result confirming my qualifications has been announced prior to my final interview at Delhi and subsequent Selection to the post.

Considering all the above, I would like to draw your attention that I have neither falsified any information at the time of applying for the post nor have I failed to provide the necessary documents prior to my selection. Hence, I request your good office to instruct the Principal of the concerned Kendriya Vidyalaya to allow me to conduct my duties as to your appointment letter F-16/PGT/KVS(SR) 8975-77 dated 22nd Aug '02.

Awaiting your positive response.

Thanking you.

Yours faithfully,  
Sd/- Anjumoni Sonowal,  
02.09.02

Contd...../-

Enclo :-

- 1) Xerox copies of Marksheets of B.Ed. & M.A.
- 2) " " pass certificate of B.Ed. L.M.A.
- 3) " " of course completion certificate.
- 4) " " of Admit Card of B.Ed.

Copy to :-

Principal, K.V. Duliajan,  
Duliajan, Assam.

79

ANNEXURE-10

- 30 -

To

The Principal,  
Kendriya Vidyalaya, Duliajan,  
Assam.

Dated, 4th Sept'02.

Sub :- Appointment to the post of PGT(English).

Ref :- F2-16/PGT/KVS(SR) 8975-77 dt. 22nd Aug'02.

Dear Sir,

With reference to the letter vide No.F-16/  
PGT/KVS(SR) 8975-77 dt. 22nd Aug'02 please allow me to  
join my duties as PGT(English) in your School. I have  
already submitted an explanation regarding your queries  
to your letter dated 28th Aug'02 No.F-2-12/KVD/2002-031  
930 31 on 2nd Sept'02. I request you earnestly to  
allow me to join in the above post in your institution.

Thanking you.

Yours faithfully,

Sd/- Illegible,

(Anjumoni Sonowal)

4.9.02

The matter that the required qualification as on the  
date of application the matter has been referred to the  
Assistant Commissioner KVS(SA) hence the joining could  
not be permitted.

Sd/-Illegible,

4.9.02

Principal,  
Kendriya Vidyalaya,  
Duliajan.

*Attested  
Anjumoni  
Sonowal  
Advocate*

३।-

केन्द्रीय विद्यालय संघठन

दूरभाष  
Phone : { 34099 (AC) with I.A.  
34339 (AC) Resi  
34154 (AO)  
45737 (EO)

KENDRIYA VIDYALAYA SANGATHAN

Annexure - 11

Regional Office  
Hospital Road,  
Silchar 788001

1. 16/08/02  
2. 16/08/02  
3. 16/08/02

1. N [ 2-16/2002/EVS(SA) 10367-69

Date 05-9-02  
Dated 05-9-02

Regd/Speed Post

MEMORANDUM

The offer of appointment to the post of Post Graduate Teacher (English) with posting in Kendriya Vidyalaya Duliajan Assam, issued vide this Office Memorandum No.

F. 2-16/(PGT)/KVS(SR) 8975-77 dated 21/22-08-2002 to Smti/ Smt.

Anjumoni Sonowal is hereby withdrawn as he/she was not obtained the Professional Qualification (B.Ed.) or equivalent as on the last date of submission of application in terms of the advertisement.

To

Smti/ Smt. Anjumoni Sonowal  
C/o Mrs R. Saikia, H.S. School, JYPR.

JYPR

PIN - 786614

( M.M. JOSHI )  
ASSISTANT COMMISSIONER

Copy to:

1. The Principal, K.V. Duliajan, Assam for information with the instructions to return the original application of the candidate to this Office.
2. The Assistant Commissioner (Admn.), KVS (HQ), New Delhi for information.

ASSISTANT COMMISSIONER

*Not obtained  
Professional  
qualification  
on  
20.1.01  
Attested  
Gopal  
Advocate*

State - 14/1/2002  
Date - 14/1/2002

14/1/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

O.A. No. 328 / 2002.

A. Sonowal.

-versus-

union of India and others.

In the matter of -

written statement on behalf of the  
Respondents.

-And-

In the matter of -

Assistant Commissioner,  
K. V. S., Silchar Region.

