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5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 119/2002

R.A/C.P No.

E.P/M.A No. 85/2002

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2783

SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 119/02
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) T Bihim Ch. Das.

Respondent(s) 2) OF & ORS.

Advocate for Applicant(s) Mr. A.B. Choudhury, A. Ahmed & R. Hussein
Mr. K. Abedin, Mr. B. Gogoi

Advocate for Respondent(s) Mr. S. Sarma
B. Banerjee, S.C. Biswas, M.K. Majumdar
R. Begam, R. Khan for Respdt. 1, 2 & 3

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

11.4.02

Heard Mr. A.B. Choudhury, learned counsel for the applicant.

Issue notice to show cause as to why the application shall not be admitted.

Also issue notice to show cause as to why the impugned transfer order No. F10-2/02-KVS(GR) 5548-68 dated 8.4.2002 transferring the applicant Sri B.C. Das, TGT(Maths) from KV, Khanapara to KV, Aguarang shall not be suspended. Notice is returnable by three weeks.

In the meantime, the operation of the said order shall remain suspended till the returnable date so far the applicant is concerned.

List on 3/5/2002 for show cause and further orders.

Member

Vice-Chairman

Slk's taken Notice
Reviewed and sent to
D/S for his the Respon-
dent No. 1 to 3 by Regd.
A/D & By Sh. Mung Ch.

11/4/02

D/No 1130

Ad - 11/4/02

① Show cause has
not yet been

2.5.02

2

O.A. 119 of 2002

3.5.02

Heard Mr.A.Ahmed learned counsel appearing on behalf of the applicant and also Mr.S.C.Biswas learned counsel for the respondents.

The respondents have granted 3 weeks further time to file written statement. List on 27.5.02 for filing of written statement and further orders

Endeavour shall be made to dispose of the application at the Admission stage.

IC. Shany
Member

Vice-Chairman

lm

27.5.02

Let the Respondents be furnished a copy of the written statement within 24 hours and the matter may be listed for admission on 30.5.2002.

24.5.2002

W/s submitted

by the Respondents Nos. 1, 2 & 3.

Vice-Chairman

along with order dated 27/5/02

W/s forwarded to Mr. A.B. Choudhry, Advr.

Vide Memo

dated

28/5

30.5.02

The respondents have filed the written statement. Mr. A.Ahmed, learned counsel appearing on behalf of the applicant prays for time to go through the written statement. Considering the facts of the case, the matter may now be listed for admission and disposal on 6.6.2002.

5.6.2002

Respondent submitted

by the applicant in reply to the W/s.

mb

6.6.02

Hearing concluded. Judgement reserved.

Vice-Chairman

By order

Notes of the Registry

Date

Order of the Tribunal

12.6.02

Judgment delivered in open Court.
Kept in separate sheets. Application is
disposed of. No costs.

Judgment dtd. 12/6/02
communicated to the
parties concerned and
the applicant by
Regd. Post.

[Signature]
19/6/02

lm

[Signature]
Member

[Signature]
Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~P.A.~~ No... 119. of. 2002. ~~xx~~

DATE OF DECISION. 12.6.2002.

Sri Bipin chandra Das APPLICANT(S)

Sri A.B. Choudhury ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors. RESPONDENT(S)

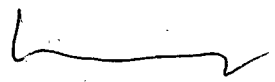
Sri M.K. Mazumdar ADVOCATE FOR THE
RESPONDENT(S)

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

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

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice- Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 119 of 2002.

Date of Order : This the 12th Day of June, 2002.

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

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

Sri Bipin Chandra Das,
son of late N.R.Das,
Zoo Narengi Road,
5th Bye Lane,
Guwahati-21,

...Applicant

By Advocate Sri A.B.Choudhury.

- Versus -

1. Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16,
represented by its Chairman.
2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Maligaon Chariali,
Guwahati-781 012.
3. The Principal,
Kendriya Vidyalaya,
Khanapara, Guwahati - 22.

... Respondents

By Advocate Sri M.K.Mazumdar.

O R D E R

CHOWDHURY J.(V.C),

The regularity as well as the rightfulness of the order redeploying the applicant as Trained Graduate Teacher (Mathematics) at Kendriya Vidyalaya, Tawang vide order No.F:10-2/02-KVS(GR)5548-68 dated 8.4.2002 is assailed in this proceeding.

2. The facts in brief relevant for the purpose of adjudication of the proceeding are given herein below :

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The applicant is a B.Sc with B.T. He was appointed as a Trained Graduate Teacher (TGT for the sake of gravity) Science by the respondents and posted at Kendriya Vidyalaya, Khanapara wherein he joined in 15.7.1974. The respondent No.2 issued the impugned order dated 8.4.2002 transferring and redeploying seven TGT in other Kendriya Vidyalayas from the institutions where they worked on the ground of surplus on the fixation of staff strength in Kendriya Vidyalayas for the year 2002-03. Accordingly the respondents transferred the applicant from Kendriya Vidyalaya, Khanapara to Kendriya Vidyalaya, Tawang. The applicant in this O.A assailed the legitimacy of the order as arbitrary, discriminatory and unlawful. The applicant inter alia also disputed the purported reason of redeployment on the ground of surplus. The applicant also contended that the posting the applicant at Kendriya Vidyalaya, Tawang without considering the feasibility to accommodate him in the same station also amounted to mechanical exercise of power.

3. Opposing the claim of the applicant the respondents contested the case and submitted its written statement. In the written statement the respondents stated that as a result of the fixation of staff sanctioned strength it found the strength of teacher in excess of the requirement. As per the policy guideline the respondents had to redeploy the excess staff against clear vacancy. While identifying such excess staff as

per the existing policy the employee having the longest stay in the cadre in particular Kendriya Vidyalaya was picked up. As per the policy of the KVS the seniormost teacher of KV in terms of length of stay was to^{be} declared excess to requirement and accordingly such teacher would be transferred to other KV against clear vacancy. in the written statement the respondents mentioned about the staff strength, the classes, number of sactions and number of periods and stated that one TGT became excess to the requirement.

4. We have heard Mr A.B.Choudhury, learned counsel appearing on behalf of the applicant as well as Mr M.K.Mazumdar, learned counsel appearing for the respondents at length. Mr Choudhury, learned counsel appearing for the applicant stated and contended that the respondents while exercising its discretion in determining the staff strength acted arbitrarily and in a most illegal fashion resulting the purported transfer of the applicant. The learned counsel contented that relevant consideration like educational need of students and the experience of the applicant were not taken into consideration. The learned counsel submitted that the impugned action of the respondents holding the applicant surplus was obviously erroneous exercise of discretion. Mr M.K.Mazumdar, learned counsel for the respondents opposing the claim of the applicant on the other contended that the authority althroughout acted bonafide

and in terms of the policy guidelines. Mr A.B.Choudhury, invited learned counsel for the applicant ~~by~~ ^{our} attention to the relevant provisions of the Education Code of the Kendriya Vidyalaya and a decision of this Bench rendered in O.A.383 of 1999 (Sri Chandra Kanta Haloi vs. Kendriya Vidyalaya Sangathan & Ors.) disposed of on 4.5.2001. Mr Mazumdar also in support of his contention relied upon the Education Code of Kendriya Vidyalaya and a judgment of this Bench in O.A.167 of 2001 (Sri Suresh Baruah vs. Union of India & Ors.) disposed of on 28.1.2002.

