

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T/A No. 43/2005.  
R.A/C.P No. 31/06.  
E.P/M.A No. 103/05. 57/05

1. Orders Sheet.....Pg. 01.....to 04.....
2. Judgment/Order dtd. 16.08.2005 Pg. 01.....to 04.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg. 01.....to 28.....
5. E.P/M.P. 103 → Order Sheet Pg. 01 to 02 Pg. 01 to 13  
Petition Pg. 01 to 13
6. R.A/C.P. Order Sheet Pg. 01 to 02 Pg. 01 to 13  
Petition Pg. 01 to 13
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply MP 57 → Order Sheet Pg. 01 to 02 Pg. 01.....to 13.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....Pg. 01.....to 15 (O.A.), Pg. 01 to 09 (CP)
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

01/07/14

FORM No.4  
(SEE RULE 42)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. \_\_\_\_\_

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

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

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

Applicants: \_\_\_\_\_

Respondents: \_\_\_\_\_

Advocates for the Applicant \_\_\_\_\_

Advocates of the Respondents \_\_\_\_\_

Notes of the Registry \_\_\_\_\_

Date \_\_\_\_\_

This application is in form  
is filed C.F. for Rs. 10/-  
deposited vide IPC/PO  
No. 204/11/2005  
Dated 12.2.05

11e Dy. Registrar

Steps taken with  
envelops.

22.02.2005

Present : The Hon'ble Mr. K.V. Prahlada-  
dan, Member (A).

Heard Ms. U. Das, learned couns-  
el for the applicant and also Mr. G.  
Rahul, learned counsel for the  
respondents.

List on 23.3.2005 alongwith  
M.P. 57/2005.

mb

23.03.2005

Post on 24.3.2005.

bb

24.3.05.

Post the matter on 12.4.05. along-  
with M.P.No.57 of 05.

lm

12.4.05.

Post the matter on 6.5.05.

5-5-05  
As per order dt. 12.4.05  
passed in MP no. 57/05,  
No Fresh MP has been  
filed by the applicant.  
The OA is placed  
for orders.

lm

06.05.2005

At the request of counsel for the parties, the case is adjourned to 18.5.2005.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

18.5.2005

At the request of counsel for the applicant the case is adjourned. Post on 19.5.2005.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

19.5.2005

List on 16.6.2005 alongwith M.P. No.103/2005.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

16.6.2005

Post the O.A. on 20.6.2005.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

12.06.05  
mp 103/05 to delay  
of condonation allowed  
on 16.6.05. Hence the  
OA is for admission.

by

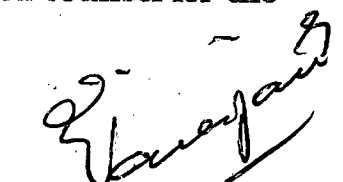
20.06.2005

Heard Mr. B. Devi, learned counsel for the applicant and also Mr. G. Rahul, learned counsel for the respondents.

The impugned order has been passed pursuant to the direction of this Tribunal dated 17.02.2003 in O.A. No. 102/2002 directing to consider the applicant's representation in a sympathetic manner keeping in mind the past services of the applicant. Now, by the impugned order, the said request was rejected stating that the procedures for recruitment of non-teaching staff of Jawahar Navodaya Vidyalayas are revised by the Samiti and accordingly no candidates other than the one sponsored by the Employment Exchange can be considered for appointment under any circumstances by the Respondents. It is not clear ~~that~~ <sup>my there is</sup> as to when the procedures have been changed and as to whether <sup>my there is</sup> any inhibition to the persons who are employed under the Respondents in various capacity. Prima facie, we are of the view that the respondents are not justified in rejecting the representation of the applicant on the ground mentioned above. However, the Respondents will file an affidavit within three weeks. Post on 21.07.2005.

A copy of the order will be furnished to the learned counsel for the parties.

  
Member

  
Vice-Chairman

*P  
22.6.05  
Bhandana Devi  
Copy Received for  
Respondents  
23/6/05*

21.7.2005

Mr. G. Rahul, learned counsel for the respondents is present. On behalf of Mr. S. Sarma, learned counsel for the applicant an adjournment is sought. Post on 04.08.2005.

