

100
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-114/04 ordered sheet not found INDEX

M.P-07/2005 ordered sheet not found

petition copy page - 1 to 5

O.A/T.A No. 270/2004

R.A/C.P No.....

E.P/M.A No. 114/04.....

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SECTION OFFICER (JUDL.)

FORM NO. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

220/04

Org. App. / Misc Petn / Cont. Petn / Rev. Appl.

In O.A.

Name of the Applicant(s) Tanu Boruah

Name of the Respondent(s) K. V. S. M. O. I. T. O. M.
Advocate for the Applicant N. Dutta, A. C. Boruah, N. Boruah

Counsel for the Railway / CGSC K. V. S. Compt. et al.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

24.11.2004

This application is in form
is filed / C. E. / O. O.
deposited vide A. P. B
No. 209135479
Dated 23.11.04

Joseph
Dy. Registrar

Heard Mr N. Dutta, learned Sr.
counsel for the applicant as well as
Mr M.K. Mazumdar, learned counsel for
the respondents. List the matter for
hearing on interim relief before the
Division Bench on 30.11.04.

In the meantime status quo is to
be maintained till the next date
regarding the continuation of the
applicant in his/her present post.

Steps taken

K. Boruah
Member

1) Page 18, 24, 28 & 29
not visible.
2) copy not yet served
on respondent's Counsel
3) Inquiry is 23.11.04
not clear.

b6

Defects removed.

NJ
29/11/04

30.11.04 Present : Hon'ble Justice Shri R.K. 2
Batta, Vice-Chairman

Hon'ble Shri K.V.Prahladan,
Administrative Member.

Notice & order
with MP H4/04:
sent to D/Section
for issuing to
resp. Nos. 1, 2 and
resp. no. 3 received
by hand.

Cc/s
24/12/04.

Heard Mr A.C. Buragohain,
learned counsel for the applicant and
Mr M.K. Mazumdar, learned counsel for
the respondents 2 and 3.

Issue notice to the
respondents on admission. Mr M.K.
Mazumdar, learned counsel for the
respondents seeks four weeks time to
file reply.

List on 4.1.2005 for filing
reply. Status quo order dated 24.11.04
shall continue till next date.

K. V. Prahladan
Member

R
Vice-Chairman

pg

4.1.2005

*Mr A.C. Buragohain,
counsel for the applicant and
Mazumdar, lea*

W/S has been
filed on h. no.
24.3.

4.1.2005

Mr A.C. Buragohain, learned
counsel for the applicant and Mr M.K.
Mazumdar, learned counsel for the
respondents are present.

On the plea of Mr M.K. Mazumdar,
learned counsel for the respondents
four seeks time is allowed for filing
reply. List on 3.2.2005 for filing
reply. Status quo order dated 24.11.04
shall continue till next date.

K. V. Prahladan
Member

bb

10.1.2005

Written statement has been filed. The
applicant may file rejoinder, if any. List
on 3.2.2005. Status quo order dated 24.11.04
shall continue till next date.

K. V. Prahladan
Member (A)

mb

CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

Original Application Nos. O.A.268/04(M.P.127/04), 269/04(M.P.129/04), 270/04(114/04), 271/04(M.P.134/04), 272/04(M.P.131/04), 273/04(M.P.120/04), 274/04(M.P.128/04), 275/04(M.P.130/04), 276/04(M.P.135/04), 277/04(M.P.117/04), 278/04(M.P.118/04), 279/04(M.P.116/04), 280/04(M.P.133/04), 281/04(M.P.115/04), 282/04(M.P.132/04), 283/04(M.P.124/04), 284/04(M.P.121/04), 286/04(M.P.126/04), 287/04(M.P.122/04), 288/04(M.P.119/04), 289/04(M.P.136/04), 290/04(M.P.159/04), 291/04, 292/04(M.P.137/04), 293/04(M.P.163/04), 294/04(M.P.160/04), 295/04(M.P.138/04), 296/04(M.P.161/04), 297/04(M.P.164/04), 298/04, 299/04(M.P.157/04), 300/04(M.P.139/04), 302/04(M.P.158/04), 303/04(M.P.162/04), 304/04(M.P.140/04), 305/04(M.P.141/04), 306/04(M.P.123/04), 307/04(M.P.125/04) and 313/2004.

Date of Order : This the 16th day of February, 2005.

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER

1. O.A. No. 268/2004 and M.P. 127/2004

Mrs. Biraja Mishra
Wife of Ashok Kumar Mishra
Principal, Kendriya Vidyalaya
Happy Valley
Shillong.

2. O.A. No. 269/2004 with M.P. 129/2004.

Shri Ashok Kumar Mishra
Son of Shri Bhahaban Mishra
Principal, Kendriya Vidyalaya
EAC, Upper Shillong, Shillong.

3. O.A. 270/2004 with M.P. 114/2004.

Smti. Ina Baruah
Daughter of Late Munindra Nath Gogoi, IAS,
Sundarpur Zoo Road,
P.O. & P.S. – Dispur, Guwahati – 5.

4. O.A. 271/2004 with M.P. 134/2004.

Shri Ashok P
Son of Late Sri K.S. Paramu Pillai
Principal, Kendriya Vidyalaya, AFS,
Jorhat, Assam.

5. O.A. 272/2004 with M.P. 131/2004.

5
Shri Amit Tripathi
Son of Shri Debabrata Tripathi
Principal, Kendriya Vidyalaya
Tura, Garo Hills, Meghalaya.

6. O.A. 273/2004 with M.P. 120/2004.

Shri Ranjit Kumar Sinha
Son of Shri Tej Kishore Prasad Sinha
Principal, Kendriya Vidyalaya, AFS,
Borjhar, Guwahati, Guwahati – 17.

7. O.A. 274/2004 with M.P. 128/2004.

Sri Chandra Kumar Ojha
Son of Sri Shakti Kumar Ojha
Principal, Kendriya Vidyalaya
HPCL, Jagiroad, Morigaon, Assam.

8. O.A. 275/2004 with M.P. 130/2004.

Sri Janakirajan Dash
Son of Late Mayadhar Dash
Principal, Kendriya Vidyalaya, AFS,
Digaru, Kamrup, Assam.

9. O.A. 276/2004 with M.P. 135/2004.

Sri R.C. Agarwal,
Son of Late Roshan Lal Agarwal
Principal, Kendriya Vidyalaya,
ONGC, Jorhat.
Assam.

10. O.A. 277/2004 with M.P. 117/2004.

Shri K.S. Murali Krishna
Son of Shir K. Sankar Narayan
Principal, Kendriya Vidyalaya
No. 1 Tezpur, Assam.

11. O.A. 278/2004 with M.P. 118/2004

Shri Nilamani Pany
Son of Late Murali Dhar Pany
Principal, Kendriya Vidyalaya
Umroi Cantt.
Shillong, Meghalaya.

12. O.A. 279/2004 with M.P. 116/2004

Sri Gona Rama Rao



Son of Shri Giona Raghupati Rao
Principal, Kendriya Vidyalaya,
Missmari, Sonitpur, Assam.

13. O.A. No. 280/2004 with M.P. 133/2004

Shri Vijay Prakash Mishra,
Son of Shri Sadafal Mishra
Principal Kendriya Vidyalaya,
RRL, Jorhat
Assam.

14. O.A. 281/2004 with M.P. 115/2004.

Shri Vijayakumar M. Karkal
Principal, Kendriya Bidyalaya,
Lokra
District – Sonitpur, Assam.

15. O.A. 282/2004 with M.P. 132/2004.

Sri A. Jyothy Kumar
Son of Sri A.A. Nayar
Principal, Kendriya Vidyalaya,
Tenga Valley,
West Kameng, Arunachal Pradesh.

16. O.A. 283/2004 with M.P. 124/2004.

Shri D.C. Chattopadhyay
Principal, Kendriya Vidyalaya
Panbari, Dhubri
Assam.

17. O.A. 284/2004 with M.P. 121/2004

Sri Ranjan Kishore
Son of Late Siya Saran Verma,
Principal, Kendriya Vidyalaya,
Kokrajhar, Assam.

18. O.A. 286/2004 with M.P. 126/2004

Smt. Pathamitra Basu
Daughter of Late Priyabrata Ghosh
Principal, Kendriya Vidyalaya,
NEPA, Barapani, Shillong, Meghalaya.

19. O.A. No. 287/2004 with M.P. 122/2004

Shri Arpal Singh Bhati
Son of Late Hanwant singh Bhati

20. O.A. No. 288/2004 with M.P. 139/2004

**Smt. Sandana Mohanty
Daughter of Sri Hara Krishna Mohanty
Principal, Kendriya Vidyalaya
No. 1 Itanagar, Arunachal Pradesh.**

21. O.A. No. 289/2004 with M.P. 136/2004

**Sri Devendra Kumar Dwivedi
S/O Chandra Bali Dwivedi
Principal Kendriya Vidyalaya
Duliajan
Dist. - Dibrugarh (Assam), 786602.**

22. O.A. 290/2004 with M.P. 159/2004.

**Mr. V. Sivaji
S/o - Venkatraman
Principal Kendriya Vidyalaya
Karimganj, Assam.**

23. O.A. 291/2004 .

**N.M. Varadharajulu
Son of N. Munuswamy Naidu
Principal, Kendriya Vidyalaya
Air Force Station chabua,
District - Dibrugarh, Assam.**

24. O.A. 292/2004 with M.P. 137/2004.

**Sri Bhat Keshav Narasinha
S/O Narasinha Bhat
Principal Kendriya Vidyalaya
Namrup.**

25. O.A. 293/2004 with M.P. 163/2004.

**Sri Gobind Prasad Saini
S/o C.L. Saini
Principal, Kendriya Vidyalaya,
ONGC Nazira.**

26. O.A. 294/2004 with M.P. 160/2004

**Sri Sri Sojan P John
S/o P.V. Johan
Principal, Kendriya Vidyalaya,
Hijuguri Colony Tinsukia.**



27. O.A. 295/2004 with M.P. 138/2004.

Sri P.C. Ratha,
Son of Mr. Rama Chandra Ratha
Principal Kendriya Vidyalaya
Kunjaban, Agartala.