..... Respondent.

the humble written statement of the Respondent  
are as follows -

Most Respectfully sheweth -

1. That the Respondent No. 4 states that in the original application he has been made party and a copy of the same has been served upon him. The Respondent has gone through the contents of the petition and understood the same and he is competent to file the written statement on behalf of him and for others, they being the official Respondents.

2. ....

8/  
Filed by -  
The Respondent  
through M. K. Majumdar  
Advocate  
14-2-03

- 2 -

2. That the Respondents states that the statements and averments made in the original application are totally denied. The statements which are not born out of records are denied. The Respondent further states that the statements which are not specifically admitted, may be deemed to be denied.
3. That the Respondent states that before controverting the statements and averments made in the above application the Respondent craves leave of this Hon'ble Tribunal to submit the following facts of the case in brief for appreciation.

4. FACTS AND PRELIMINARY OBJECTIONS.

Kendriya Vidyalaya Sangathan is an autonomous body under the Ministry of HRD registered under the Societies Registration Act, 1860. The recruitment of teachers in Kendriya Vidyalaya Sangathan is made on all India basis by open advertisement and is centralised. The candidates possessing the requisite qualification prescribed for the posts as per the advertisement are required to take written examination and based on merit-list drawn on the basis of their performance in the written test(s) candidates are called for interview. Select panel is prepared on the basis of final performance as reflected in the total marks obtained by candidates in written test and interview. The selection of candidates for appointment is purely on the basis of merit depending upon the actual

vacancies,.....

vacancies, provided the candidate fulfills the eligibility criteria prescribed in the advertisement.

The present case in question pertains to the recruitment for the year 2002-2003. The advertisement for the above recruitment was published in the Employment News (weekly) dated 24-30 Nov., 2001 wherein it was clearly mentioned under different sub-heading about the details of Essential qualifications, Eligibility of candidates, How to apply,.. Mode of selection, documents to be attached, last date of receipt of application, Guidelines for filling up the application form, special instructions to the candidates and specific instructions for filling the application form.

It is submitted that the applicant was a candidate for the post of PGT (ENG.). She had appeared in the final B. Ed. examination only in the month of July, 2001 the result of which was not declared till 20.01.2002 the last date for submission of the application form, so she had mentioned in the application that she has appeared in the B. Ed. examination.

As per advertisement copy of which is appended by the applicant at Annexure '3' of the O.A. the following points merits consideration in the instant case :

\* B. ED .....

- \* B. ED QUALIFICATION WAS ESSENTIAL.
- \* B. ED QUALIFICATION SHOULD HAVE BEEN ACQUIRED/PASSED BY THE CLOSING DATE OF RECEIPT OF APPLICATIONS, THAT IS 20.01.2002.
- \* IF THE CANDIDATE IS NOT ELIGIBLE AND APPLY FOR THE POST THE CANDIDATE IS DOING SO AT HIS/HER OWN RISK. IN THAT CASE, EVEN IF THE CANDIDATE IS SELECTED, THE CANDIDATURE WILL BE PURELY PROVISIONAL SUBJECT TO ELIGIBILITY BEING VERIFIED.
- \* THE DECISION OF THE SANGATHAN ABOUT THE MODE OF SELECTION TO THE POST AND ELIGIBILITY CONDITIONS OF THE APPLICANT SHALL BE FINAL AND BINDING.
- \* THE CANDIDATE WILL BE SOLELY RESPONSIBLE FOR ANY ADVERSE DECISION ON HIS/HER CANDIDATURE DUE TO ILL EGIBLE OR MISLEADING ENTRIES.
- \* THE APPLICANTS MUST FULFILL THE ESSENTIAL REQUIREMENT OF THE POST APPLIED FOR AND OTHER CONDITIONS STIPULATED IN THIS ADVERTISEMENT. THEY ARE ADVISED TO SATISFY THEMSELVES BEFORE APPLYING THAT THEY POSSESS AT LEAST THE ESSENTIAL QUALIFICATIONS PRESCRIBED FOR VARIOUS POSTS. NO INQUIRY WILL BE ENTERTAINED.
- \* SANGATHAN MAY TAKE UP THE VERIFICATION OF ELIGIBILITY OF THE CANDIDATE AT ANY POINT OF TIME.
- \* THE CANDIDATE SHOULD NOT FILL IN THE QUALIFICATION IN THE APPLICATION FORM FOR WHICH THEY HAVE APPEARED IN ANY OF THE EXAMINATION OR WHOSE RESULTS ARE AWAITED/DEEMED WITHHELD/NOT DECLARED.

the applicant.....