5. Posting and transfer and for that matter redeployment is a managerial function. The respondents are the authority to act as per administrative exigencies. In course of management it has to assess and refix the staff strength and to balance its own need. From the materials on record it is difficult to hold that there was illegality in the fixation of the staff strength. As being a person in longest stay, the applicant was identified as surplus, the same cannot be labelled as arbitrary or discriminatory. Mr A.B.Choudhury, learned counsel submitted that instead of seniormost the respondents ought to have transferred and redeployed the juniormost on the principle of first come last go. The aforesaid principle is a principle carved out in labour jurisprudence in the field of retrenchment of the workmen. Here is a case of redeployment of a

teacher and if in such area the authority takes a decision to declare a seniormost as surplus such decision making process cannot be said to be unlawful. A margin of appreciation is to be given to the administration to administer its own house. Education Code in the Kendriya Vidyalayas contains the compilation of the orders and instructions for the administration of the Kendriya Vidyalayas. As per the code the staff strength for each Vidyalaya is to be determined and sanctioned by the competent authority on the basis of work load and other relevant factors as cited in para 47. Para 104 also set out with maximum limit of the total strength of section. The Code however contains the guidelines to guide the administration and to reach at the right result. The impugned act of redeployment and the transfer order dated 8.4.2002 in the facts and circumstances of the case cannot be said to be unlawful requiring interference from the Tribunal.

6. Mr A.B.Choudhury, learned counsel for the usual applicant in his/persuasive manner further referred to the dislocation in the family affairs of the applicant/sequal to his transfer order. The learned counsel submitted that as per their own policy guidelines the respondents ought to have make endeavour to adjust the applicant against the vacancy within the station or at any rate in the nearest available vacancy. Mr Choudhury, the learned counsel referred to the existing vacancies at KV Nagaon,

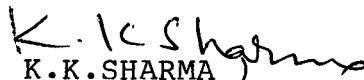
KV Haphey Valley Shillong and KV Mohanbari, Dibrugarh. Mr M.K.Mazumdar, learned counsel for the respondents fairly stated that the respondents are not averse in accommodating their own teachers if there is available vacancy. Mr Mazumdar submitted that it would be open to the applicant to submit appropriate representation before the authority narrating his grievances wherein he would be able to point out the existing vacancies and on receipt of such representation the respondents authority may examine the same and consider the feasibility subject to the public interest.


7. For the reasons stated above we do not find any scope for judicial review of the order of redeployment dated 8.4.2002. We however, feel that ends of justice will be met if a direction is issued to the applicant to make an appropriate representation before the authority within one month from the date of receipt of this order narrating his grievances and referring to the post against nearest available vacancy. If such representation is received the respondents are also directed to consider the same sympathetically and pass a reasoned order thereon as per law keeping in mind the inconvenience of the applicant as expeditiously as possible, preferably within two months from the date of receipt of the representation.

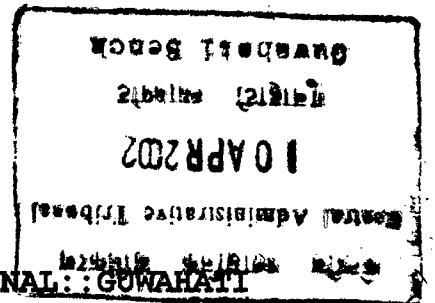
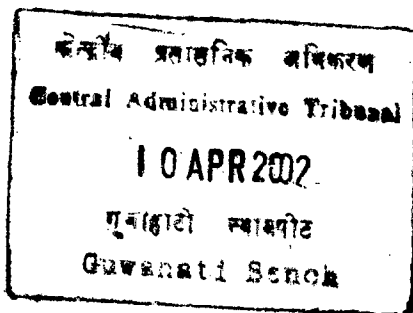
contd..

Subject to the observations made above, the application stands disposed of. The interim order dated 11.4.2002 stands vacated.

There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI

BRANCH GUWAHATI

O.A. No. 119 /2002

Sri Bipin Chandra Das,

-Versus-

Kendriya Vidyalaya Sangathan & Ors.

I N D E X

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7.	Annexure-5	19

Filed by

Zahangir Hussain

Advocate
10.4.02

Bipin Ch - 20

Filed by The
Applicant
through
Narangi Hussain
Advocate
10.4.02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI
BRANCH GUWAHATI

An application U/S 19 of the
Central Administrative Tribunal
Act 1985

O.A. No. 119 /2002

Sri Bipin Chandra Das,
S/o Late N.R.Das,
Zoo Narangi Road,
5th bye lane
Guwahati - 21, Assam.

.....Applicant

- Versus -

1. Kendriya Vidyalaya Sangathan,
A society of registered under
the Societies Representation
Act, having its Registered
Office at 18, Institutional
Area, Shaheed Jeet Singh Marg,
New Delhi-16, represented by
its Chairman.
2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office - Maligaon
Charali, Guwahati - 781 012.
3. The Principal,
Kendriya Vidyalaya, Khanapara,
Guwahati - 22.

.....Respondents

Bipin Ch. Das

1. **PARTICULARS FOR WHICH THE APPLICATION IS MADE:-**

This application is made for quashing the impugned transfer order issued vide No. F10-2/02-KVS(GR)5548-68 dated 8-4-2002.

2. **LIMITATION:-**

The applicant declares that the instant application has been filed within the prescribe period of limitation as per the Administrative Tribunal Act 1985.

3. **JURISDICTION:-**

The applicant further declares that the subject matter of the instant case is with-in-the Jurisdiction of this Hon'ble Tribunal.

4. **FACTS OF THE CASE:-**

I.) The Applicant is a citizen of India and permanent resident of Zoo Narangi Road, Guwahati, Assam, as such he is entitled to all rights and privileges as guaranteed under the Constitution of India and the Rules framed thereunder.

II.) That the Applicant is a B.Sc.(Honours) with B.T. He was appointed as Trained Graduate Teacher (T.G.T.) (Sc.) by the Kendriya Vidyalaya Sangathan and posted at Kendriya Vidyalaya, Khanapara, Guwahati - 22. The applicant joined the post on 15-7-1974 and has been discharging his duties without any blemish and to the satisfaction of all concerned. The applicant has been teaching both Mathematics and science in the said school.

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copy
in
file

III.) That the applicant has completed more than 27 years of service under the respondents and there is nothing adverse against him.

IV.) That the Kendriya Vidyalaya Sangathan issued an order/circular dated 23.7.96 with regard to Surplus adjustment and transfers of staff within the region. The said order/circular provides two type of surplus (one is Automatic surplus and other is Created surplus). According to this order/circular, automatic surplus means teachers who have been rendered surplus automatically due to the modification in staff strength are the ones refereed to as automatic surplus. In such cases the teachers of the particular category who had the longest stay in the Vidyalaya should move out on transfer. Created surplus posting of a teacher when no vacancy existed in that Vidyalaya. In such cases adjustment by transfer should be resorted to only after obtaining the consent of one of the existing incumbents in the cadre.

A copy of the order/circular dated 23.7.96 is annexed hereto and marked as **Annexure - 1.**

V.) That the applicant begs to state that there are three categories of teachers under respondent No.1, i.e. (a) Primary Teachers who teach upto class V (b) Trained Graduate Teachers who teach from class VI to class X and (c) Post Graduate Teachers who teach in

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Dipin Ch. 25

classes XI & XII exclusively. The applicant is teaching in class VI to class X and he is taking 33 periods in a week regularly.

VI.) That in Kendriya Vidyalaya, Khanapara, Guwahati, there are total fifteen sections from class VI to class X. Each section having not less than 40 students. The existing numbers of teachers for class VI to class X are not adequate and hence on no occasion "created surplus" arose in the said Vidyalaya under any circumstances.