28. O.A. 296/2004 with M.P. 161/2004

Sri K. Lakhmipathi
Son of Mr. E. Kothandapani
Principal, Kendriya Vidyalaya,
K.V. Project Sewak, C/o 99 APO.

29. O.A. 297/2004 with M.P. 164/2004

Sri Md. Shabidur Rahman
S/o Sh. Abdul Rashid
Principal, Kendriya Vidyalaya
ONGC, Sibsagar.

30. O.A. 298/2004.

Sri B.K. Pradhan
S/O Mr. G.M. Pradhan
Principal Kendriya Vidyalaya
Kailashahar, North Tripura.

31. O.A. 299/2004 with M.P. 157/2004

Sri E. Ananthan
S/o – Ellappa Naidu
Principal, Kendriya Vidyalaya,
Tarapur, Silchar.

32. O.A. 300/2004 with M.P. 139/2004

Sri S. Sarangi
Son of Sri M.D. Sarangi
Principal Kendriya Vidyalaya
ONGC, Agartala.

33. O.A. 302/2004 with M.P. 158/2004

Sri Radha Gobinda Das
Son of Late Sarat Narayan Das
Principal, Kendriya Vidyalaya
Zakhama, Dist. – Kohima, Nagaland.

34. O.A. 303/2004 with M.P. 162/2004

Sri P.C. Mahapatra
S/o Sri S.B. Mohapatra

35. O.A 304/2004 with M.P. 140/2004

Sri B. Bvijaya Varma
S/o B. Kannayya Raju
Principal Kendriya Vidyalaya
Tuli.

36. O.A. 305/2004 with M.P. 141/2004

Sri Dayaram Yadav
Son of Lt. R.C. Yadav
Principal, Kendriya Vidyalaya
Kumbhirgram (AFS), Dist. – Cachar, Silchar.

37. O.A. 306/2004 with M.P. 123/2004

Sri R.S. Ramanujam,
Son of Sri Srinivasan R.
Principal, Kendriya Vidyalaya
New Bongaigaon, Assam.

38. O.A. 307/2004 with M.P. 125/2004

Sri K. Sreenivasan,
Son of Kalyanasundaran
Principal, Kendriya Vidyalaya
ARC, Doomdama,
Tinsukia, Assam.

39. O.A. 313/2004 .

Sri Mandem Krishna Mohan
Son of Mr. M. Munaswamy
Principal, Kendriya Vidyalaya,
GC CRPF, Langjing, Imphal, Manipur- 795113

Applicants

By Advocates S/Sri A.C.Buragohain & N.Borah for Sl.No.1 to 20 and S/Sri A.Dasgupta & K.Bhattacharya for Sl.No.21 to 39.

- Versus -

1. Chairman,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 1.

2. Kendriya Vidyalaya Sangathan
Represented by the Commissioner, KVS
18, Institutional Area,
Shaheed Jeet Singh Marg,

New Delhi-110 016.
Through its Chairman

3. Assistant Commissioner
Kendriya Vidyalaya Sangathan
Guwahati Regional Office,
Maligaon, Guwahati-12. Respondents

(By Advocate Sri M.K. Mazumdar, KVS Standing Counsel)

O R D E R (ORAL)
SHRI M.K. GUPTA, MEMBER (J):

Rejoinders have been filed in each case, which are taken on record. With the consent of parties, we have taken up the cases for final hearing at admission stage.

2. Since the question of law involved in these O.As is identical, we propose to dispose of the abovesaid 39 O.As by this common order.

3. The applicants were appointed as Principal in different Kendriya Vidyalayas. One set of the said applicants had been appointed as Principals on regular basis and others had been appointed on deputation/ad hoc basis. Their grievance is common.

4. By ~~virtue~~ of present O.As they seek setting aside of the decision of the Chairman, Kendriya Vidyalaya Sangathan whereby direction had been given to Commissioner, Kendriya Vidyalaya Sangathan, to cancel or terminate their appointment to the post of Principal, KVS and also quashing such decision which culminated in termination order dated 18.11.2004 passed by the Commissioner, KVS.

5. It is an admitted fact that as far as the question of validity of orders passed in individual case vide order dated 18.11.2004 by the Commissioner, KVS is concerned, the same had been the subject matter before the Principal Bench of this Tribunal in O.A. No.281/2004, Mrs. Radha G. Krishan & Ors. Vs. KVS & Ors. decided on 21.12.2004.

6. After considering the rival contentions of the parties as well as noticing catena of judgements by the Hon'ble Supreme Court on various issues including the mandate of the principle of natural justice etc. the aforesaid termination order dated 18.11.2004, which is common to all applicants in present O.As as well as in the O.A before the Principal Bench, was quashed and set aside on the ground that when Rules and Regulations confer particular power on an authority only, the said authority should exercise the same rather than act on the directions of another, may be the superior authority. The Principal Bench noted that Commissioner, KVS in his impugned order had specifically stated that : "the undersigned has been directed by the Chairman, KVS to cancel the Appointment Order.....". Similarly, the Co-ordinate Bench in para 34 of the said judgement observed that:

"Ordinarily when the persons who had been appointed on regular basis as Principals, have a vested right as accrued in normal circumstances and they should have been given a chance to explain and thereafter taking stock of the totality of facts, an order could be passed pertaining to if they could be reverted to the lower post or not."

At the same time the Bench added that their aforesaid expression should be treated as opinion on merits. The Co-ordinate Bench also ruled that: "In all fairness, the applicants



could have been given opportunity to explain in this regard, particularly to those who have been regularly appointed."

7. After noticing various judgements, the Principal Bench also recorded the following conclusion:

"50. These facts which we have analysed, clearly indicate that so far as the post of the Principal is concerned, the appointing authority is the Commissioner of KVS and he is also the disciplinary authority to impose all penalties. So far as the Chairman is concerned, the powers are circumscribed by the Rules that have been framed. It does not give him the power to remove the concerned persons as against the requirement of the rules. It is true that under Rule 25 to which we have referred to above, the Chairman can exercise such powers as may be delegated by the Sangathan or the Board. But our attention has not been drawn to any such delegation of power by the Sangathan or the Board by amending the relevant rules conferring the powers of the appointment and of the disciplinary authority or any such other power which is vested with the Commissioner of KVS.

51. Once it is clear that the order has been passed on the dictate of the Chairman and not by the Commissioner applying his own mind as is clear from the tenor of the order, the orders in both the cases, on this ground, are liable to be quashed."

8. A close perusal of the aforesaid order passed by the Principal Bench would show that certain other observations were also made, which we are not repeating here except to reiterate. We as a Co-ordinate Bench are bound to follow the said precedent as held by the Hon'ble Supreme Court in S.I. Rooplal and Another vs. Lt. Governor through Chief Secretary, Delhi and Others, AIR 2000 SC 594. It is pointed out by learned counsel for the applicants that the Writ Petition (Civil) No.29-32 of 2005 as preferred before the Delhi High Court, wherein the validity of the said order had been



questioned. Vide judgement dated 25.1.2005 the High Court of Delhi maintained the order passed by the Principal Bench in so far as the termination of the Principals on the dictate of Chairman, KVS. As far as the other question relating to declaration that the petitioners were direct recruits on the post of Principal in KV and were entitled to be absorbed against their vacancies, it was not decided and the issue was remanded to the Tribunal for adjudication.

9. We may note that in all the O.As the order dated 18.11.2004 was filed subsequently byway of various Misc. Petitions filed which have also been taken up along with the O.As

10. Following the ratio and the dicta laid down in the aforementioned judgement we allow the present O.As and quash order dated 18.11.2004 passed by the Commissioner, KVS terminating the services of the applicants on the dictate of Chairman, KVS, with liberty to the respondents to take action in accordance with rules and law as held in para 52 of the aforesaid order passed by the Principal Bench.

11. Accordingly O.As and Misc. petitions are disposed of. No costs.

Sd/ MEMBER (J)

Sd/ MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI.

IN THE MATTER OF :

O. A. No. 270 of 2004
Smt. Ina Barua.

... Applicant.

-Versus-

Union of India & ors.

... Respondents.

LIST OF DATES AND SYNOPSIS

The applicant abovenamed respectfully submits that this original application seeking a direction upon the respondents for not to disturb the service of the applicant as Principal of Kendriya Vidyalaya and to set aside and quash the impugned press release dated 19-11-2004 and allow the applicant to continue as Principal of respective Kendriya Vidyalaya.