① No written statement filed by the respondents

3.8.05

Member

Vice-Chairman

mb

4.8.05

Mr. S. Sarma learned counsel for the applicant is not present. Mrs. R.H. Choudhury, learned counsel for the Respondents submits that the affidavit directed on 20.6.05 has already filed. Post the matter on 9.8.05.

8.8.05  
An affidavit on behalf of the Respondent Nos. 2 to 5 submitted.

Member

Vice-Chairman

lm

9.8.2005

At the request of Ms. S. Das, learned counsel appearing on behalf of the respondents the case is adjourned to 11.08.2005.

Member

Vice-Chairman

mb

11.8.05

There was a reference to 16.8.05.

23.8.05

16.8.2005

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of in terms of the order.

Copy of the judgment has been sent to the D/Sec for record the file to the applicant as well as to the L/Sec for the respondents.

Member

Vice-Chairman

bb

6

CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

O.A. No. 43 of 2005

DATE OF DECISION: 16.08.2005

Sri Poritosh Deb

APPLICANT(S)

Shri S. Sarma & Ms. B. Devi

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr.G.Rahul

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, 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?
- no

Judgment delivered by Hon'ble Vice-Chairman.

*[Signature]*

1

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

Original Application No. 43 of 2005.

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

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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

Sri Poritosh Deb

Son of Late Sudhir Deb

Village:- Char Ganks, P.S: Khowdi

District: West Tripura, Tripura.

... Applicant.

By Advocates Shri S.Sarma & Ms. B. Devi.

- Versus -

1. The Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Human Resource Development  
New Delhi - 110 001.
2. Jawahar Navodaya Vidyalaya Samiti  
Represented by the President  
A-39, Kailash Colony  
New Delhi - 110 048.
3. The Director & Commission  
Jawahar Navodaya Vidyalaya Samity  
A-39, Kailash Colony  
New Delhi - 110 048.
4. The Deputy Director  
Jawahar Navodaya Vidyalaya Samity  
Nongrim Hills  
Shillong - 793 005.
5. The Principal  
Jawahar Navodaya Vidyalaya  
Ram Chandraghat, District: West Tripura  
Tripura. .... Respondents.

By Sr. Advocate Mr.K.N.Choudhury, Advocates Mrs. R. S.  
Choudhury & Mr. G. Rahul.

\*\*\*\*\*

O R D E R (ORAL)

SIVARAJAN, J. (V.C.) :

The applicant was appointed as Group 'D'/daily wages employee in the Jawahar Novodaya Vidyalaya, Ramchandraghat, West Tripura on 27.2.1993. Later he was appointed against the vacant post of Laboratory Attendant on consolidated monthly pay of Rs.1,000/- w.e.f. 1.1.1998 in the same school. However, by an order dated 24.9.1999 his service was terminated. The applicant was again appointed as Laboratory Attendant-cum-Electrician in the School on 15.11.1999. Thereafter, w.e.f. 1.4.2000 his services were dispensed with. The applicant then filed O.A. No. 103/2002 which was disposed of by order dated 17.2.2003. The applicant was directed to make a representation before the respondents and the respondents were directed to consider the application sympathetically keeping in mind his past services for absorption in any Group 'D' post in accordance with law. The applicant accordingly filed a representation dated 13.3.2003 (Annexure-4). The said representation was rejected as per order dated 23.6.2003 (Annexure-5). It is stated therein that since recruitment rules did not allow consideration of appointments to any candidate other than the one sponsored by the Employment Exchange for recruitment the representation is rejected. The applicant again filed another representation dated 17.7.2003 and thereafter filed this O.A. The matter was heard on 20.6.2005 and the respondents were directed to file affidavit as to when

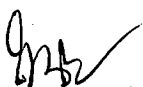
*[Signature]*



procedures have been changed and as to whether there is any inhibition for considering the case of the applicant. Now an affidavit has been filed by the respondents in which it is stated that the post of Laboratory Attendant is earmarked for Scheduled Tribes and therefore the applicant, not being a Scheduled Tribe, cannot be accommodated in the said vacancy. It is further stated that there is no existing Group 'D' vacancy.