The applicant is a Post Graduate in English and is a literate lady and was applying for the post of a Teacher in English. The entire advertisement and the terms and conditions were all in English language. The applicant is supposed to have read the entire terms and conditions of the advertisement before actually filling up the application/and also was supposed to have ensured fully well that she is eligible for the post with regard to educational qualification, age and other requirements as per the terms and conditions of the advertisement.

The applicant did not possess one of the essential qualification i.e., B.Ed. as on the closing date of receipt of application i.e. 20.01.2002. She had appeared in the B.Ed. examination and was awaiting for the result. As per the terms and conditions of the advertisement the applicant was not eligible to apply for the post. Though the applicant was not eligible she applied for the post at her own risk. It was also clearly stipulated in the advertisement that the candidates should not fill the qualification for which they have appeared or awaiting for result. In spite of this stipulation the applicant has mentioned in the application that she has appeared for B.Ed. examination and also applied for the post by her own choice/decision and at her own risk. It was clearly mentioned in the advertisement that the verification of eligibility of the candidate may be taken at

any point.....

any point of time. It was also clearly stipulated that the candidate/applicant must read the eligibility conditions, prescribed essential qualifications etc., before submitting his/her application. His/her candidature will be purely provisional subject to eligibility being verified after the test or interview. Consequently because a candidate has been allowed to appear for the written test and/or interview, it should not be presumed that he/she is eligible for appointment to the post. The Sangathan reserves the right to cancel his/her candidature at any stage of the selection, if it is not as per the provisions laid down in this advertisement.

It is submitted that by issuing offer of appointment it will not entitle a candidate to claim for an appointment if he/she does not possess the prescribed minimum essential qualification, age and other criteria prescribed in the advertisement as on the closing date for receipt of application. In fact as per the laid down procedure, the candidate selected for appointment, who has been issued offer of appointment, should report to the principal of KV where he/she has been posted along with the original credentials/certificates with regard to educational and professional qualification and caste certificate for verification of the same. At this point also, if the candidate is found not to

be in.....

be in possession of the prescribed qualifications as per the advertisement, the candidature will stand cancelled. In the instant case too, the same thing has happened. The applicant though not eligible with regard to the basic essential qualification, had applied, cleared the written examination/interview and got selected for appointment. She was issued offer of appointment based on the result. At the time of her reporting at the place of posting, it revealed from her certificates that she was not in possession of the prescribed qualification as per the advertisement and obviously her candidature was cancelled i.e., her offer of appointment was withdrawn. The applicant was at fault from the beginning. As she was not eligible she should not have applied. Since, knowingly well that she was not eligible she had applied for the post, she has to face the consequences. The Sangathan is very much clear and clean in the matter of recruitment and there is not even a little scope to mislead the candidates. There was no mistake on the part of the Sangathan to cancel her appointment after issuing her offer of appointment, upon verification of her qualification.

In view of the above, it is submitted that the case has no standing and is fit to be dismissed at the stage of admission itself. Moreover, the applicant is neither an employee of government/state or any of the autonomous body as such her application should not be entertained by the

Hon'ble.....

Hon'ble Tribunal. A number of candidates who were awaiting for their result have not applied for the post. In case the Applicant is appointed, they would be at disadvantage and they may also go to court on this ground and that Sangathan has to face avoidable litigation.

In view of above the Application may kindly be dismissed at the admission stage itself.

5. That with regard to statement made in paragraph 4(i), (ii), (iii), (1), (2) & (3), it is submitted that the averments made in these paragraphs call for no comments.