That some of the relevant dates with brief facts leading to filing of the present applicant are as under –

01-01-2004 : The All India Seniority List of Kendriya Vidyalaya Sangathan, New Delhi, applicant at Sl. No. 406

(Annexure – A, Page – 13-17)

2-8 October, 1999 : Advertisement published in Employment News
(Annexure – B, Page – 18-21)

17-05-2000 : The appointment letter of the applicant as Principal, KV, ONGC, Jorhat.
(Annexure – C, Page – 22-23)

08-06-2004 : Appreciation Certificate issued by Assistant Commissioner, KVS, Guwahati Region.
(Annexure – D, Page – 24)

Contd.

19-11-2004

: A press release issued by Ministry of Human Resource Development Department, Govt. of India (Impugned order) cancelling the appointment of all the Principals who were initially appointed on deputation basis and later on regularised.

(Annexure - E, Page - 25-26)

20-11-2004

: News item published in the The Hindu cancelling the appointment orders of over 300 KV. Principals on the ground that those appointments were made in violation of Rules.

(Annexure - F, Page - 27)

18-11-2004

: One particular office order cancelling the appointment of Sri S.K. Tyagi, Principal, KV, Faridabad.

(Annexure - G, Page - 28-29)

Central Administrative Tribunal

23 NOV 2004

~~2004~~
DISTRICT: KAMRUP GAUHATI BENCH

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH: GUWAHATI

[An application under section 19 of the Administrative Tribunals Act, 1985]

Original Application No. 270 /2004

Smti. Ina Baruah.

...Applicant.

-Versus-

The Union of India and others.

...Respondents.

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Filed by:

Deepak Baruah

Advocate.

DISTRICT: KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI.

[An application under section 19 of the Administrative Tribunals Act, 1985]

Original Application No. /2004

Ina Baruah

I. Particulars of the Applicant:-

Smti. Ina Baruah,

Daughter of Late Munindra Nath Gogoi, IAS,

Sundarpur Zoo Road,

P.O. & P.S. - Dispur,

Guwahati-5.

II. Particulars of the Respondents:

1. Union of India,

Through the Secretary to the Government of

India, Ministry of Human Resource Development,

Central Secretariat,

New Delhi-1

2. Kendriya Vidyalaya Sangathan, (Represented by the Commissioner
KVS.)

18, Institutional Area,

Shaheed Jeet Singh Marg,

New Delhi - 110016,

Through its Chairman.

Contd..

2. Assistant Commissioner,

Kendriya Vidyalaya Sangathan,

Guwahati Regional Office,

Maligaon,

Guwahati-12.

Jyoti Bora

III. Particulars of the order against which the application is made:-

The application is also presented against the press release dated 19-11-2004 issued by the Respondent No.1 and for a declaration that his appointment as Principal on regular basis is legal and valid.

IV. Jurisdiction of the Tribunal:-

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

V. Limitation:-

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

VI. Facts of the case:-

1. The applicant is a citizen of India and is as such entitled to all the rights and privileges guaranteed to the citizens of India by the Constitution of India and the laws framed thereunder.

2. The applicant was initially appointed in the Kendriya Vidyalaya (KV), ONGC, Jorhat as Principal. She was earlier appointed as Post Graduate Teacher (PGT) (English) on 05-09-1984.

3. The applicant was the first batch of the KVS Principals who were appointed after following the due process of law, i.e., open advertisement, written test and interview etc. It may be mentioned that she was regularised after 1 (one) year of her deputation and put in substantive post. Her name was put in the All India Seniority List at Sl. No.406 published by the KVS, New Delhi-51 as on 01-01-2004.

A copy of the said seniority list dated 01-01-2004 is enclosed herewith and marked as ANNEXURE - A.

4. That in pursuant to the advertisement No.27/99 published in "Employment News" dated October, 2 to 8, 1999, the petitioner applied for the post of Principal, KVS. By that time she had completed more than 15 years of service as PGT Teacher and became otherwise eligible for appointment as Principal. In that advertisement dated 2-8, October'99 the minimum marks required was fixed at 45% and not 50% as indicated in the press note.

A copy of the advertisement is enclosed herewith and marked as ANNEXURE - B.

5. That the petitioner was duly called for appearing in the written test held in New Delhi and she appeared in the written test

held on 20-02-2000 at New Delhi. The petitioner qualified in the written test and she was called for viva-voce/interview exam held in New Delhi. The petitioner appeared in the viva-voce/interview on 24-03-2000 and she was selected along with others.

6. That on her being selected, the petitioner was appointed as the Principal of the KVS vide order dated 17-05-2000 bearing No.F-4/2000 bearing No.F-4/2000-KVS(E-II) 935 & posted as Principal of the K.V., (ONGC), Jorhat. And she joined as the Principal of the said school on 29-05-2000.

A copy of the appointment letter dated 17-05-2000 and the joining report is annexed as ANNEXURE - C.

7. That thereafter the petitioner was transferred to KV (IOC), Noonmati, Guwahati and she has been working as Principal of the above school till date. It may be mentioned that during her tenure as Principal of the KV(IOC), Noonmati the general administration of the school has been improved and the result of the school is now 100% in both Class X and Class XII final exams. Since her joining in 2000 the result of the school gradually improved has been in the ascending order and now for the last couple of years the result is 100% pass. In recognition of her meritorious service as Principal of the school the authority has given an "appreciation certificate" to the Principal/petitioner.

A copy of the appreciation certificate is enclosed herewith and marked as ANNEXURE - D.

8. That the petitioner's services was regularised vide order dated 29-05-2001 bearing No.F-7/4/2000-KVS (Estt-II) issued by the competent authority and she is holding a substantive post.

9. The applicant is now serving as Principal, KV, IOC, Noonmati, Guwahati in substantive capacity.

10. To the utter shock and surprise of the applicant, the Respondent No.1 issued a press release dated 19-11-2004 whereby it was stated that the appointments of all the Principals who were initially appointed on deputation basis and later on regularised have been cancelled. It was stated that directions have been issued to repatriate those Principals to their parental posts/cadre. The reason given was that the regulations were made in violation of the Rules of KVS and the reservation Rules of the Government of India. It was stated that the appointments on regular basis have deprived the candidates of reserve category.

A translated copy of the said press release dated 19-11-04 is enclosed herewith and marked as ANNEXURE - E.

11. A news item was also published in the daily newspaper "The Hindu" on 20-11-04 wherein it was reported that the Respondent No.1 cancelled the appointment orders of over 300 Kendriya Vidyalaya Principals on the ground that those appointments were made in violation of Rules and constitutional provisions on equality

of opportunity. It was also reported that orders were issued repatriating them to their parent cadre.

A copy of the said news item published on 20-11-2004 is enclosed herewith and marked as ANNEXURE - F.

22
Jha Bawali

12. Though the applicant has not yet been served with any order cancelling his appointment as Principal on regular basis, he has obtained a copy of the office order bearing No.F7-7/2002/KVS (Esstt-I) dated 18-11-2004 issued by the Respondent No.2 in respect of one Shri S.K. Tyagi, Principal, No.1 Faridabad KVS, whereby his appointment as Principal on regular basis has been cancelled. It is stated therein that since his appointment on regular basis is void ab-initio, the cancellation of the same without issuing show cause notice is justified. Shri S.K. Tyagi has been directed to hand over the charge of Principal to the Vice-Principal/Senior most PGT immediately and report to the Principal-in-Charge in the same Kendriya Vidyalaya as PGT (Physics).

A copy of the said office order dated 18-11-04 is enclosed herewith and marked as ANNEXURE - G.

13. The applicant is similarly placed like Shri S.K. Tyagi. Both were earlier appointed as Principal on deputation basis and vide the office order dated 28-06-04 both were appointed Principal on regular basis. The press release dated 19-11-04 covers the case of the applicant as well.

VII. GROUND:

1. For that the press release dated 19-11-04 and the decision contained therein are bad in law as well as on facts and the same are as such liable to be set aside and quashed.

2. For that the applicant is eligible and qualified to hold the post of Principal, KVS. As aforesaid, the applicant in pursuant to the advertisement issued in October, 1999, she submitted application for the post of Principal. She came out successful in both the written test and in the interview. Thereafter, she was appointed as Principal on deputation basis as per the approval of the competent authority and regularised as Principal after successful completion of 1 year deputation period.

3. For that the applicant was appointed and put in substantive post after 1 year of successful completion of her deputation. She has not been posted against SC/ST category of vacancy, in other words here appointed was not at the expense of any SC/ST candidate.

4. For that the appointment of the applicant as Principal on regular basis was made in accordance with the relevant provisions of the Education Code and there was no violation of any provision of the KVS Rules or any constitutional provisions.

5. For that no notice was issued to the applicant or any opportunity of hearing was granted to her before taking the impugned decision. The impugned decision is in, gross violation of

the principles of natural justice and the same is as such liable to be set aside and quashed.

6. For that the clarification given that since the appointment order for the post of Principal on regular basis is void-ab-initio, the cancellation of the same without issuing show cause notice is justified in law, is wholly untenable. Far from being void-ab-initio, the appointment order of the applicant for the post of Principal on regular basis is legally valid and does not suffer from any infirmity. The impugned cancellation is most unjustified, illegal and arbitrary.