2. We have heard Ms. B. Devi, learned counsel for the applicant and Mr. G. Rahul, learned counsel appearing for the respondents.

3. The matter is in a very narrow campus. Admittedly, the applicant had worked under the respondents for a quite number of years both as Group 'D' employee and as a Laboratory Attendant in temporary capacity. This Tribunal by order dated 17.2.2003 (Annexure-3) had directed the respondents to consider the representation to be submitted by the applicant in a sympathetic manner taking into account the past service rendered by him under the respondents. In the impugned order, as already stated, the only reason stated is that the recruitment rules have been amended and only candidate sponsored by the Employment Exchange can be considered for appointment under any circumstance. From the affidavit now filed it is seen that the amendment to the recruitment rules have been made only w.e.f. 7.5.2003. As already noted, the direction was issued



10

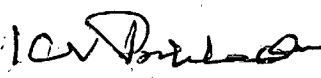
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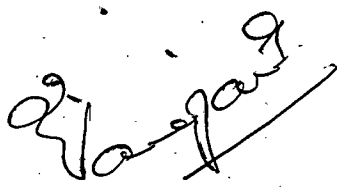
by the Tribunal on 17.2.2005 and the applicant has made the representation on 13.3.2003.

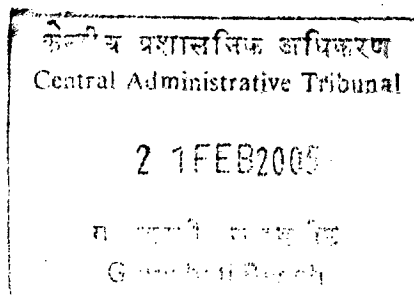
4. From the above, it is clear that there was no inhibition in considering the case of the applicant for absorption to a Group 'D' post under the respondents on a date prior to 7.5.2003. The respondents, it appears, waited to pass the order on the representation till amendment to the recruitment rules made on 7.5.2005 and the impugned order is passed on 23.6.2005.

5. Now the respondents have come with another case that the post of Laboratory Attendant is reserved for Scheduled Tribe candidate and the applicant not being Scheduled Tribe candidate cannot be posted in the said vacancy. As we have already noted, the direction issued by this Tribunal in O.A.103/2002 was to consider the case of the applicant for absorption to any Group 'D' post. Now the further stand taken by the respondents is that there is no existing vacancy in Group 'D' posts. Considering the facts and circumstances of the case, we direct the respondents to absorb the applicant in any Group 'D' post next arises.

The O.A. is disposed of as above.

  
(K.V. PRAHLADAN)  
ADMINISTRATIVE MEMBER

  
(G. SIVARAJAN)  
VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : O.A. No. 43 of 2005

BETWEEN

Sri Poritosh Deb

..... Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 12
2.	Verification	13
3.	Annexure-1	14-16
4.	Annexure-2	17
5.	Annexure-3	18-21
6.	Annexure-4	22, 23
7.	Annexure-5	24
8.	Annexure-6	25, 26
9.	Annexure-7	27, 28

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Filed by : Alsha Das

Regn.No.:

File : c:\ws\poritosh

Date :

12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.....of 2005

Sri Poritosh Deb

..... Applicant.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

That the applicant hails from poor economic sanction of the society. After death of his father he was looking for a job. He is a Madhyamic plucked young person and due to poor economic condition he could not study further. On 27.2.93 he was appointed against a sanctioned post of Group-D or daily wage basis in the Jawahar Novodaya Vidyalaya, Ramchandraghat, West Tripura. Thereafter he was appointed against a vacant post of Laboratory Attendant on a consolidated monthly pay of Rs.1000/- p.m. w.e.f. 1.1.98 in the same school. By an order dated 24.9.99 his service was terminated. However, due to poor financial condition of the applicant, he was not able to approach any legal forum against the terminations order. Thereafter, on 15.11.99 he was again appointed as Laboratory Attendant-cum- Electrician in the same school. On 1.4.2000 the applicant was verbally directed not to come to the school and his service is no longer required in the school. Aggrieved by such action of the respondent authority, earlier the applicant approached this Hon'ble Tribunal by way of filing O.A. No.103/2002. By