VII.) That the scheme for employment strength of teachers is ratio of 40:1, i.e. 40 students in a section of a class requires one teacher. All the sections of class VI to Class X consist not less than 40 students and according to the section strength the existing teachers including the applicant are required to teach in the said school.

VIII.) That the applicant was earlier shown as surplus teacher w.e.f 1.4.2001 but subsequently vide order dated 26.3.2001 issued by the Section Officer(O & M), K.V.S. restored the earlier order and as such the applicant was allowed to continue in the said school.

A copy of the Order dated 26.3.2001 is annexed and marked as **Annexure - 2.**

IX.) That the Respondent No.2 had issued the order of transfer vide No. F10-2/02-KVS(GR)5548-68

18
Bipin Chandra

dated 8-4-2002, posting him at Tawang, Arunachal Pradesh showing the applicant as surplus. The applicant cannot be termed as either an automatic surplus or a created surplus as has been stated above.

A copy of the order dated 8-4-2002 is annexed and marked as **Annexure - 3**.

X.) That the applicant begs to state that the aforesaid order of transfer does not fall in any of the categories of automatic surplus or created surplus. The impugned order of transfer is, therefor, in clear violation of the aforesaid circular and the same can be termed as malafide.

XI.) That it is pertinent to mention here that the applicant is senior most TGT (Maths) in the Kendriya Vidyalaya, Khanapara and in the North Eastern Region. One Sri S.K.Mandal is junior most TGT (Maths) in the Vidyalaya. There is a policy of the Kendriya Vidyalaya Sangathan to transfer the employee out of North East Region one who has completed 3 years of service in the said Region. Sri S.K.Mandal who comes from out side of N.E.Region completed more than 7 years of service at Khanapara Kendriya Vidyalaya and has already applied for his transfer and posting out of N.E.Region and in the transfer priority list prepared by the Sangathan, Sri. S.K.Mandal stands in both the transfer priority lists(I & II) and he can be transferred out at any moment by the

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Bipin Ch. Das

Ch. 54
Bipin

Respondent authority in a normal course. If reduction of one teacher is necessary the same can be met by transferring Sri S.K.Mandal who is eagerly waiting for the same, in which case the question of transferring of the applicant to a distant place would not arise. However, no occasion has infact arisen to transfer the applicant in the name of surplus.

A copy of the priority list containing the name of Sri S.K.Mandal is annexed hereto and marked as Annexures - 4 & 5 respectively.

XII.) That the applicant begs to state that under the guidelines/circular dated 23-7-96, it has been provided that the incumbents transferred on automatic or created surplus should be adjusted against the vacancies existing at the same station, where ever, it is not feasible to accommodate within the same station, transfer should be made to place nearby in respect of automatic surplus and by option in respect of caused surplus should be restored. Though there is likelihood of vacancies under KVS at Guwahati and there are existing vacancies at K.V. ^①Nagson, K.V. ^②Happy Valley, ^③Shillong and K.V. Mohanbari, Dibrugarh. The applicant has been transferred to a far away place at Tawang in Arunachal Pradesh, which is situated in the China Border. It would cause inconvenience for the applicant to move to a distant place of higher altitude and the same would not be conducive to the health of the

Not Rev

applicant who is a patient of Hypertension. The transfer of the applicant to such a distance place is therefore contrary to the policy of transfer and the same is also not in public interest and is by way of punishment for no fault of the applicant.

21
Replied [unclear] for

5. GROUND OF RELIEF:-

- I.) For that, the action of the Respondents to show the applicant as surplus is illegal and he is having only about 4 years of service to go on retirement and the proposed transfer would cause extreme hardship and injustice to the applicant.
- II.) For that, the transfer of teacher under the respondent are made generally on three grounds (a) Mutual reason (b) Transfer on request and (c) Administrative reason. None of the three requirements existed in this case. The applicant has not applied for any transfer unilaterally or mutually, so there is no administrative reason to transfer the applicant rather the ground of "Surplus" shown by the respondent does not existed as such the impugned order of transfer has no legal foundation and cannot be sustained.
- III.) For that, assuming but not admitting that the transfer is necessary, the Respondent should take recourse to transfer the junior incumbent as the policy of a transfer. The transfer of the senior most person would be arbitrary, unjust and unfair. If the applicant join his new place of posting the same would shatter his family life and at a stage when the applicant is to

make preparation for his settlement after retirement of his service.

IV.) For that, applicant understands that one additional post of PGT has been created for class XI & XII and the respondent want to use the service of one of the post Graduate Teacher to teach in class VI to class X. In this process the respondent is in other words abolishing the post of T.G.T and the applicant being senior most teacher has been made scapegoat. Such a situation is not at all recognised by law nor the Rules and Regulation of Kendriya Vidyalaya Sangathan. By creating a post for post of Post Graduate Teacher, the Respondent cannot interfere of services of T.G.T. A T.G.T can be transferred only on the condition under Rule and Regulation and in no other manner.

V.) For that the purported action of the Respondent in making the applicant as surplus is artificial and is not real and therefor the applicant cannot be transferred on such artificial and imaginary ground which would be deemed to be non eyed in law and as such the said transfer order is liable to set aside and quashed.

VI.) For that, having restored the earlier order of surplus by order dated 26.3.2001(Annexure - 2), the respondent authority again shown the applicant as surplus without arising any reason at all. Hence, the impugned transfer order No. F10-2/02-KVS(GR)5548-68 dated 8-4-2002(Annexure - 3) is liable to set aside & quashed.

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3
Bairam Ch. Das

6. **DETAILS OF REMEDY EXHAUSTED:-**

That the applicant declare that he had exhausted all the Sangathan remedies which were available to him within the Sangathan.

7. **MATTER PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

That the applicant declares that no similar application of this matter is pending in any forum, or any other suit is pending in the same matter.

8. **RELIEF SOUGHT FOR:-**

In view of facts and circumstances mentioned above, the applicant prays for quashing the order of transfer order No.F10-2/02-KVS(GR)5548-68 dated 8-4-2002 (**Annexure - 3**).

9. **INTERIM RELIEF PRAYED FOR:-**

Your humble applicant prays that in the interim, the impugned transfer order vide No. F10-2/02-KVS(GR)5548-68 dated 8-4-2002 (**Annexure - 3**) may kindly be stayed and the applicant may be allowed to continue in the Kendriya Vidyalaya, Khanapara, Guwahati - 22.

10. **PARTICULAR OF THE I.P.O.**

I. Indian Postal Order No. 7654 9722 dated 14-4-2002 at Rs. 50/- (Rupees Fifty) only in favour of the Registrar, C.A.T., Guwahati, payable at Guwahati.

11. **DETAILS OF INDEX :**

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

12. **LIST OF ENCLOSURES** :

Page Nos.

1. Copy of the Order/Circular dated 23-7-96
2. Copy of the Order dated 26-3-2001
3. Copy of the Order dated 8-4-2002
4. Copies of the priority lists(1 & 2)

...Verification

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Dignw Ch. 200

VERIFICATION

I, Sri Bipin Chandra Das, aged about years,
S/o Late N.R.Das, Zoo Narangi Road, 5th bye lane, Guwahati -
21, Assam in the above mentioned case do hereby verify that
the statements made in paragraphs (v, viii, ix, x)
and are true to my knowledge which I believe to be true.

And I sign this verification on this the day
of April 2002 at Guwahati.