7. For that after becoming the Principal, ~~the applicant's name~~ were removed from the seniority list of BGS. The applicant is senior to all the PGTs of her school. The impugned decision, if given effect to, would require the applicant to serve under her juniors.

8. For that the applicant was appointed as Principal in 2000. In the meantime, the junior PGTs have been made Vice-Principals by applying the principle of seniority-cum-merit. At the time of selection of Vice-Principals, the applicant was neither informed nor any option was sought for from her as to whether she would opt for the post of Vice-Principal. Now, by the impugned decision, the applicant would be deprived of the opportunity to be Vice-Principal, which is a 100% promotional post, and would be forced to be a PGT again under juniors.

9. For that as per the press release, the respondents are only contemplating amendment of the relevant service rules. The

applicant's appointment was made as per the existing service Rule after following the due process of law. The same cannot therefore, be termed as illegal or unconstitutional.

10. For that after appointment of the applicant as Principal, there has been substantial improvement in the results for both Classes X and XII in the KV, IOC Noonmati. Repatriation of the applicant would be wholly detrimental to the interest of the students and the school.

11. For that the impugned cancellation/repatriation would cause serious prejudice to the applicant. It would entail adverse civil consequences upon the applicant. Besides, it would cause extreme humiliation to the applicant which will have a demoralizing effect not only on the applicant but also on the whole school. Therefore, it becomes all the more necessary to issue atleast a show cause notice to the applicant, which is the minimum requirement.

12. For that the impugned decision can be justified only by reasons other than relevant and bonafide. No reasonable person properly instructed in law could have taken such a decision as has been done in the instant case. The impugned decision has been influenced by wholly irrelevant and extraneous considerations.

13. For that the impugned decision is vitiated by arbitrariness and unreasonableness. There is arbitrary exercise of power by the authority in the present case. The Respondents have acted illegally in taking the impugned decision and the same is violative of Articles

14 and 16 of the Constitution of India. There has been total non-application of mind by the Respondents to the relevant factors while issuing the impugned order. There is malice in law as well as on facts and the same has vitiated the impugned decision. The applicant has been subjected to an unfair treatment and the same has prejudicially affected him.

14. For that in any view of the matter, the impugned decision is wholly untenable and the applicant is entitled to the reliefs as prayed for in this application.

VIII. Details of the remedies exhausted:

As the applicant has challenged the legality and correctness of the impugned decision and has prayed for setting aside/quashing of the same, he has not submitted representation before the authority as the same would not only be a futile exercise but also render his challenge redundant.

IX. Matter not previously filed or pending with any other Court:-

The applicant has not filed any other case/application in any other Court/Tribunal regarding the present subject matter.

X. Reliefs sought:-

Under the facts and circumstances, the applicant prays for following reliefs :-

1. For a declaration that the applicant's appointment as Principal on regular basis vide office order dated 29-05-2000 is legal and valid,

2. To set aside and quash the impugned press release dated 19-11-2004 (Annexure - E) in so far it relates to the applicant,

3. To pass such further order or orders as this Hon'ble Tribunal may deem fit and proper,

4. Costs of the proceeding.

XI. Interim order prayed for:-

Pending disposal of the present application, the applicant prays for an interim direction to the Respondents not to disturb the service of the applicant as Principal of Kendriya Vidyalaya, IOC Noonmati and/or pass such interim order/orders as may be deemed fit and proper.

XII. Particulars of the Postal Order:-

Postal order - 206 135479

Date 23/11/04

Issuing Office - Guwahati GPO

Payable at - Guwahati GPO

XIII. List of enclosures:-

An index showing the particulars of documents enclosed.

VERIFICATION:

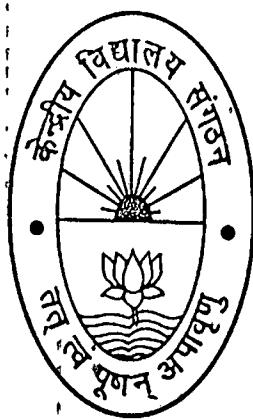
I, Smt. Ina Baruah, daughter of Late Munindra Nath Gogoi, IAS, aged about 57 years, by profession - service, resident of Sundarpur Zoo Road, P.O. & P.S. - Dispur, Guwahati-5, do hereby verify that I am the applicant in the accompanying application. I am acquainted with the facts and circumstances of the case. I hereby verify that the statements made in paragraphs I to XIII are true to my knowledge and that I have not suppressed any material facts.

And I set my hand on this verification today the 23rd November, 2004 at Guwahati.


Applicant.

केन्द्रीय विद्यालय संगठन
नई दिल्ली

KENDRIYA VIDYALAYA SANGATHAN
NEW DELHI



आरिकल भारतीय वरिष्ठता सूची
प्राचार्य एवं उपप्राचार्य

ALL INDIA SENIORITY LIST
PRINCIPALS & VICE-PRINCIPAL'S

AS on 11.12.2004

scrutinized & to be
True Copy.

[Signature]

RECORDED

Copy on
20 of Dec 2004

Published By Joint Commissioner (Administration) Kendriya Vidyalaya
Sangathan, New Delhi and Printed by Graphic Art Printer, 1/3 H, East
Azad Nagar, Delhi - 110051, Ph - 32033997

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KENDRIYA VIDYALAYA SANGATHAN
SENIORITY LIST OF PRINCIPAL'S AS ON 01-01-2004

Sl. No./ Sen. No.	Name of the Principal	Educational Qualification	Date of Birth	Year of Allot- ment	Whether Direct/ Promo- tion	Category	K.V. where working
1	2	3	4	5	6	7	8
1.	Sh. P.C. Jain	M.Sc., M.Ed.	15.08.44	1981	DR	-	No.2 Agra Cantt.
2.	Sh. N.N. Mishra	M.Sc., M.A., B.Ed.	17.10.42	1981	DR	-	Sec VIII R. K. Puram (on Extension for 2 Yrs.)
3.	Sh. R.D. Arya	M.Sc., B.Ed.	30.01.45	1982	DR	SC	Haldwani
4.	Sh. S. Shanmugam	M.A., M.Ed.	15.01.44	1983	DR	-	No.1, Tambram
5.	Sh. P.E. Sarma	B.A.(Hons)M.A.,M.Ed	03.06.44	1984	DR	-	INA, Kalinga
6.	Sh. G.C. Nautiyal	M.Sc., M.Ed.	03.04.46	1984	DR	-	ONGC Dehradun
7.	Sh. Rajiv Lochan	M.Sc., M.Ed.	02.05.50	1985	DR	-	INA Colony
8.	Sh. B.C. Pokhriyal	M.Sc., M.Ed.	14.04.45	1985	DR	-	Lansdowne
9.	Sh. G.S. Mishra	M.A., M.Sc., B.Ed.	02.07.46	1985	DR	-	Angul
10.	Sh. S.K. Gupta	M.Sc., M.Ed.	18.04.46	1985	DR	-	No.3, Jalandhar
11.	Dr. Y.N. Rai	M.A., B.Ed., Ph.D	01.11.45	1986	Prom.	-	Nahara, Sonipat
12.	Sh. P.R. Verma	M.Sc., M.Ed.	01.01.45	1986	DR	OBC	IVRI Bareily
13.	Dr. V.P. Garg	M.Sc., Ph.D, M.Ed.	25.08.44	1986	DR	-	Janakpuri
14.	Dr. N.N. Mishra	M.A., M.Ed., Ph.D	01.09.44	1987	DR	-	Rajokari
15.	Sh. Y.V.N. Rao	M.Sc., M.Ed.	10.07.48	1987	DR	-	Bolarum
16.	Sh. A.K. Chaturvedi	M.A., PGD, B.Ed.	09.04.44	1987	DR	-	No.1, Banbasa Cantt.
17.	Sh.C. Kuriakose Varkey	M.Sc., M.Ed.	03.04.47	1987	DR	-	No.1, Cochin
18.	Smt. A. Sirohi	M.Sc., M.Ed.	25.11.47	1987	DR	-	OLF Raipur
19.	Sh. R.P. Sharma	M.Sc, M.Ed.	03.07.48	1988	DR	-	New Cantt. Allahabad

—: 5 :—

Certified to
 Date
 A/P
 [Signature]