13

✓ an order dated 17.2.2003 this Hon'ble Tribunal in O.A.No.103/2002 directed applicant to file a representation before the Director and Deputy Direction, NVS respondent No.3 and 4 describing the grievances of the applicant therein. It was further directed the respondent authority to consider the same sympathetically. Keeping in mind about the past services of the applicant and to consider his case for absorption in any Group-D post in accordance with law.

As per direction of the Hon'ble Tribunal dated 27.2.2003 in O.A.No.103/2002, the applicant made representation before the concerned authority stating therein his case with a prayer to appoint him against any Group-D vacant post. But the respondent authority by an order vide memo no.OA No.103/2002- NVS(SHR)/ADMN/1263 dated 23.6.2003 rejected the said representation. Hence this application before this prospective hands of this Hon'ble Tribunal praying for just and fair relief.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.  
GUWAHATI BENCH AT GUWAHATI.

O.A No.....2005.

Filed by  
the applicant through  
Alsha Das  
Advocate  
2/2/05

BETWEEN

Sri Poritosh Deb  
Son of Late Sudhir Deb  
Village-Char Ganks, P.S. Khowdi,  
District: West Tripura, Tripura.

.....Applicant.

- VERSUS -

1. The Union of India,  
represented by the Secretary  
to the Government of India,  
Ministry of Human Resource  
Development, New Delhi-110001.
2. Jawahar Novodaya Vidyalaya Samity  
represented by the President,  
A-39, Kailash Colony, New Delhi-110048.
3. The Director & Commission  
Jawahar Novodaya Vidyalaya Samity,  
A-39, Kailash Colony,  
New Delhi-110048.
4. The Deputy Director  
Jawahar Navodaya Vidyalaya Samity  
Nongrim Hills, Shillong-793003.
5. The Principal  
Jawahar Navodaya Vidyalaya  
Ram Chandraghat, District- West Tripura,  
Tripura.

..... Respondents.

DETAILS OF APPLICATION

1. PARTICULAR OF THE ORDER AGAINST WHICH THE  
APPLICATION IS MADE:

The present application is made against the order  
dated 23-6-2003, issued by Deputy Director, NVS Shillong,  
disposed of the representation made by the application  
pursuant to the direction of OA No.103/2002, wherein

5

rejecting prayer for absorption in a regular Group-D part under the respondent Samity.

2. JURISDICTION:

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

3. LIMITATION:

That the applicant humbly states that there is delay of 5 months in filing the present OA. A separate application has been filed for condonation of delay.

4. FACTS OF THE CASE:

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

4.2. That the applicant hails from poor economic sanction of the society. After death of his father he was looking for a job. He is a Madhyamic plucked young person and due to poor economic condition he could not study further. On 27.2.93 he was appointed against a sanctioned post of Group-D on daily wage basis in the Jawahar Novodaya Vidyalaya, Ramchandraghat, West Tripura. Thereafter he was appointed against a vacant post of Laboratory Attendant on a consolidated monthly pay of Rs.1000/- p.m. w.e.f. 1.1.98 in the same school. By an order dated 24.9.99 his service was terminated. However, due to poor financial condition of the

16

applicant, he was not able to approach any legal forum against the terminations order. Thereafter, on 15.11.99 he was again appointed as Laboratory Attendant-cum- Electrician in the same school. On 1.4.2000 the applicant was verbally directed not to come to the school and his service is no longer required in the school. Aggrieved by such action of the respondent authority, earlier the applicant approached this Hon'ble Tribunal by way of filing O.A. No.103/2002. By an order dated 17.2.2003, this Hon'ble Tribunal in O.A.No.103/2002 directed applicant to file a representation before the Director and Deputy Director, NVS respondent No.3 and 4 describing the grievances of the applicant therein. It was further directed the respondent authority to consider the same sympathetically. Keeping in mind about the past services of the applicant and to consider his case for absorption in any Group-D post in accordance with law.