Bipin Ch. Das
Signature

Bipin Ch. Das

KENDRIYA VIDYALAYA SANGATHAN

18, Institution Area,
Shaheed Jeet Singh Marg
New Delhi - 110016

F.1-1/96-KVS (Estt-III)

Date - 23-07-96

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office.

Sub:- Surplus adjustment and transfer of staff
within the region.

Sir/Madam,

1. The proposals for adjustment of teachers within the region received in response to the telegram of even number dated 30-5-96 have been examined in details in this office. It is observed that in many cases delineation of persons who have rendered surplus has not been done in accordance with the decision taken in the meeting Assistant Commissioner held on 13.5.96 to 15-5-96. According to the decision in the Assistant Commissioner's meeting the yardstick to be adopted for adjustment of surplus teacher were as enumerated below:
 - A. **AUTOMATIC SURPLUS** : Teacher who have been rendered surplus automatically due to the modifications in staff strength are the ones referred to as automatic surplus. In such cases the teacher of the particular category who had the longest stay in the Vidyalaya should move out on transfer.
 - B. **CREATED SURPLUS** : The term created surplus connotes posting of a teacher when no vacancy existed in that Vidyalaya. In such cases adjustment by transfer should be restored to only after obtaining the consent of one of the existing incumbents in the cadre.
2. Very genuine cases of inter regional transfer have been held back in view of the surplus position, as is evident from the computerised priority lists. This is so because the Sangathan attaches a lot of important for adjustment of surplus teacher within the region. Academic, Administrative and financial implications of the existence of surplus teachers not be

Attended by
D. Hussain
Adv.

10.4.02

emphasised. Concerted efforts by the Assistant Commissioner are necessary to wipe out the surplus position so that it does not continue to be a drain on our financial resource. Same time no departure from the guidelines framed by the Board of Governors for request transfer is permissible at all.

3. A comparison of the surplus position and the intra regional transfer priority list shows that position/surplus can be replaced by a proper admixture of surplus adjustment/request transfer. It has therefore been decided that surplus adjustment and transfer on request should be taken up simultaneously. The employees who have been rendered surplus may be identified in terms of the clarification given in Para - 1 above. Thereafter efforts may be made to adjust them against one of the vacancies existing at the station. This will be applicable to automatic as well as created surplus. Then the transfers on request may be taken up strictly according to the guidelines. The vacancies occurring on account may be utilised for the adjustment of surplus. Wherever it is not feasible to accommodate them within the station, transfer to a place nearby essentially in respect of automatic surplus and by option in respect of caused surplus may be restored. All transfers of surplus should be made in Public Interest. No transfers in departure of the guidelines or out of turn should be done in the name of adjustment of surpluses.

4. It is again reiterated, likely year, that no transfer on request/posting on direct recruitment should be made to a station where there are surplus teachers in a particular category.
5. Separate communication will follow individually by name given clearance for intra regional transfers of staff other than PGT's to such region from where confirmation relating to circulation if intra regional transfer on request within the region is expected to be done within the limits prescribed. Therein, both of number and time.

Yours faithfully
Sd/- T.N.Goswami
Deputy Commissioner (Admn.)

Ferrville
Existed since

SHEET WITH REMARKS

- * One Surplus TGT(SSt) Shri C.K.Halei working as per CAT order.
- ** One TGT(Maths) surplus w.e.f. 1st April 2001 (2001-2002) vide KVS(HQ), letter No.F.11-5/94-KVS(O&M) dated 15.01.2001.

Jindal
PRINCIPAL

Principal
Kendriya Vidyalaya
Khanapara, Guwahati-22

Attested by
Z. Hussain
Adv.
18.4.02

KENDRIYA VIDYALAYA SANGATHAN (HQ)
18, Institutional Area
Shaheed Jeeb Singh Marg
New Delhi-16

XXXXXXXXXXXXXXXXXXXX
No. F. 11-1/94-KVS (O&M)
No. F. 11-1/94-KVS (O&M)

Dated:- 26-3-2001

30/3/01

STAFF MODIFICATION ORDER FOR THE YEAR 2001-02

In continuation of this Office Staff Sanction Order
of even number dated 18-1-2001, sanction of the
Commissioner, Kendriya Vidyalaya Sangathan to the restoration/
~~creation/withdrawal~~ of the following section(s)/post(s) in
Kendriya Vidyalaya, Khanapara during the
year 2001-02 is hereby conveyed.

Class	Addl. section(s) opened/restored	Section(s) withdrawn	Addl. post(s) opened / restored	Post(s) withdrawn
-	-	-	restored. TOT (Maths) 1	-

(K. Somasekharan)
Section Officer (O&M)

Copy to:-

1. The Assistant Commissioner, KVS, R.O. Khanapara Gacheti
2. The Principal, K.V., Khanapara
3. Guard file.
4. Att. III/IV section.

Attested by
Z. Hussain
Adv.
10.4.02

K. Somasekharan
Section Officer (O&M)

**KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE : GUWAHATI**

No. F.10-2/02-KVS (GR)/5548-68.

Dated: 8-4-2002.

TRANSFER ORDER

Due to the fixation of staff strength in Kendriya Vidyalayas for the Year 2002-2003 the staff in excess of the sanctioned strength in certain Vidyalays is required to be redeployed against the exist vacancies in other Kendriya Vidyalayas. Accordingly, the following teachers are redeployed in the Kendriya Vidyalayas. Accordingly, the following teachers are redeployed in the Kendriya Vidyalayas shown against their names in Public Interest with immediate effect.

S.No.	Name of the teacher	Designation	Transferred From KV	Transferred to KV
1.	S.Das, TGT (Maths)		Narangi	AFS Jorhat
2.	Dulari Baruah, TGT(Maths)		CRPF Amerigog	Laitkor Peak
3.	B.C.Das, TGT(Maths)		Khanapara	Tawang.
4.	Vijayalakshmi, TGT(Bio)		Missamari	No.2 Tezpur
5.	S.K.Solanki, TGT(Eng)		Panbari	No.2 Tezpur
6.	Gulab Ram, TGT(Hindi)		Tezu	No.1 Tezpur
7.	Lincy Mins, TGT(SST)		Jagiroad	Borjhar

Sd/-D.K.Saini
ASSISTANT COMMISSIONER

Copy to :

1. Individual concerned with the direction to get himself/herself relieved immediately.
2. The Principal, KV, where teacher is presently working with the direction to relieve the concerned teacher immediately under intimation to this office. The incumbent is eligible to draw TA/DA as per KVS rules. In case teacher on leave/absent he/she should be relieved in absentia with immediately effect. On no account, his/her relieving should be delayed. No pay and allowance should be drawn in respect of the

Attested by
Z. Hussain
Adv.

Regularity

10.4.02

transferred teacher with effect from the date he is relieved/seemed to have been relieved.

3. The Principal, KV, where teacher has been posted on transfer with the direction to intimate the dated of joining in respect of the teacher concerned to the undersigned immediately.
4. The Accounts-cum-inspecting officer, KVS, RO, Guwahati.