1/2
 1/2
 1/2

1	2	3	4	5	6	7	8
398.	Smt. Kanta Rani Chug	M.Sc., M.Ed.	24.04.61	2000	DR	-	Ishapore No.1
399.	Smt. Usha Chadha	M.Sc., B.Ed.	10.11.44	2000	Prom.	-	IIP Dehradun
400.	Smt. Thresiamma Thomas	M.Sc., M.Ed.	02.06.48	2000	DR	-	RD Mines
401.	Smt. K. Rajeshwari	M.A., B.Ed.	15.05.59	2000	DR	-	No.2, Kasargod
402.	Smt. S.N.P. Khan	M.A., M.Ed.	25.12.50	2000	DR	-	No.1, GCF, Jabalpur
403.	Smt. Geeta Malhur	M.A., B.Ed., M.A.(Music)	30.03.46	2000	Prom.	-	CL Town Dehradun
404.	Smt. M.B. Chaturvedi	M.A., M.Ed., LLB	05.08.54	2000	DR	-	Massoorie
405.	Smt. V. Meenaksi	M.Sc., B.Ed., M.Ed.	15.09.57	2000	DR	-	Mysore
406.	Smt. Ina Baura	M.A., B.T.	06.04.47	2000	DR	OBC	Noonmati, IOC
407.	Smt. Santosh Poonia	M.A., B.Ed.	18.09.50	2000	DR	-	No.1, Colaba
408.	Sh. R.C. Rastogi	M.Sc., B.Ed.	03.03.54	2000	DR	-	No.1, Bikaner
409.	Smt. P. Handu	M.A., B.Ed.	14.11.46	2000	DR	-	OFD Raipur
410.	Dr. G.B. Pandey	M.A., M.Ed., Ph.D	21.11.54	2000	-	-	Bhiwani
411.	Sh. D. Venakeshwarlu	M.Sc., M.Phil, M.Ed	22.08.60	2000	DR	-	Maligaon
412.	Smt. Sangita Roy	M.A.(Eng.& His.), M.Ed.	26.10.60	2000	DR	-	No.2, Khragpur
413.	Smt. Shantha Kaleeswaran	M.Sc., M.Ed.	09.02.45	2000	DR	-	Gopalpur Cantt.
414.	Ms. Sudeep Arora	M.A., B.Ed.	07.01.52	2000	DR	-	IIT Powai
415.	Smt. Pallavi Sharma	M.Sc., B.Ed.	23.09.63	2000	DR	-	Dhana
416.	Smt. S.R. Agarwal	M.Sc., B.Ed.	09.07.47	2000	Prom.	-	No.2, Sirsa
417.	Sh. Yash Pal Singh	M.A., M.Ed.	05.08.60	2000	DR	-	Dantiwara
418.	Sh. A.N. Parashar	M.Sc., B.Ed.	26.12.46	2000	DR	-	Sundergarh

Employment News 2-8 October 1999

KENDRIYA VIDYALAYA SANGATHAN

NOTICE

REQUIRES PRINCIPALS ON DEPUTATION

Applications are invited for filling up the posts of Principal in Kendriya Vidyalaya in the pay scale of Rs 1000-325-15200 (Revised) by transfer on deputation basis from amongst Central/State/Semi Govt./Autonomous Organisations and C.B.S.E. affiliated + 2 Schools fulfilling the following conditions.

AGE : Should not exceed 50 years on the last date of receipt of the application (Relaxation upto 5 years for SC/ST/OBC/Discharged Defence Personnel/Govt. Servant and employees of KVS)

ESSENTIAL QUALIFICATIONS :

- i) Atleast 2nd Class Master's Degree (45% marks and above considered as equivalent) in Mathematics, Physics, Chemistry, Zoology, Botany, English, Hindi, Sanskrit, History, Geography, Commerce/ Economics/Political Science/Computer Science/Physical Education or Music & Fine Arts
- ii) A Degree or Post Graduate Degree/Diploma in Teaching/Education.
- iii) Atleast 10 years experience in Educational Institutions including atleast 07 years teaching experience at Senior Secondary or Higher levels in recognised institutions and minimum of 03 Experience in Educational administration.

Experience in Educational Administration is administration is defined as under :-

- a) As Principal/Headmaster of a High School/Higher Secondary School/Inter College/Degree college, OR
- b) As Vice-Principal of a Higher Secondary School/Inter College/Degree College/Head of Deptt. in a Degree College/University Teacher Training College; OR
- c) As House Master in Public/Sainik School or as Officer Army Education Corps. OR
- d) As a Vice-Principal in a Kendriya Vidyalaya for 03 years or more; OR
- e) As Vice-Principal and/or as PGT in Kendriya Vidyalayas for atleast 15 years ; OR
- f) As Vice-Principal and/or as PGT in Kendriya Vidyalayas for atleast 10 years in case of those who have passed the Departmental Examination.

DESIRABLE

- i) Working knowledge of Hindi and English.
- ii) Experience in organizing Games and Sports and Co-curricular activities.

HOW TO APPLY : Applications complete in all respect as per proforma given in the Annexure along with attested copies of certificates, marksheets mentioned therein, one self addressed post card and Demand Draft of Rs. 200/- (Rupees two hundred only) drawn in favour of Kendriya Vidyalaya Sangathan, New Delhi should be submitted, in duplicate, to the Dy. Commissioner (pars), Kendriya Vidyalaya Sangathan, 18 Institutioned Area, Shaheed Jeet Singh Marg, New Delhi-110016.

*Certified to be
true copy (S. B. S.)*

KENDRIYA VIDYALAYA SANGATHAN

Annex B

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18A

NOTICE

REQUIRES PRINCIPALS ON DEPUTATION

Applications are invited for filling up the posts of Principals in Kendriya Vidyalayas in the pay scale of Rs. 10000-325-15200 (Revised) by transfer on deputation basis from amongst Central/State/Semi Govt./Autonomous Organisations and C.B.S.E. affiliated +2 Schools fulfilling the following conditions.

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ESSENTIAL QUALIFICATIONS:

- Atleast 2nd Class Master's Degree (45% marks and above considered as equivalent) in Mathematics, Physics, Chemistry, Zoology, Botany, English, Hindi, Sanskrit, History, Geography, Commerce/Economics/Political Science/Computer Science/Physical Education or Music & Fine Arts.
- A Degree or Post Graduate Degree/Diploma in Teaching/Education.
- Atleast 10 years experience in Educational Institutions including atleast 07 years teaching experience at Senior Secondary or Higher levels in recognised institutions and minimum of 03 years experience in educational administration.

Experience in Educational administration is defined as under:-

- As Principal/Headmaster of a High School/Higher Secondary School/Inter College/Degree College; OR
- As Vice-Principal of a Higher Secondary School/Inter College/Degree College/Head of Deptt in a Degree College/University Teacher Training College; OR
- As House Master in Public/Sairik School or as Officer in Army Education Corps. OR
- As a Vice-Principal in a Kendriya Vidyalaya for 03 years or more; OR
- As Vice-Principal and/or as PGT in Kendriya Vidyalayas for atleast 15 years; OR
- As Vice-Principal and/or as PGT in Kendriya Vidyalayas for atleast 10 years in case of those who have passed the Departmental Examination.

DESIRABLE

- Working knowledge of Hindi and English.
- Experience in organizing Games and Sports and Co-curricular activities.

HOW TO APPLY : Applications complete in all respect as per proforma given in the Annexure along with attested copies of certificates, marksheets mentioned therein, one self addressed post card and Demand Draft of Rs. 200/- (Rupees two hundred only) drawn in favour of Kendriya Vidyalaya Sangathan, New Delhi should be submitted, in duplicate, to the Dy. Commissioner (Pers.), Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shheed Jeet Singh Marg, New Delhi-110016.

Application neatly typed/written, in the prescribed proforma, on white paper only, on one side of the paper in double space (the size of paper should be that of foolscap size (21 cms x 30 cms) are acceptable. Candidates serving in any recognised Institution/Organization/Autonomous body of Central/State Govt. and CBSE affiliated +2 Schools must apply through proper channel. Applications through proper channel will be entertained only if they are received within two weeks after the last date. However, candidates should send an advance copy alongwith the Demand Draft of Rs. 200/- so as to reach Dy. Commissioner (Pers.) at the above mentioned address, before the last date. These advance applications will be considered provisionally subject to the condition that the applications through proper channel are received within two weeks after the last date.

LAST DATE FOR RECEIPT OF APPLICATIONS IS 31.10.1999

Instructions to the candidates:

- The prescribed essential qualifications are the minimum and the mere possession of the same does not entitle a candidate to be called for written test/interview. The KVS may hold a written test, and call the candidates for interview on the basis of merit position in the examination. The decision of the KVS in this regard shall be final and binding. No correspondence will be entertained in this regard.
- Departmental candidates belonging to the Kendriya Vidyalayas fulfilling the qualifications etc laid down for the post may apply through proper channel.

TERMS AND CONDITIONS

- The employees of Central/State/Semi Govt./Autonomous Organizations and CBSE affiliated +2 Schools recognized by the Government which have facilities to release its employees on deputation basis on retaining lien are eligible to apply.
- The term of deputation shall be five years and will be governed by the existing instructions of the Government of India relating to deputation. The KVS reserves the right to repatriate the service of a deputationist at any time even before the completion of approved deputation period, depending upon their performance, without assigning any reasons. Further, the appointment on deputation basis will not confer any right on the candidate, for permanent absorption in the KVS at any time.

NOTE

- Applications if not received in duplicate shall be rejected.

- Incomplete applications shall be rejected.

- The date of eligibility in all respects shall be the last date for submission of application.

*Carried to
Two Copy
Jnu*

a) The prescribed educational qualifications are the minimum and the mere possession of the same does not entitle a candidate to be called for written test/interview. The KVS may hold a written test, and call the candidates for interview on the basis of merit position in the examination. The decision of the KVS in this regard shall be final and binding. No correspondence will be entertained in this regard.

b) Departmental candidates belonging to the Kendriya Vidyalayas fulfilling the qualifications etc. laid down for the post may apply through proper channel.

TERMS AND CONDITIONS

(i) The employees of Central/State/Semi Govt./Autonomous Organizations and CBSE affiliated +2 Schools recognized by the Government which have facilities to release its employees on deputation basis on retaining lien are eligible to apply.