As per direction of the Hon'ble Tribunal dated 27.2.2003 in O.A.No.103/2002, the applicant made representation before the concerned authority stating therein his case with a prayer to appoint him against any Group-D vacant post. But the respondent authority by an order vide memo no.OA No.103/2002- NVS(SHR)/ADMN/1263 dated 23.6.2003 rejected the said representation. Hence this application before this prospective hands of this Hon'ble Tribunal praying for just and fair relief.



18

4.3. That the applicant hails from economically poor stratum of the society, this father died while he was studying in Madhyamic standard. After death of his father he had to looking for a job to run the family. The applicant is a Madhyamic plucked person and he registered his name with the Employment Exchange, Agartala, West Tripura.

4.4. That the applicant begs to state that while he was looking for a job, he got the job of sanctioned post of Group-D on a fixed salary under the respondent No.5, by an order dated 27.9.97 issued by the said respondent. As per aforesaid order, the applicant joined in the post and discharged his job satisfactorily. His service was extended from time to time.

Copies of appointment orders are annexed herewith as Annexure-1 series.

4.5. That the applicant begs to state that he made a representation dated 12.9.99 before the respondent No.4 praying therein consideration of his case for regularisation considering his length of service under the Samity. But no action has been taken towards regularisation of the services of the applicant.

A copy of the representation dated 12.9.99 is annexed herewith as Annexure-2.

4.6. That the applicant begs to state that on 1.4.2000 when he went to the school for attending his duty, the

principal (Respondent No.5) verbally asked him not to come to the school and his service is no more required. To that effect he was not even served with a notice, terminating his service as required under two. While he was prayed before the respondent authorities for consideration of his case for regularisation and although the respondent authorities did not considered his case for regularisation, but reacted by terminating his service without given him any notice.

4.7. That the applicant begs to state that the respondent authorities terminated the service of the applicant and he was not given notice to that effect. Such actions on the part of the respondent authorities is not sustainable under law and same is contradictory to the settled principles of service jurisprudence. Admittedly the applicant was given appointment by the authority and after serving for a long period, his service has been discontinued without any notice and without any written order. The applicant being a temporary servant under the respondents, gets due protection under Article 311 of the constitution of India and laws framed thereunder.

4.8. That the applicant begs to state that making a grievance against such illegal termination of serious of the applicant due to vindictive attitude of the respondents, he filled an Original Application before his Hon'ble Tribunal which was numbered as O.A.No.103/2002. This Hon'ble Tribunal after hearing the parties therein, was pleased to disposed of the same by an order dated 17.2.2003. While disposing the said O.A.No.103/2002 this Hon'ble Tribunal directed the applicant to submit a fresh representations before the

19

respondent No.3 and 4 narrating his grievances. The respondent authorities has been directed to consider the representation of the applicant sympathetically taking into account of the past services rendered by him and to conder the case of applicant for absorption in any Group 'D' vacant post.

A copy of the order dated 17.2.2003 in O.A.No.103/01 is annexed herewith as Annexure-3.

4.9. That the applicant begs to state that pursuant to order dated 17.2.2003 passed in O.A.No.103/2002, he submitted a fresh representation before the Director, JNVS and the Deputy Director, JNVS, Shillong i.e. respondent No.3 and 4 respectively to the earlier O.A.No.103/2002. In his fresh representation dated 13.3.2003 he clearly stated his case with a prayer for consider of his case against any Group-'D' post any where under the samity.

A copy of the fresh representation dated 13.3.2003 is annexed herewith as Annexure-4.

4.10. That the applicant begs to state that in the order dated 17.2.2003 in O.A.No.103/2002 this Hon'ble Tribunal directed to submit fresh representation before the respondent authorities stating therein the case of the applicant and the respondent authorities were directed to consider the case of the applicant sympathetically on contrary the respondent authorities i.e. the Deputy Director, JNVS, Shillong disposed of the fresh representation dated 13.3.2003 by an order dated 23.6.2003.