Sd/-D.K.Saini
ASSISTANT COMMISSIONER

6189	MIL SAH	033	013	198	67	133	36	268	12	059	4	273	8
6596	N.K. AGARWAL	837	481	476	9	474	17	365	50	198	49	183	10
6627	QAYATHRI B.	821	474	198	15		0		0		0		0
7049	ANJANA DHAR MIRAKHUR	189	120	198	66	198	66	198	66	198	66	198	66
7050	SANGEETA JAIN	206	120	198	53	198	53	198	53	198	53	198	53
7304	R.P. UPADHYAY	293	166	478	4	474	11	350	3	198	40	302	10
7423	K. DEEPA	267	156	198	38	198	38	198	38	198	38	218	1
7531	UPENDRA KUMAR	328	179	175	12	194	5	183	14	174	8	198	69
9227	AMARNATH CHOUHARY	640	363	198	32	365	27	423	16	427	7	397	3
9234	G M SHARMA	833	478	467	6	350	1	205	2	198	23	302	7
9236	SANJEEV BHATNAG	833	478	467	8	474	5	198	30		0		0
9237	GOPAL CHATURVEDI	834	478	467	4	474	3	365	18	476	2	198	22
9247	SHASHI K SHARMA	648	364	365	10	351	6	423	6	198	18		0
10583	SATRUGHAN CHAUDHARY	620	347	198	54	406	50	399	2	423	33	427	28
10585	DAYA SHANKAR	620	347	474	25	198	71	476	15	479	3		0
10604	SUBE SINGH	598	434	198	46	207	5	165	1	206	1	183	9
10607	DEVENDRA KUMAR	584	322	198	42	088	6	406	24	397	7	145	9
10610	PRADEEP KUMAR	621	347	467	17	365	48	198	45	474	14	478	7
10618	SANJAY MISHRA	595	330	357	1	198	25	183	4	174	1	364	12
10778	S K SINHA	721	398	198	36	365	34	351	23	364	19	406	17
10789	JAGDISH PRASAD	732	410	423	27	351	31	365	46	359	7	198	44
10791	VINOD MANDAL	736	413	406	49	427	27	198	52		0		0
10797	RANJIT KUMAR PATHAK	738	415	088	18	097	5	133	37	149	3	198	68
10801	AJAY KUMAR	740	417	406	66	198	62	133	35		0		0
10807	R PRASAD	765	423	365	24	351	16	364	14	198	28		0
10808	C B YADAV	765	423	353	3	365	26	351	18	367	1	198	31
10809	P K CHOUHARY	751	425	406	21	198	41	427	11		0		0
10810	D L MAHTO	751	425	406	21	198	41	427	11		0		0
10817	U K PANDEY	760	428	198	24	351	12	365	21	364	11	406	7
11144	KAILASH MISHRA	801	460	198	37	001	5	003	4	406	18	015	2
11146	SATISH CHANDRA	775	439	198	63	198	63	198	63	198	63	198	63
11150	U K BAJPAI	773	022	371	3	364	16	351	19	474	6	198	33
11151	A K YADAV	805	463	406	76	397	27	433	11	198	70	460	1
7537	MEENA PANDEY	327	178	198	59	198	59	198	59	198	59	198	59
7545	PREM PAL SINGH	307	173	199	4	203	7	198	50	174	4	478	9
7552	N.K. SHARMA	341	190	198	60	351	52	423	47	365	61	364	35
7554	MUKESH	326	175	198	55	183	11	156	4	194	3	157	16
7783	JYOTI NAYYAR	379	203	198	65	198	65	198	65	198	65	198	65
7785	MADHUR ABHIPSA	359	199	202	2	156	3	198	43	208	2	152	2
7787	RISHABH DEO SHARMA	385	205	198	26	198	26	198	26	198	26		0
7793	MAIYADIN	374	201	198	64		0		0		0		0
7794	ARUN KUMAR	351	198	199	2	203	5	198	39		0		0
7796	RAM KISHORE	386	206	198	58	188	3	195	1	194	4	194	4
7797	S.P. ARYA	386	206	203	3	198	31	198	21	198	21	183	3
8056	A.K. PANDIT	410	215	198	19	364	13	351	7	364	7	362	3
8062	S.K. MANDAL	413	215	198	17	133	8	023	2	024	6	376	1
8064	SAVITHRY E.S.	412	215	198	14	117	8		0		0		0
8074	CHANDRIKA PRASAD	436	229	351	22	365	33	133	13	175	8	198	35
8075	CHANDRASHEKHAR JHA	423	489	198	51	406	46	423	32	430	2		0
8729	K.K. RATHORE	496	261	474	16	476	8	198	47	048	11	478	8
8748	SUBHASH KUMAR	522	275	406	53	427	31	430	3	433	3	198	56
8878	KULJET KUMAR	552	302	183	2	198	20	310	2		0		0
8879	PRABHAT TYAGI	561	293	302	5	198	16	175	5	365	7	183	1
8895	RAVINDER SINGH JATAV	572	312	198	57	350	6	478	12	199	5	467	20
8896	BHARTI KOUL	570	309	302	12	310	6	198	48	317	2	293	1
8907	DIN DAYAL VERMA	576	316	198	27		0		0		0		0
8913	AMBARISH SHANKER SHARMA	549	301	310	3	198	34	468	2	157	10	288	3
9215	R N TIWARI	653	365	120	4	117	11	198	29	048	4	179	1

Attested by
Z. Hussain Adv. 10-6-2

School No Station No Station for up to 2nd List

School No	Station No	Station for up to	2nd List										
7049	ANJANA DHAR MIRAKHUR	189	120	198	35	198	35	198	35	198	35	198	35
7304	R.P.UPADHYAY	293	166	478	2	474	10	350	2	198	24	302	8
7531	UPENDRA KUMAR	328	179	175	7	194	4	183	9	174	4	198	36
7537	MEENA PANDEY	327	178	198	33	198	33	198	33	198	33	198	33
7545	PREM PAL SINGH	307	173	199	3	203	6	198	30	174	3	478	5
7552	N.K.SHARMA	341	190	198	34	351	37	423	28	365	45	364	23
7554	MUKESH	326	175	198	32	183	8	156	3	194	3	157	8
7785	MADHUR ABHIPSA	359	199	202	2	156	2	198	26	208	2	152	2
7794	ARUN KUMAR	351	198	199	2	203	4	198	23		0		0
7797	S.P.ARYA	386	206	203	3	198	7	198	7	198	7	183	3
8056	A.K.PANDIT	410	215	198	5	365	12	351	7	364	7	362	3
8062	S.K.MANDAL	413	215	198	3	133	5	023	2	024	4	376	1
8064	SAVITHRY E.S.	412	215	198	1	117	1		0		0		0
8074	CHANDRIKA PRASAD	436	229	351	22	365	31	133	9	175	4	198	20
8075	CHANDRASHEKHAR JHA	423	489	198	31	406	37	423	25	430	2		0
8729	K.K.RATHORE	496	261	474	13	476	8	198	28	048	7	478	4
8878	KULJET KUMAR	552	302	183	2	198	6	310	2		0		0
8879	PRABHAT TYAGI	561	293	302	4	198	2	175	1	365	6	183	1
8896	BHARTI KOUL	570	309	302	10	310	6	198	29	317	1	293	1
8907	DIN DAYAL VERMA	576	316	198	12		0		0		0		0
8913	AMBARISH SHANKER SHARMA	549	301	310	3	198	19	468	2	157	4	288	3
9215	R N TIWARI	653	365	120	3	117	4	198	14	048	3	179	1
9227	AMARNATH CHOUDHARY	640	363	198	17	365	25	423	14	427	5	397	2
9234	G M SHARMA	833	478	467	5	350	1	205	2	198	9	302	6
9236	SANJEEV BHATNAG	833	478	467	7	474	5	198	15		0		0
9237	GOPAL CHATURVEDI	834	478	467	3	474	3	365	17	476	2	198	8
9247	SHASHI K SHARMA	648	364	365	9	351	6	423	5	198	4		0
10618	SANJAY MISHRA	595	330		0	198	11	183	4	174	1	364	11
10778	S K SINHA	721	398	198	21	365	32	351	23	364	17	406	16
10789	JAGDISH PRASAD	732	410	423	21	351	28	365	40	359	7	198	27
10807	R PRASAD	765	423	365	22	351	16	364	13	198	13		0
10808	C B YADAV	765	423	353	3	365	24	351	18	367	1	198	16
10810	D L MAHTO	751	425	406	19	198	25	427	8		0		0
10817	U K PANDEY	760	428	198	10	351	12	365	19	364	10	406	7
11144	KAILASH MISHRA	801	460	198	22	001	4	003	4	406	17	015	2
11150	U K BAJPAI	773	022	371	3	364	14	351	19	474	6	198	18

Alls by
A.R. Hussain
Adv.
10.9.02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH:
GUWAHATI.