6. That with regard to statement made in paragraph (iv) the deponent states that the applicant was a candidate/applicant for the post of PGT (Eng.) who had applied for the post in response to the advertisement published by the Kendriya Vidyalaya Sangathan, (Headquarters), New Delhi hereinafter referred to as 'Sangathan' in the Employment News (Weekly) dated 24th - 30th Nov. 2001. In the advertisement under part - I, the Essential Qualification for the post of PGT (Eng) was clearly mentioned which was equally agreed to by the applicant in her application under para No. 4 sub-para (iii), (1), (2) & (3) captioned 'FACTS OF THE CASE'. The essential qualification for the post of PGT (Eng) provided that the applicant should have a Master's degree in English securing at least 50% marks with B.Ed. or equivalent qualification from recognised University and

proficiency.....

proficiency in teaching in Hindi and English. Under Part-II of the advertisement under the heading Eligibility of Applicants it was clearly mentioned :-

ELIGIBILITY OF CANDIDATES WILL BE DETERMINED BY THEIR EDUCATIONAL QUALIFICATIONS AND AGE LIMIT AND OTHER CRITERIA AS PRESCRIBED IN THIS ADVERTISEMENT AS ON THE CLOSING DATE FOR RECEIPT OF APPLICATION".

The advertisement provided LAST DATE FOR RECEIPT OF APPLICATION(s) : as 31.12.2001.

The last date of submission was later extended for the first time from 31.12.2002 to 10.01.2002 and the second time it was extended from 10.01.2002 to 20.01.2002. The extension of last date both the times was notified in the Employment News (weekly) and other National dailies through the Sangathan's Regional Offices across the country.

The applicant did not possess B.Ed. qualification as on the closing date for receipt of application i.e., 20.01.2002, as the petitioner had appeared for B.Ed. in the month of July 2001 and was awaiting for her result. Hence she was not eligible.

The averment made by the applicant that she was in possession of the required qualification is false, misleading and unacceptable to the respondents.

That with.....

7. that with regard to the statements made in paragraph 4(i) the deponent begs to state that in the advertisement in the second page under the heading special instructions to the candidates under the clause XXVII it was clearly mentioned:-

• THE CANDIDATE SHOULD NOT FILL IN THE QUALIFICATION IN THE APPLICATION FORM FOR WHICH THEY HAVE APPEARED IN ANY OF THE EXAMINATION OR WHOSE RESULT ARE awaited/ WITHHELD/DECLARED.

It is submitted that the candidate to become eligible for the post of PGT (Eng.) should have possessed the essential qualification including B.Ed. by the closing date for receipt of application i.e., 20.01.2002. If not, they were not to fill the qualification in the application form, hence, they were not eligible and their applications were liable to be rejected/or their candidature cancelled at any stage.

Though the applicant is well educated and has the capacity to understand the English language, knowing fully well, in contradiction to the stipulation, she filled B.Ed. qualification in the application though she had not acquired/passed the same by 20.01.2002 i.e. the last date of submission of application.

The applicant is totally wrong on her part in maintaining her position that she has qualified B.Ed. which in fact is untrue in terms of the advertisement and is unacceptable to the respondents.

That with.....

8.

That with regard to the statements made in paragraph 4(vi) it is submitted that in the advertisement under part IV Mode of selection under para 6, it was clearly mentioned that -

[ THE SANGATHAN MAY/MAY NOT TAKE ANY SCRUTINY OF APPLICATION FOR ELIGIBILITY BEFORE THE WRITTEN TEST AND THE APPLICANTS WILL BE ALLOWED TO APPEAR IN THE EXAMINATION/SCREENING TEST ETC. AT THEIR OWN RISK. ] THE APPLICANT THEREFORE MUST CAREFULLY READ THE ELIGIBILITY CONDITIONS, PRESCRIBED ESSENTIAL QUALIFICATIONS ETC. BEFORE SUBMITTING HIS/HER APPLICATION(S). HIS/HER CANDIDATURE WILL PURELY BE PROVISIONAL SUBJECT TO ELIGIBILITY BEING VERIFIED AFTER THE TEST AND/OR INTERVIEW, CONSEQUENTLY BECAUSE A CANDIDATE HAS BEEN ALLOWED TO APPEAR FOR THE WRITTEN TEST/OR INTERVIEW, IT SHOULD NOT BE PRESUMED THAT THAT HE/SHE IS ELIGIBLE FOR APPOINTMENT TO THE POST. ]

It is submitted that the applications were called from the candidates without attaching any enclosures with regard to their qualifications, age, caste etc., hence, without the same, verification of the application was not possible. Also, keeping in view the volume of applications received it was not possible to verify the entries made in the

applications.....

applications for selecting the candidates for written test(s). (Sangathan has not verified the applications of the candidates before the written test(s) and for calling the successful candidates for interview.)