(ii) The term of deputation shall be five years and will be governed by the existing instructions of the Government of India relating to deputation. The KVS reserves the right to repatriate the service of a deputationist at any time even before the completion of approved deputation period, depending upon their performance, without assigning any reasons. Further, the appointment on deputation basis will not confer any right on the candidate, for permanent absorption in the KVS at any time.

NOTE

(i) Applications if not received in duplicate shall be rejected.

(ii) Incomplete applications shall be rejected.

(iii) The date of eligibility in all respects shall be the last date for submission of the application.

(iv) No correspondence in this regard shall be entertained.

APPLICATION FOR THE POST OF PRINCIPAL

(TO BE FILLED IN BY THE CANDIDATE IN HIS/HER OWN HANDWRITING)

DEMAND DRAFT NUMBER _____ DATED _____ FOR Rs. _____

WHETHER BELONGS TO SCHEDULED CASTE/

SCHEDULED TRIBE/OTHER BACKWARD CLASS _____

(Nature of the Caste/Tribe to which belongs. Attested copy of the certificate from the Competent Authority should be enclosed)

1. NAME _____

(IN CAPITAL LETTERS)

2. SEX _____

(WRITE 'M' IF MALE AND 'F' IF FEMALE)

3. FATHER'S/HUSBAND'S NAME _____

(IN CAPITAL LETTERS)

4. DATE OF BIRTH _____ (IN CHRISTIAN ER.)

(BOTH IN FIGURES AND IN WORDS)

Space for
passport size
photograph
Form is liable to be
rejected without
photo

AGE AS ON _____ YEARS _____ MONTHS _____

5. POSTAL ADDRESS (IN CAPITAL LETTERS)

(a) Permanent _____ PIN CODE _____

(b) Present Address _____ PIN CODE _____

6. (A) ACADEMIC QUALIFICATIONS

Examination	Subjects offered	Board/Univ	Year	Marks obtained	Max Marks	Percentage
Hr. Sec/Sr.Sec/						
PUC/Intermediate						
Bachelor's Degree						
Master's Degree						
Additional Master's						
Degree						

(B) PROFESSIONAL QUALIFICATION

		Board/Univ.	Year	Marks obtained	Max Marks	%
B.T./L.T./	Theory					
B.Ed.						
	Practical					
M.Ed						
Ph.D/M.Phil						
Any other course						

7. TOTAL TEACHING EXPERIENCE

S. No.	Name of the Institution	Name of the Board to which affiliated	Post Held	Scale of pay and basic pay	From	To

8. TOTAL ADMINISTRATIVE EXPERIENCE

Name of the post	Scale of Pay	Name of the Institution	Post held From	To	Total Experience
		Res/Non-residential			Yrs Months

As Passed Departmental Examination. If yes, Pl. indicate the date year for Principal.

9. OTHER VITAL INFORMATION

(a) Name & Address of the Institution where working _____

(b) Whether the Institution is Govt./Aided/Pvt. _____

(c) Whether the Institution is Residential/Non-residential _____

(d) The level of the Institution i.e., upto class X/XI/XII _____

(e) Present post held _____

(Applicants working in the Samiti must indicate the post held by them in their parent organisation)

(f) Whether permanent/temporary/Ad-hoc _____

(g) Date since held _____

(h) Complete break-up of the scale of the post held _____

(i) Present Basic Pay Rs. _____ Since _____

(j) Date of superannuation from present service _____

(k) State your mother tongue _____

(l) Native District & State _____

(m) Nearest Railway Station _____

(n) Languages you can fluently

- i) Speak _____
- ii) Write _____
- iii) Read _____

(o) Preference of State(s) for posting 1 _____
2 _____
3 _____

(p) Whether married/unmarried _____

(q) Whether the spouse is employed _____

(Indicate the designation and complete address of employer)

(r) Any other relevant information _____

10. Name and address of the Relieving/Controlling Authority _____

(Give the complete address with PIN code)

DECLARATION

I solemnly declare that the statements made by me are correct to the best of my knowledge and belief.

I have read all the terms & conditions thoroughly and also clearly understand that in the event of my appointment in the Sangathan my services are liable to be terminated without notice.

20/5

(i) State your mother tongue _____
(I) Native District & State _____
(m) Nearest Railway Station _____
(n) Languages you can fluently
i) Speak _____
ii) Write _____
iii) Read _____
(o) Preference of State(s) for posting 1. _____
2. _____
3. _____

(p) Whether married/unmarried _____

(q) Whether the spouse is employed _____
(Indicate the designation and complete address of employer)

(r) Any other relevant information _____

10. Name and address of the Relieving/Controlling Authority _____

(Give the complete address with PIN code)

DECLARATION

I solemnly declare that the statements made by me are correct to the best of my knowledge and belief.

I have read all the terms & conditions thoroughly and also clearly understand that in the event of my appointment in the Sangathan my services are liable to be repatriated/terminated without notice, any time during the service, if the foregoing information or any part thereof furnished by me is found to be wrong or suppressed.

PLACE _____

DATED _____ (SIGNATURE OF THE CANDIDATE)

FOR USE OF THE FORWARDING OFFICE

Name of the Office _____

Dated _____ and address _____ PIN Code _____

(Please give complete address)
It is certified that the applicant is working as a _____ since _____ in this Institution, which is a Government/Semi Government/ State Govt/ Govt recognised/ Autonomous/ Aided/ Private and that entries made by the applicant have been found correct on verification from his service records.

No vigilance/disciplinary case is pending/contemplated against him/her at the time of application.

Place _____ Signature _____

Name _____

Designation _____

SEAL

COUNTERSIGNED _____

NAME _____

DESIGNATION _____

(To be signed by Relieving/Appointing/Competent Authority)

SEAL

EN 27/89

Speed Post/Regd.

Kendriya Vidyalaya Sangathan
(Estt. II Section)

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

F. 7-4/2000 -KVS(E.II) 935.

DATE:

17 MAY 2000

The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Guwahati

Subject: Appointment of Shri/Smt. INA Barua to the post of PRINCIPAL in Kendriya Vidyalaya Sangathan by transfer on deputation basis in the scale of pay Rs. 10000 -325 -15,200/-.

Sir/Madam,

On the basis of the recommendations of the Selection Committee, the competent authority has approved the appointment of Shri/Smt. INA Barua as PRINCIPAL in KVS on deputation basis in the pay scale of Rs.10000-325-15200/- with effect from the date he/she assumes the charge of the post. His/Her deputation in KVS will be initially for a period of one year or till further orders whichever is earlier. The period of deputation can be extended on year to year basis for a maximum period of 5-years depending upon his/her conduct and performance and administrative exigencies. The appointment will be governed by usual deputation terms.

He/She is posted as Principal at Kendriya Vidyalaya, ONGC Jorhat

He/She will have the option to draw pay in the scale of the post or draw deputation allowance as per Govt. of India orders/instructions on this subject.

Shri/Smt. INC Barua may be informed that this appointment on deputation will not confer on him/her any claim for permanent absorption/regular appointment as Principal in Kendriya Vidyalaya Sangathan. Moreover, he/she cannot claim for extension of deputation period as a matter of right. It should be clearly understood that the aforesaid period of deputation can be curtailed at the sole discretion of the Commissioner, KVS. On completion/termination of deputation period, he/she will be reverted back to his/her parent office/feeder post.

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It is, therefore, requested that Sh/Smt. INA Barua may please be relieved immediately with the instruction to join at Kendriya Vidyalaya ONGC Jorhat as Principal latest by 15.6.2000, failing which it will be presumed that he/she is not interested in this offer and this offer will be treated as withdrawn without any further notice. Before relieving, it may be ensured that no disciplinary case is pending or contemplated.

In case it is found at any stage that the candidate does not satisfy/fulfil the eligibility condition as prescribed in Recruitment Rules for the post of Principal OR is not clear from vigilance angle or has furnished incorrect particulars or suppressed any material/information in the application for the post of Principal, his/her deputation shall stand terminated.

Yours faithfully,

(V.K.GUPTA)
Assistant Commissioner (Admn)
for Commissioner

Copy to:-

P.G.T (Engg)

1. Smt. INA Barua, c/o Kendriya Vidyalaya, Narangi, PO Satgaon Guwahati-781027. He may communicate his/her acceptance immediately to this office within 7-days from the date of issue of offer and also report to posting place as stated above by the stipulated period.

2. The Chairman, VMC, K.V. ONGC Jorhat with the request to intimate the date of joining of Shri/Smt. INA Barua as principal to this office as well as Assistant Commissioner, KVS, RO, concerned immediately by speed-post/Fax.

3. The Principal, K.V. Narangi, Satgaon, Guwahati-87

4. The Asstt. Commissioner, KVS, RO, Guwahati He/She is requested to intimate the date of joining of the incumbent to this office immediately by Speed-post/Fax.

5. Personal file. 06. Guard file.

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Assistant Commissioner (Admn)

KENDRIYA VIDYALAYA SANGATHAN

U.N. KHWAREY
Asstt. Commissioner

Maligaon Chariali
Guwahati 781 012
Phone : 2571797-99

Dear Mrs. Barua,

Excellence is not luck, it is result of lot of hard work and practice, for success always knocks the doors of the doers and not the observers. The AISSE and AISSCE results of 2004 have raised KANDRIYA VIDYALAYA SANGATHAN almost to the pinnacle of glory. This tremendous success could not have been possible but for the tenacious efforts and achievement, motivation of the Principals, commitment of the teachers determination of students and unstinted cooperation of parents.