IN THE MATTER OF :

O.A. No. 119/2002.

Sri B.C. Das.

.....APPLICANT.

- Versus -

K.V. Sangathan & Ors.

.....RESPONDENTS.

- AND -

IN THE MATTER OF :

Written statement on behalf of
respondent no. 1,2 & 3 of the above
cited case.

1. That copies of the original application being no. 119/2002 have been served upon us wherein we have been arrayed as party respondent nos. 1,2 & 3 and empowered by respondent no. 2, to look in to the case. I have gone through the averment and understood the contents thereof and filed the affidavit-in-opposition being acquainted with the facts and circumstances of the case.

2. That save and except what is specifically admitted in this affidavit-in -opposition and the

Contd.....P/2

statements which are inconsistent and contrary to records shall be deemed to have been denied.

3. That before contracting the averment in the original application the deponent raised preliminary objection regarding the maintainability of the application vis-a-vis the relief sought for on the following grounds viz :-

KVS is a registered Society under the societies registration Act XXI of 1860 and fully financed by the Govt. of India with main objectives(I) to meet the educational need of children of transferable Central Govt. employees including defence personal by providing a common programme of Education. (II) to develop vidyalaya as a model school in the context of national goal of India Education, with other bodies like CBSC, NCERT etc. and III to promote national integration.

At present there are as many as 852 KVs situated all over India and also abroad. The employees appointment in KVS are liable to transfer anywhere in India under Article 49(K) of the Education Code and as per terms and conditions of offer of appointment.

It is also laid down that the staff strength will be determined and sanctioned every year by the commissioner on the basis of work load and other special features if any, and in accordance with norms which may be

Contd....P/3

laid down in this behalf, in Article 47 of Education Code & instructions issued from time to time in this regard may be referred. As such the fixation of staff strength in an annual strength in a particular school are required to be redeployed in other KVS where a clear vacancy exists.

As a result of fixation of staff sanction strength in some of the Vidyalaya in KVS, teachers/staff in various disciplines were found in excess to requirement. Such excess staff were redeployed in a KV in the same station/outside the region in a clear vacancy. While identifying such excess staff, the employee having longest stay in the cadre in the particular KV has been fixed as a yardstick as per policy of KVS. The applicant is one such excess staff to the requirement in their respective KVs as per sanctioned staff strength and accordingly posted to KV Tawang, where a clear vacancy exists.

4. That the deponent states that with regard to para 4.1 to 4.3 of the application the answering respondents have no comments. Points of the case. As per policy of sangathan senior most teacher of K.V. in terms of length of stay would be declared excess to the requirement and would be transferred to other KV where clear vacancy of the post exists. If there is no vacancy in the region the surplus teacher would be posted to other region where vacancy is available.

5. That the deponent states that with regard to para 4.5 of the application, it is submitted that during

last year i.e 2001-2002 there was only one PGT(Maths) and 4 TGT (Maths) but during the current year sanction is of 2 PGT (Math) 3 TGT (Maths) and one additional section of XII (Sc). therefore as per staff sanctioned order dated one TGT (Maths) become excess to requirement. As per KVS policy the distribution of periods in Kendriya Vidyalaya, Khanapara are as follows:-

<u>Class</u>	<u>Nos. of sec.</u>	<u>Nos. of Period</u>	<u>Total period</u>
VI	03	07	21
VII	03	07	21
VIII	03	07	21
IX	03	07	21
X	03	08	24=108 period
XI (Sc.)	02	09	18
XI (Com.)	01	09	09
XII (Sc.)	02	09	18
XII (Sc.)	01	09	09=54 periods
			Total 162 periods.

Requirement of Teachers: TGT = $33 \times 3 = 99$ pds.

PGTs = $33 \times 2 = 66$ pds.

Here 54 periods were allotted to 2 PGT for class XI & XII, and 9 periods of other Secondary Class where allotted also to met the KVS norms of 33 pds per teacher up to class X/ 99 periods are allotted to 3 TGTs and the left over 9 periods allotted to the PGTs. (Copy of the distribution of periods enclosed) (ANNEXURE -2).

Contd.....p/5

6. That the deponent states that with regard to para 4.6 the points raised in this para has been sufficiently answered in Previous Paragraphs.

7. That the deponent states that with regard to para 4.7 the points raised in this para found baseless. It is already stated in Previous para, that the petitioner becomes excess due to the fixation of staff strength for the year 2002-03. Fixation of staff strength is based on the number of teaching periods per subject/per class and laid down year after year by the Sangathan. Therefore, the statement that every 40 students region 1 teacher made by the applicant is not correct.

8 That the deponent states that with regard to para 4.8, the applicant was allowed to continue at Kendriya Vidyalaya, Khanapara (and the surplus issue withdrawn) since at that point of time, the situation was very much different. There was only one PGT (Maths) teaching Maths in Classes XI, XII (Sc.as well as commerce) Stream.

At present we have 2 PGT (Maths) after opening on additional section in class XI and class XII (Sc.) Teaching period will be 54 whereas the limit of one PGT is 33. So a Second Post was sanctioned post was sanctioned Break up is as follows.

contd.....p/6

1st.PGT(Maths)XI IA-9 Pds XII A² -9 pd XII(Comm)-9 pds=27pds
2nd PGT(Maths) XI A-9 pds XIA²-9 pd XI(Com.)-9 pds =27pds

Since the total allotment is 33 pds per teacher each PGT could take 6 more pds and 2 PGTs 12 pds. So they have been allotted Secondary Classes (IX/X) also. In the Secondary Classes an excess of only 9 pds remains for which the applicant is not regd. and the PGTs after taking the Secondary Classes, will still have 3 pds force. Therefore the applicant is a definite surplus in this case.

9. That the deponent states that with regard to para 4.9 with reference to the averment made by the petitioner it is submitted that due to the fixation of staff strength in Kendriya Vidyalayas for the year 2002-03 the petitioner become excess of the sanctioned strength in Kendriya Vidyalaya, Khanapara and accordingly redeployed against the existing clear vacancy in Kendriya Vidyalaya, Tawang as per rule.

10. That the deponent states that with regard to para 4.10 with reference to the averment made by the petitioner it is submitted that it is simple withdrawal of post due to refixation of staff strength based on work load and redeployment of such excess staff in another Kendriya Vidyalaya where a vacancy is existing. The points raised by the petitioner is not correct and denied.