Hence, the applicant though not eligible for the post at her own risk in contravention to the clear stipulation to that effect. (The contention of the applicant that after scrutinising the application form and having found the application form of the applicant complete and valid allowed the applicant for the written test(s) and for the interview is totally wrong and misleading.

9. That with regard to the statements made in paragraph 4(vii) the deponent states that on the basis of her performance in the written test and interview, the applicant was selected and her application was forwarded to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar for issue of offer of appointment. Accordingly, she was issued offer of appointment with her posting to Kendriya Vidyalaya, Duliajan, Assam.

10. That with regard to the statement made in paragraph 4(viii) the deponent states that as per the instruction of respondent No. 4 to respondent No. 5 vide endorsement copy of offer of appointment (Annexure - 7 of OA) when the

applicant went.....

applicant went for joining duty at K.V. Duliajan the respondent No. 5 checked the original certificates of the applicant and sought the requisite clarification about the date of declaration of result of her B.Ed. examination and it was revealed that the result of applicant's B.Ed. examination was declared in March 2002 i.e. after the last date of submission of application. Therefore, the respondent No. 5 referred the matter to respondent No. 4.

11. That with regard to the statements made in paragraph 4(ix) the deponent states that the contents of paragraph 4(ix) are admitted.

12. That ~~the~~ with regard regard to the statements made in paragraph 5 - Relief sought for - the deponent states that -

I) It is submitted that the applicant did not possess the requisite qualification of B.Ed. as on the last date of submission of the application i.e. 20.01.2002, hence she was not eligible to apply for the post. As the applicant was not eligible for the post, she does not have any right for claiming relief. Her averments in the above paras are devoid of any truth and are unacceptable to the respondents. Hence, her petition deserves for dismissal at the admission stage itself.

As the.....

As the applicant was not eligible for the post as per the terms and conditions of the advertisement, her offer of appointment was withdrawn vide memorandum no. 216/2002/KVS(SR)/10367-69 dated 05.09.2002 by the Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar. The action by the Asstt. Commissioner was correct, hence the same holds good.

II) It is submitted that, as the applicant was not eligible for the post and also in view of the fact that her offer of appointment was withdrawn she cannot be allowed to join in the post.

13. That with regard to the statements made in paragraph 6 - Interim Relief sought for - the deponent states that -

I) It is submitted that the applicant did not possess the requisite qualification of B.Ed. as on the last date of submission of the application i.e. 20.01.2002, hence she was not eligible to apply for the post. As the applicant was not eligible for the post, she does not have any right for claiming relief. Her averments in the above paras are devoid of any truth and are unacceptable to the respondents. Hence, her application deserves for dismissal at the admission stage itself.

As the applicant was not eligible for the post as per the terms and conditions of the advertisement, her offer

of .....

of appointment was withdrawn vide memorandum No. 2-16/2002/KVS(SR)/10367-69 dated 05.09.2002 by the Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar. The action by the Asstt. Commissioner was correct, hence the same holds good. The applicant has no right to request for grant of stay of the above order. Also, she does not have any right to seek direction for joining the post.

II) As the applicant was not eligible for the post and also keeping in view the fact that her offer of appointment was withdrawn she cannot be allowed to join in the post. Her offer of appointment was withdrawn, and the post of PGT (Eng.) cannot be kept vacant for long time in the interest of studies of students of KV, Duliajan. Hence, the applicant has no claim to seek direction for not filling up the vacant post of PGT (Eng.) in Kendriya Vidyalaya, Duliajan (Assam).

14. That with regard to the grounds made in paragraph 7 the deponent states that -

(a) It is submitted that it was clearly mentioned in the advertisement that the qualification should have been acquired by the closing date of receipt of the application i.e., 20.01.2002 and also it was clearly mentioned that those candidates who are awaiting for results should not

fill.....

fill in their qualification. Held, the applicant had appeared for B.Ed. examination in the month of July, 2001 and was awaiting for results & at the time of submitting the application, hence she was not eligible. The withdrawal of offer of appointment is justified and was not erroneous or illegal.