'Thinking is the capital
Enterprise is the way
Hard work is the solution'

Dr. A.P.J. Abdul Kalam.

It gives me immense pleasure to note that KANDRIYA VIDYALAYA, IOC NOONMATI stands tallest by achieving cent percent result in both Class X (AISSE 2004) as well as XII (AISSCE-2004). You and your entire team, therefore richly deserved bounty of appreciation and encomiums. Let this achievement act as a driving force- a bench-mark for other Kendriya Vidyalayas.

We hope you will keep on working with same zeal, resolve and commitment to the cause of man-making education so as to hold aloft the flag of KENDRIYA VIDYALAYA SANGATHAN.

CONGRATULATIONS !

Yours sincerely,

U.N. Khawarey
Asstt. Commissioner
Kendriya Vidyalaya Sangathan
Guwahati Region

*Certified to be
true copy.
Ab. A.
Khawarey*

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KENDRIYA VIDYALAYA SANGATHAN

U. N. KHWAREY
President Commissioner

Malipore Chariali
Guwahati 781 012
Phone: 2571792, 29
E-mail: kvsr@guwahati.achintra.com

Dear Sirs/Gentlemen

Excellence is not, luck, it is result of lot of hard work and practice; for success always knock at the door of the doors & not the observers. The AISSE and AISCCE results of 2003 have raised KENDRIYA VIDYALAYA SANGATHAN almost to the pinnacle of glory. The tremendous success could not have been possible without the tenacious efforts and achievement of the principal, commitment of the teachers, determination of students and unstinted cooperation of parents.

It gives immense pleasure to note that KENDRIYA VIDYALAYA, IOC NOONMATHI stands tallest by marking best parent result in both XI (AISSE 2003) as well as XII (AISSE 2004). You and your entire team, therefore, richly deserve bounty of appreciation and encomiums. Let this achievement act as a driving force - a benchmark for other Kendriya Vidyalaya.

We hope you will keep on working with same enthusiasm and commitment to the cause of nation building education so as to hold aloft the flag of KENDRIYA VIDYALAYA SANGATHAN.

With best regards,

Yours truly,

UNKHAWAREY

Assistant Commissioner
Kendriya Vidyalaya Sangathan

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PRESS INFORMATION OFFICE
GOVT. OF INDIA

Annexure

**The Ministry of HRD cancels appointment of Principals
on deputation basis**

NEWDELHI
Dt-19.11.2004

The Ministry of HRD has cancelled the appointment of all the Principals who were initially appointed on deputation basis and later on regularised in violation of the rules of KVS and the reservation rules of Govt. of India. The Ministry has also directed to repatriate the principals to their parental posts/cadre. A special drive will be launched to fill up the vacant post of Principals reserved for SC/ST. Besides this, the remaining vacancies will be filled up by all categories. The recruitment rules for Principals in KVS will be modified. As per this, one has to secure at least 45% marks at the Master Degree for direct recruitment. For appointment to the post of Principal on promotion, the employee has to serve at least one year as Vice Principal (Now three years).

The decisions were taken after thorough study of documents.

The 65th Meeting of the Board of Governors was held on 19th March, 1999 the mode of appointment of Principal by Commissioner was decided in the meeting. The study of documents reveals that the guidelines have not been followed due to which injustice has been done to the reservation, as well as general category candidates. Apart from it, right to equal opportunity as laid down in constitutional articles, has also been flouted as a result of which employees belonging

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to reserved as well as general categories have been deprived of opportunities to face competition. It has also been known that such principals who were appointed on deputation basis were regularised afterwards. In such cases, the Commissioner has violated the directive of the Hon'ble Supreme Court in regard to reservations. Thus, the Commissioner KVS has deprived the candidates of reserved category from their legitimate right though they had requisite qualification for the post of Principal.

There are 140 Principals on deputation who have been regularised in violation of rules. Besides this, 187 persons have been appointed as Principal on deputation basis. These persons are working against vacancies of reserved as well as general categories.

THE HINDU, Saturday, November 20, 2004

Appointments of 300 KV principals cancelled

By Our Special Correspondent

NEW DELHI, NOV. 19. The Human Resource Development Ministry today cancelled the appointment orders of over 300 Kendriya Vidyalaya principals issued during the Murli Manohar Joshi regime as these appointments were "made in violation of rules and constitutional provisions on equality of opportunity. Cancelling the appointments, the Ministry also issued orders repatriating them to their parent cadre.

These appointments were made in exercise of the Commissioner's power to appoint principals and cleared at the 65th meeting of the Board of Governors of the Kendriya Vidyalaya Sangathan (KVS) on March 19, 1999.

The appointments were initially made on a deputation basis and subsequently many of the appointees were regularised "in violation of the KVS rules and

reservation rules of the Government."

Given the vacuum that will be created in a number of Kendriya Vidyalayas across the country, the Ministry simultaneously announced that a drive would be undertaken to fill the backlog of vacancies for principals from the Scheduled Caste and Scheduled Tribe categories followed by a general recruitment for all categories to fill up the remaining vacancies.

The Recruitment Rules for principals in KVS will be amended to make 45 per cent at the post-graduate level the qualifying mark for direct recruits.

The qualifying mark had been increased to 50 per cent by the previous regime "to the disadvantage of the reserved categories."

The rules will be amended to reduce the number of years for promotion as principal from vice-principal.

According to the ministry, the

decision to cancel the appointments was taken after a scrutiny of documents relating to the 65th Meeting of the Board of Governors of KVS. These documents revealed that the Commissioner's power to appoint principals was not followed strictly resulting in injustice to persons belonging to both reserved and general categories.

Besides, constitutional provisions on equality of opportunity were violated as persons belonging to reserved/general categories did not get an opportunity to compete for the posts.

"Also, while appointing the deputationists on regular basis as principals, who were initially taken on deputation for a fixed tenure, the then Commissioner had not followed the Supreme Court judgment on reservation thereby depriving the legitimate rights of persons belonging to the reserved categories from getting appointed as principals in KVS," the ministry said.

Signed to be
True Copy.
John

KENDRIYA VIDYALAYA SANGSTHAN
HEAD QUARTERS
18, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG
NEW DELHI-110015

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No. F.T.-7/2001/KVS(Estt-II)

November 18, 2001

OFFICE ORDER

WHEREAS Shri S.K. Tyagi presently working as the Principal at Kendriya Vidyalaya No.1 Faridabad was initially nominated as Principal on deputation basis vide letter No. F.7-4/2001-KVS(Estt-II) dated 12.6.2001.

WHEREAS the said Shri S.K. Tyagi was appointed as Principal on regular basis while working as Principal on deputation basis by the then Commissioner, KVS vide Office Order No. F-7/2002-KVS/Estt-II dated 28.6.2004.

WHEREAS the Chairman, KVS after examining all the materials on record and Recruitment Rules of KVS for the Post of Principal has found that the then Commissioner has acted beyond the Recruitment Rules and constitutional provisions in appointing the said Shri S.K. Tyagi as principal on regular basis while working Principal on deputation basis and has observed that his/her appointment on regular basis as Principal is not within and in law & is liable to be cancelled.

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Pursuant to the above direction, I hereby cancel the appointment order issued vide Office Order No. F-7.7/2002/KVS/Estt-II dated 28.6.2004 to Shri S.K. Tyagi appointing him/her as Principal on regular basis with immediate effect. It is clarified that since appointment Order for the post of Principal on regular basis is void and is under cancellation of the same without issuing Show Cause Notice is justified, in lieu Shri S.K. Tyagi is directed to handover the charge of Principal to Vice Principal/Senior Most PGT immediately and report to Principal Incharge in the same Kendriya Vidyalaya as PGT (Physics) for the post held by him/her prior to his/her appointment as Principal and discharge his/her duties as may be assigned to him/her.

(TAMGLAL JAMUDA)

COMMISSIONER

Copy to information and necessary action to :-

1. Shri S.K. Tyagi ³Principal, ³KVS No. 1 Faridabad.
2. The Principal, kendriya Vidyalaya No.1 Faridabad.
3. The Chairman, VMC, kendriya Vidyalaya No.1 Faridabad.
4. Asstt. Commissiuoner, KVS, Region-1 Office Delhi with the direction
5. Personal File.

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KENDRIYA VIDYALAYA MANGALMORI
HEADQUARTERS
18, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG
NEW DELHI - 110015

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Ref. P.T.7/2003/KVS(Estt.I)

November 18, 2010.

OFFICE ORDERS

WHEREAS SHRI S.K. TYAGI presently working as the Principal at KENDRIYA VIDYALAYA, NO 1 KANNIYAMAN was initially nominated as Principal on deputation basis vide letter No. P.T.4/2001-KVS(Estt.III) dated 12.6.2001.

WHEREAS the said SHRI S.K. TYAGI was appointed as Principal on regular basis while working as Principal on deputation basis by the then Commissioner, KVS, vide Office Order No. P.T.7/2002-KVS(Estt.II) dated 28.6.2004.