11. That the deponent state that with regard to para 4.11 priority list is not connected with surplus transfer and such lists do not gurantee transfer. It is just abegining to know one's position and call for modifications cancellations etc. However, in reply the priority list as mentioned by the applicant is an old one. Moreover, vacancy at that station is also another factor. Shri S.K. Mondal transfer out of the Region did not materialise. Mr. Mondal will not be transferred out "at any moment" since it is an yearly excercise which has already been effected. ✓

12. That the deponent states that with regard to para 4.12 the permanent employee of the KVS are bound by the All India Transfer liability, where teachers are transferred on various grounds and as per the guidelines of KVS. The applicant has served the same Vidyalaya (Station) for the last 24 years Transfer from easy to heard stations and vice versa is a KVS norms/Policy.

13. ~~That~~ With reference to the averments made by the petitioner, in para 5.1 to 5.6 it is submitted that the grounds made by the petitioner in the said application are not tenable in law. The details position already stated in preceeding para 4.1 to 4.12, the transfer/ redeployed of the petitioner was order as per KVS policy/ service condition and in accordance with the guidelines of KVS in this respect. There is no violation of the rules and no malafide intention/

discrimination in this action. The Kendriya Vidyalya Sangathan has its own transfer and excess staff re-deployment policy which has been approved by the Board of Governors, (the apex body). It is a general policy and accordingly excess staff redeployment has been made. So this policy should not be set aside or quashed.

The deponent does not forward any comment with regard to para 6 except the fact that the authority have considered the representation and passed order accordingly.

14. That the deponent states that under the facts and circumstances the relief sought by the applicant vide para 8 and 9 have no basis and the Hon'ble Tribunal will be pleased enough to set aside the petition on the facts and circumstances.

That the statements made in para 1, 2, 3, 6, 7, 10, 11, 12 & 14 are true to my knowledge and those made in para ——— 4 , 5 , 8 and 9 ——— are true my information being matter of record and rests are my humble submission before this Hon'ble Tribunal.

VERIFICATION

I Shri Deo Kishan Saini, Asstt. Commissioner, Regional Office KVS, Maligaon do hereby verify the statements and averment made in this Affidavit to be true to my knowledge and belief being matter of record derived therefrom and I sign this verification this 24 day of May, 2002.

Deo Kishan Saini
Asstt. Commissioner
Kendriya Vidyalya Sangathan
Regional Office, Guwahati

-d-
2001-02-03

42

DISTRIBUTION OF TIME PERIODS

The schools function six day per week (Except Second Saturday of each month) with 08 periods of 40 minutes duration each. The allotment of periods per subject / activity per week are given below:

SUBJECT	CLASS I TO V	VI-VIII	IX	X	XI - XII
ENGLISH	8/7	8/7	8/7	8/7	6 For Core 9 for Elective
HINDI	7/8	7/8	7/8	7/8	- do -
SANSKRIT	-	3	-	-	9 for Elective
MATHEMATICS	8	7	7	8	- do -
Environmental Studies / Science	8	6	7	7	9 x 4 = 36
Social Science	-	6	7	8	9 x 4 = 36
Work Experience/ Computer Lit. & Arts	5	4	4	3	1 (After school hrs.)
MUSIC / CCA	5	2	2	2	-
General Studies	-	-	-	-	1
LIBRARY	2	1	1	1	1
Games / Yoga	5	4	5	4	4
Total:	48	48	48	48	48 (one after School Hours)

- (1) Work Experience Includes Drawing.
- (2) Games Includes Yoga unless pointed otherwise.
- (3) 7 periods English and 8 periods Hindi for KVs in South India and just reverse for KVs of North India.
- (4) For Students offering Core English / Hindi, the balance periods if any, may be utilised for work Experience / Library etc. at +2 stage.
- (5) Where Sanskrit is offered and taught as one of the optional language (Any two out of English, Hindi and Sanskrit), 7/8 periods will be allotted to it.

KENDRIYA VIDYALAYA SANGATHAN
18, Institutional Area, Shaheed Jeeb Singh Marg New Delhi-16
(O & M Section)

Dated: 29.11.2001

29.11.2001

F-11-5/94-KVS(O&M)/

STAFF SANCTION ORDER

Sanction of the Commissioner is hereby accorded to the opening of class/sections and creation of posts of various categories of teaching and non-teaching staff during 2002-2003 for the Kendriya vidyalayas as shown below
Kendriya Vidyalaya, KHANAPARA GUWAHATI

I. SECTION

Class	No. of sections during last year(2001-2002)	No. of sections during current year(2002-2003)	Addition (+)	Deletion (-)
I	3	3		
II	3	3		
III	3	3		
IV	3	3		
V	3	3		
VI	3	3		
VII	3	3		
VIII	3	3		
IX	3	3		
X	3	3		
XI Science	2	2		
Humanities	1	1		
Commerce	1	1		
XII Science	1	1		
Humanities	1	2		
Commerce	1	1		

II. STAFF STRENGTH

Name of the post	No. of post during last year (2001-2002)	No. of post during current year(2002-2003)	Addition (+)	Deletion (-)
1 Principal grade-I	1	1		
2 Vice principal/principal gr-II	1	1		
3 Head master	1	1		
4 P.G.T.				
1.Hindi	1	1		
2.English	1	1		
3.Sanskrit	2	2		
4.History	0	0		
5.Economics	1	1		
6.Geography	1	1		
7.Physics	1	1		
8.Chemistry	1	2		
9.Maths	1	2	1	
10.Biology	1	2	1	
11.Commerce	1	2	1	
12.Information Tech.	1	1		
13.Physical Education	0	0		
5.T.G.T.				
1.Hindi	4	0		
2.English	4	4		
3.Sanskrit	1	4		
4.S.S.T.	3	2		
5.Maths	4	3	1	
6.Biology	4	3		
6 Other Teachers				
1.Physical Education	2	1		1
2.Art Teacher	1			1
3.Work Experience / Home science	2	1		
4.Yoga Teacher	1			1
5.Music Teacher	1	1		
7 Primary Teachers	19	1		
8 Non-Teaching				
1.Librarian	1	19		
2.Superintendent	0			
3.Assst. Supdt.	1	0		
4.U.D.C.	1	1		
5.L.D.C.	2	1		
6.Lab Assistant	2	1		
7.Lab Attendant	1	2		1
Group "D" Staff	8	1		
9.Hostal Staff				
1.U.D.C.	0	6		
2.L.D.C.	0	0		2
3.Group "D" Staff	0	0		
4.Others	0	0		

Copy to:...

Principal, Kendriya Vidyalaya, **Khanapara**
Assistant Commissioner KVS, **Guwahati** Region.
Guard File
Establishment

Section Officer
29.11.2001

Filed by the Applicant.
through — ss
Arzif Ahmed
ADMINISTRATIVE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI
BRANCH GUWAHATI

O.A. No. 119 /2002

Sri Bipin Chandra Das

-Versus-

Kendriya Vidyalaya Sangathan & Ors.

The applicant humbly submits the Rejoinder as follows: —

1. That with regard to the statements made in paragraphs 3, 4, 5, 6, 7 and 10 of the written statements, the applicant begs to state that the purported fixation of the staff strength is arbitrary as the same is not in consonant with the provision of article 47 of the Education code as claimed by the respondents. It is relevant to refer to article 104 of the Education code with regard to strength to a section and the vacant seat should be a cushion to accommodate candidates who may seek admission on transfer from a Kendriya Vidyalaya.
2. That with regard to the statement made in paragraphs 8 and 9 of the written statement the applicant begs to state that a T.G.T. can teach from Class VI to Class-X while only P.G.T. is Teaching in Class XI and XII. There is no rule allowing the sangathan to allot class ^{which are main for T.G.T to P.G.T.} while the nature of teaching from class VI to X and for class XI onwards are totally different which fall under two different categories.