(B) It is submitted that it was clearly mentioned in the advertisement that the Sangathan may/may not take any scrutiny of applications for eligibility before the written test and the applicants will be allowed to appear in the examination/screening test etc. at their own risk. The applicant therefore, must carefully read the eligibility conditions, prescribed essential qualifications etc., before submitting his/her application. Her candidature will be purely provisional subject to eligibility being verified after the test/or interview. Consequently because a candidate has been allowed to appear for the written test and/or interview, it should not be presumed that he/she is eligible for appointment to the post. The Sangathan reserves the right to cancel his/her candidature at any stage of the selection if it is not as per the provisions laid down in this advertisement.

The applicant was not eligible, hence, her offer of appointment was withdrawn and the action is justified and it was not an afterthought or illegal.

(C) .....

(C) On the basis of her performance in the written test and the interview the name of the applicant was in the merit and hence, offer appointment was issued to her. At the time of joining, certificates of applicant were checked and it came to light that she was not eligible for the post and her offer of appointment was withdrawn. The action by the respondents is correct and justified, it is neither illegal nor unjust and arbitrary.

(D) It is submitted that in spite of clear instructions to the effect that the candidates not possessing the qualification on the closing date of submission of application is not eligible, and if candidates still apply, will do so on their own risk. In the instant case too the applicant also had applied at her own risk knowingly well that she was not eligible. Hence, Sangathan will go by rules and rules are framed for all, it cannot be relaxed for one. All have to abide by the rules. As the applicant was not eligible for the post, and withdrawal of her offer of appointment is justified and was not illegal or unjust.

(E) It is submitted that as per the terms and conditions of the advertisement the applicants were advised to satisfy themselves before applying that they possess at least essential qualifications prescribed for various posts. The prescribed essential qualifications are the minimum and

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the mere possession of the same does not entitle candidates to be selected. The minimum essential qualification is applicable to all candidates irrespective of caste or community. In respect of appointments reservation is allowed as per Govt. of India norms but no relaxation is allowed in respect of minimum essential qualification as the same is minimum for consideration of candidates for the post. The ament made under the para is unacceptable.

(F) It is submitted that the applicant is on the wrong side ab initio and she knew it well to be so. Also, as per the terms and conditions of the advertisement it was clearly mentioned that all applicants must fulfil the essential requirement of the post applied for and other conditions stipulated in this advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications prescribed for various posts. No inquiry will be entertained. Further, the applicant was requested to provide necessary particulars in support of her qualification in respect of three observations mentioned vide letter No. F. 2-1 2/KVN/ 2002-03/930-31 dated 28.08.2002 issued by respondent No. 5 i.e. the Principal, Kendriya Vidyalaya, Duliajan, Assam. Only after receiving from her reply to the above letter, her offer of appointment was withdrawn. She was given enough opportunity. Hence, her contention is wrong and misleading and is unacceptable.

(G) .....

(G) It is submitted that it has been clearly mentioned in the advertisement that the ~~z~~ ~~eligibility~~ of the candidates will be determined by their educational qualifications and age limit and other criteria as prescribed in the advertisement as on the closing date for receipt of applications i.e. 20.01.2002. As the result of B.Ed. examination of the applicant was not declared by 20.01.2002, she was not eligible for the post of PGT (Eng.) and the averments made in this para are not justified. She is trying to make a futile attempt to secure her appointment by wrongfully representing her contentions which is unacceptable. The action of the respondents withdrawing the offer of appointment is just, legal and is very much ~~z~~ within the purview of the terms and conditions stipulated in the advertisement.

Hence, it is submitted that in the averments made by the applicant, there is no truth and is totally unacceptable. It has no merit and is fit for dismissal at the admission stage itself.

verification.....

VERIFICATION

I, Sunder Singh Sehrawat, S/O Sh. Harish Chander, Age about 52 years, presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region, Maligaon Chariali, Guwahati-12, do hereby verify that the statement made in paragraphs 1, 2, 3, 4 (part), 5, 9, 10, 11 are true to my knowledge and those made in paragraphs 4 (part) 6, 7, 8. are based on records.

And I sign this verification on this 10th ~~Feb~~ the day of 2002 at Guwahati.

Date : 10-2-02.

Place : Guwahati

Sunder Singh Sehrawat

DEPONENT