WHEREAS the Chairman, KVS after examining all the materials on record and Recruitment Rules of KVS for the post of Principal has found that the then Commissioner had acted beyond the Recruitment Rules and constitutional provisions in appointing the said SHRI S.K. TYAGI as Principal on regular basis while working as Principal on deputation basis and has observed that his/her appointment on regular basis as Principal is in violation of law and is liable to be cancelled.

to cancel the Appointment Order, issued vide Office Order of the Chairman, KVS KVS(Estt.I) dated 28.6.2004 to SHRI S.K. TYAGI appointing him/her as Principal on regular basis.

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True Copy.

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[Signature]

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Pursuant to the above direction, I hereby cancel the appointment order issued vide Office Order No. P-7-7/2003-K-SIEstt-II dated 28.6.2004 to SHRI S.K. TYAGI appointing him/her as Principal on regular basis with immediate effect. It is clarified that since the Appointment Order for the post of Principal on regular basis is void ab initio, the cancellation of the same without issuing Show Cause Notice is justified in law. SHRI S.K. TYAGI is directed to handover the charge of Principal to Vice-Principal/Senior Most PGT immediately and report to Principal Incharge in the same Kendriya Vidyalaya as PGT(Physics) - the post held by him/her prior to his/her appointment as Principal and discharge his/her duties as may be assigned to him/her.

(RANGLAB JAMUDAI)
COMMISSIONER

Information and necessary action to:

1. SHRI S.K. TYAGI, Principal, KV, No.1 Faridabad
2. The Principal, Kendriya Vidyalaya, No.1 Faridabad
3. The Chairman, VMC, Kendriya Vidyalaya No.1 Faridabad
4. The Assistant Commissioner, KVS, Region 1 Office, Delhi, with the direction to ensure immediate action. The direction to ensure immediate action may be faxed to him/her at No. 011-26832680.
5. Personal file

- 7 JAN 2003

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Gujarati Books

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH - GUWAHATI

O.A No.270/2004

IN THE MATTER OF:

Smti Ina Baruah

Applicant

-V E R S U S-

The Union of India & others

Respondents

Written Statement filed by the
Respondents No. 2 & 3:

I, Sri U.N. Khawarey, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati, do hereby solemnly affirm and file the written statement on my behalf and on behalf of Respondent No.2 as under:-

1). That I have been served with a copy of the Original Application, I have gone through the contents thereof. I am competent to serve this Written Statement on being supplied with comments from the Head-quarters on behalf of the respondents, they being official respondents. I am fully acquainted with the facts and circumstances of the case.

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2). That the deponent states the allegations / averments which are not borne out by records are denied and not admitted. Any averments / allegations which are not specifically admitted hereinafter are deemed to be denied.

3). That the deponent begs to apprise that the grievance of the applicant is that by issuing the order of cancellation of appointment and their repatriation to the substantive post their right have been violated, whereas the applicant has no right to submit that any of their right have been violated inasmuch as in the advertisement it is clearly mentioned that the term of deputation shall be for a period of one year extendable from year to year upto a maximum period of five years and will be governed by the existing instructions of the Government of India relating to deputation and that the Kendriya Vidyalaya Sangathan deserves the right to repatriate the deputationist at any point of time even before completion of the approved deputation period without assigning any reason.

4). That with regard to the statements made in paragraphs 2, 3, 4, 5; 6, 7 and 9 the respondent states that these are matter of records and does not submit any comment.

5). That with regard to the statements made in paragraphs 8, 10, 11, 12 & 13, the respondent denies the correctness of the same for, the decision of the Chairman in cancelling the appointment made on

deputation basis and in furtherance some of them who were regularised were to be cancelled is lawful.

Had the applicants been appointed as per Rule of the Kendriya Vidyalaya Sangathan, then there was no need for the Kendriya Vidyalaya Sangathan to take action in the manner it has taken now. To allow the applicant to continue in the post would mean to giving a go-bye to all the Constitutional provisions and the Kendriya Vidyalaya Sangathan would remain a silent spectator by suppressing the legitimate rights of those persons who were eligible for being either promoted or recruited as Principals. It is submitted that the then Commissioner who happened to be the appointing authority appointed Principals on deputation basis on year to year basis. Simultaneously, the then Commissioner was approving clubbing of all the posts earmarked for General and OBC / other reserved category and went on appointing Principals on regular basis who were working on deputation, although no such provisions were not made in the recruitment Rule for the post of Principal. In all, upto now, there are 140 candidates whose appointments have been regularised against the Rules and as many as 187 persons working on deputation basis as Principals in various Kendriya Vidyalayas. These persons (Regularised as well as on Deputation) are occupying the posts meant for the reserved as well as general category candidates. The Commissioner's power to appoint Principals in the manner decided by the BOG was not followed strictly resulting in injustice to persons belonging to

reserved / general category. The appointments made by the then Commissioner cannot stand the scrutiny of law inasmuch as their has been a flagrant violation of Constitutional provisions vis-à-vis persons belonging to reserved / general category who could not gather opportunity to compete for the post of Principal. Even the Hon'ble Supreme Court's Judgment on reservation has not been followed while operating the recruitment Rules thereby depriving the legitimate right of persons in the reserved category from getting appointed as Principals ever since the then Commissioner started regularising the deputationists as Principals who were initially appointed for a fixed tenure.

6). That with regard to the statements made in paragraphs the respondent states that since filing of the Misc Petition 114/04 by which the impugned order has been annexed the defect being cured and the respondent does not offer any comment.

7). That with regard to the grounds set forth in the application in paragraph VII, the deponent submits that these grounds are ill founded and no legs to stand to support the claim of the applicant for the irregularities and illegalities as mentioned in above paragraph being committed in appointing the applicant in the initial, it has violated the provisions as under:

I. Direct recruitment quotas of ST/ SC/ OBC categories have been utilized by the deputationist's

incidentally, reservation rules are not applicable when the posts are filled up with by way of deputation. Similarly, promotion quotas of all candidates have been utilized by deputationist. Deputationists for such period frustrated the very purpose of reservation Rules.

II. By denying the opportunity of competing for the post of Principal to the general public, the Constitutional Provisions have been violated.

III. By regularising the deputationist against the vacant posts of Principals contrary to the terms of deputation, the appointing authority (i.e. Commissioner KVS) has exercised the power not vested on him.

Therefore, from the above it is seen that no action contrary to law has been taken by the respondent and the actions have been taken in accordance with the Constitutional provisions and further more the applicants have no vested rights conferred upon them to seek quashing of the order dated 18-11-2004 and in the circumstances it is submitted that the applicant have not made out any case for interference by this Hon'ble Tribunal.

It is further submitted that, as submitted above there were irregularities committed by the then Commissioner, the present Commissioner referred the matter to the Chairman for taking a decision although the Commissioner himself had pointed out the

following steps to rectify the same and details that was put forward by the Commissioner in this regard are as follows:

"Considering this blatant violations in the recruitment rules for the posts of Principals the following policy decisions are proposed to rectify the situation:

- i. The order of appointment issued to the Principal on deputation for regularising their service as Principals while working on deputation may be cancelled.
- ii. All the deputationist working as Principal may be repatriated to their parent cadre.
- iii. Recruitment Rules for Principals may be amended providing for 45% quailing marks in Master Degree in case of direct recruitment and in case of promotees minimum 1 year qualifying service as Vice Principal in the Kendriya Vidyalaya for promotion to the post of Principal.
- iv. Special Recruitment drive may be made for SC and ST to fill up the backlog vacancies followed by the general recruitment for all categories to fill up the remaining vacancies".

Thereafter, on getting the direction from the Chairman, the Commissioner proceeded to issue the order dated 18-11-2004. A reading of the order dated 18-11-2004 itself makes it clear that the

Commissioner had applied his mind and it is only the applicant who are twisting the facts.

It is submitted that the Commissioner applied his mind and also the Rule while cancelling the appointments of the applicants. Since the regularisation and continuing of deputationist beyond the period is void ab-initio, non observance of principal of natural justice which in other words, the observance of natural justice is no way attracted would not vitiate the order dated 18-11-2004. It is further submitted if the order dated 18-11-2004 were not issued it would amount to encouraging the violation of constitutional provisions thereby depriving the legitimate right of the persons who are entitled to get appointment as Principal on promotion or by way of recruitment.

8). In view of the above it is submitted that there is no merit in the O.A and the O.A is liable to be dismissed with cost, it is also prayed that in view of the above the interim order passed by this Hon'ble Tribunal may be vacated.

V E R I F I C A T I O N.....Page/8

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AFFIDAVIT / *me bient*

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 44 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Maligaon, Guwahati, do hereby solemnly affirm and declare as follows:

1. That I am the Assistant Commissioner of the Kendriya Vidyalaya Sangathan, Maligaon, Guwahati, as such I am acquainted with the facts and circumstances of the case. By virtue of my office I am competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying application in paragraph 1, 2, 3, 4, ~~4~~ 5 are true to my knowledge, those made in paragraphs being matter of records are true to my information derived therefrom. Annexures _____ are true copies of the originals and groups urged are as per the legal advice.

And I sign this affidavit on this the 4th day of January
October, 2005 at Guwahati.

Identified by

Uday Narayan Khawarey

DEPONENT

Advocate's Clerk.