Bipin Ch. Das

3. That from a chart prepared by the principal of Kendriya Vidyalaya, Khanapara, it would appear that there are total number of 15 sections from class VI to class X. If 30 students in a section is taken, at this moment there are total 229 students in excess in all the sections from class VI to class X. That specially in class VI there are 60 students in excess in three section ^{at class VI and for this two more sections} has become necessary. Even if the strength of the students in a section is taken to be 40 there would be excess of 77 students in class VI to class X and in the class VI there are 30 students in excess in three sections. Another section should have been opened by the sangathan for class VI in the interest of students and teacher in ^asection.

Excess students are shown below from the chart prepared by the Principal Kendriya Vidyalaya, Khanapara;

SlNo.	Class	Sec.	Total Enrolment	Excess Enrolment	
16	VI	A	50	10	} 30 excess
17	VI	B	49	9	
18	VI	C	51	11	
19	VII	A	40	0	} 1 excess
20	VII	B	41	1	
21	VII	C	40	0	
22	VIII	A	43	3	} 9 excess
23	VIII	B	41	1	
24	VIII	C	45	5	
25	IX	A	46	6	} 20 excess
26	IX	B	47	7	
27	IX	C	47	7	
28	X	A	48	8	} 19 excess
29	X	B	45	5	
30	X	C	46	6	

A copy of the Chart is annexed hereto and marked as
Annexure - 1

Biswajit Ch. Das

4. That it is pertinent to mention here that the sangathan has opened A1 with 48 students, Section A2 with 39 students of class eleven in science stream, section B with 52 students, section C with 47 students of class XI. Similarly in class XII section A has 52 students, Class XII section B has 28 students and section C of class XII has 36 students. Thus it could appear that the sangathan has not followed definite strength with regard to number of students in particular section.
5. That it may be stated here that a T.G.T. can teach only upto class X while a P.G.T. is teaching in class XI and XII. There is no rule allowing the sangathan to allot classes which are main for T.G.T. to P.G.T. while the nature of teaching upto class X and from XI onward are totally different which fall under two different standards. The student of class X appear in "All India Secondary Examination" while students of class XII appear in "All India Senior Secondary Certificate Examination". The nature of teaching on the basis of curriculum is so different that teaching the P.G.T. for Class VI to Class X is never of interest to students. That a post of T.G.T. cannot be declared surplus by allotting 9 periods in a week to P.G.T.

AISS

The whole based is therefore arbitrary, unreasonable, unjust being based on no standard consequently the purported declaration of applicant as surplus resulting his transfer can never be said to be in public interest.

Bijon Chandra

6. That the applicant begs to state that the applicant made a representation dated 1.2.2002 before the authority to transfer him to a nearest station as per circular dated 23.7.96 but the authority did not take any steps and transfer the applicant to hardest station Tawang ~~that is situated above 12000 ft. from the sea level~~, inspite of having vacancy in a nearest station. That the applicant also states that at present one post of T.G.T. (Maths) is lying vacant at Kendriya Vidyalaya, IOC, Nonmati, Guwahati.

...Verification

Bipin Chandra

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VERIFICATION

I, shri Bipin Chandra Das, aged about years, S/o Late N.R.Das, Zoo Narangi Road, 5th bye lane, Guwhati-21, Assam in the above-mentioned case do hereby verify that the statements made in paragraph are true to my knowledge, which I believe to be true.

And I sign this verification on this the day of June 2002 at Guwahati.

Bipin C. Das
Signature

Sl. No.	Class	Section	GENERAL		SC		ST		PH		Enrollment
			Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls	
1.	I	A	17	13	3	2	4	-	-	-	39
2.	I	B	15	12	6	2	1	2	-	-	38
3.	I	C	16	10	1	1	4	1	-	-	33
4.	II	A	17	18	4	-	-	1	-	-	40
5.	II	B	19	09	5	1	2	3	-	-	39
6.	II	C	24	12	1	1	-	1	-	-	39
7.	III	A	14	18	2	1	3	4	-	-	42
8.	III	B	18	11	1	1	7	4	-	-	42
9.	III	C	20	10	3	4	-	2	-	-	39
10.	IV	A	11	19	6	1	3	1	-	-	41
11.	IV	B	16	15	1	3	2	1	01	-	39
12.	IV	C	16	13	4	1	3	3	-	-	40
13.	V	A	16	15	2	2	4	3	-	-	42
14.	V	B	19	12	2	3	5	1	-	-	42
15.	V	C	18	19	1	2	1	1	-	-	42
16.	VI	A	18	27	2	1	-	2	-	-	50
17.	VI	B	28	16	-	1	3	1	-	-	49
18.	VI	C	18	20	4	3	3	3	-	-	51
19.	VII	A	17	11	1	1	8	2	-	-	40
20.	VII	B	15	17	1	2	4	2	-	-	41
1.	VII	C	14	12	1	1	3	1	-	-	40
22.	VIII	A	20	18	1	1	1	1	-	-	43
23.	VIII	B	21	13	2	3	2	1	-	-	41
24.	VIII	C	17	15	3	3	2	5	-	-	45
25.	IX	A	24	11	7	2	1	1	-	-	46
26.	IX	B	19	17	2	2	5	2	-	-	47
27.	IX	C	17	16	5	4	4	1	-	-	47
28.	X	A	24	15	1	2	4	2	-	-	48
29.	X	B	18	21	2	2	1	1	-	-	45
30.	X	C	22	16	3	2	3	-	-	-	46
31.	XI	A1	24	16	2	2	1	3	-	-	48
32.	XI	A2	20	13	2	3	-	1	-	-	39
33.	XI	B	16	25	4	4	-	3	-	-	52
34.	XI	C	28	13	2	2	1	1	-	-	47
35.	XII	A	27	18	2	-	4	1	-	-	52
36.	XII	B	06	16	1	3	-	2	-	-	28
37.	XII	C	07	17	3	2	5	2	-	-	36
TOTAL			676	569	97	71	94	70	01	-	1578

Principal,

Kendriya Vidyalaya

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Ann-2

To,

Dated:- 28th January, 2002.

The Deputy Commissioner (Admn),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi-110016

FAX

(Through the Principal, K.V. Khanapara, Ghy-22).

Sub: Prayer for the adjustment of surplus employee to the nearest vacant post regarding.

Sir,

I have come to know that being the seniormost TGT(Maths) of the station as well as of the region I shall be a surplus from here vide KVS(HQ) Staff Sanction letter No.F 11-5/94-KVS(O & M) dated 29-11-2001. In this context, I have the honour to request your kind honour to adjust me as TGT(Maths) preferably at K.V.Digar, K.V.Jagiroad or at K.V.Happy Valley. The genuinity for my this request are given below for your kind consideration.

- (1) I am the seniormost TGT(Maths) of Guwahati Region as well as Guwahati station. I am an aged of 55 yrs and suffering from high blood pressure.
- (2) My wife is a heart patient and there is none to look after her as my two sons are studying outside.

I, therefore request your kind honour to consider my prayer sympathetically and post me at any one of the Vidyalayas preferably at Digar, Jagiroad or Happy Valley, as and when I am declared surplus from here and oblige.

Thanking You,
Yours Faithfully,
Bipin Ch. Das, *B. Ch. Das*
TGT(Maths),
K.V.Khanapara, Ghy-22