In the order dated 26.6.2003 the Deputy Director, JNVS, Shillong rejected the fresh representation dated 13.3.2003 submitted by the applicant merely said that the procedure for recruitment, of non teaching staff of the Jawahar Navodaya Vidyalaya are revised by the samity and non sponsored candidate by the Employment Exchange can not be consider for appointment against any post of non-teaching staff. And therefore fresh representation of the applicant has been rejected by the respondent authorities after sympathetic consideration of the same.

A copy of the rejection order dated 23.6.2003 is annexed herewith as Annexure-5.

4.11. That the applicant begs to state that while disposing the fresh representation dated 13.3.2003 submitted by the applicant approach and merely rejected the same only on ground as stated in the rejection order dated 23.6.2003 that the recruitment rule of the samity does not allow the applicant to appoint in any post of non teaching staff in Jawahar Navodaya Vidyalaya. In order dated 17.2.2003 in O.A.NO.103/2002 this Hon'ble Tribunal directed the respondent authorities of JNVS to disposed of the fresh representation of the applicant and consider the same sympathetically. But in the rejection order dated 23.6.2003 it is reflected that the respondent authorities did not consider the fresh representation of the applicant sympathetically. The applicant has filed a representation dated 17.7.03 against the impugened order dated 23.6.03 which is yet to dispose of by the Respondents.

PDeb

A copy of the said representation dated 17.7.03 is annexed herewith and marked as Annexure-6.

4.12. That the applicant begs to state that from the rejection order dated 23.6.2003, it is reflected that the ground for non consideration case of the applicant sympathetically is the revised rule recruitment of the non teaching staff of the samity. No candidate other than the one sponsored by the Employment Exchange can be consider for appointment against a post of non teaching staff of Jawahar Navodaya Vidyalaya. In a official communication letter vide Memo No.1-52/NVS/SHR/95-96/Rectt/NT/1902 dated 25.7.96 issued by the then Deputy Director, JNVS to different principal of the Jawahar Navodaya Vidyalaya stated therein that the person working in the Vidyalaya as part time/casual basis are eligible for the post of Lab.Attendant and Driver, may also be considered for interview along with the sponsored candidates of the Employment Exchange provided their names are registered in the Employment Exchange.

A copy of the letter dated 25.7.96 is annexed herewith and as Annexure-7.

4.13. That the applicant begs to state that in the instant case applicant has a valid registration card registered in the local Employment Exchange and considering his long service tenure since 1993 upto 2000 under the Jawahar Navodaya Vidyalaya, West Tripura there would not any impediment to consider his case for appointment against a Group 'D' post. While disposed of the fresh representation

PDeb

22

dated 13.3.2003 submitted by the applicant the respondent authority did not taken into account the part service rendered by him. Therefore the rejection order dated 23.6.2003 (Annexure-5) should be set aside and quashed.

4.14. That, from the aforesaid facts and circumstances it is well reflected that the applicant has illegally terminated from his service due to the vindictive attitude of the respondent. Moreover while disposing the fresh representation submitted by the applicant, the respondents have failed to take into consideration of that fact, of his past service and his employment registration under the local Employment Exchange. The respondent merely rejected the case of the applicant only stating that the revised recruitment rule and thereby only hope of the applicant has come to the end.

4.15. That the respondent can very well accommodate the applicant against numbers of vacancies in the Group-'C' and Group-'D' post under the samity. The case of the applicant is also covered by various O.Ms. issued by the Government of India and his case is also required to be considered for grant of temporary status and regularisation under those O.Ms.

The applicant craves leave of the Hon'ble Tribunal to produce those OMs at the time of hearing of the case.

4.16. That the applicant demanded justice but the same has been denied to him and hence this application praying for just and fair relief.

4.17. That the application has been filed bonafide and to secure the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. For that the impugned action on the part of the respondent are illegal, arbitrary and violative of Article 14, 16 and 311 of the Constitution of India and laws framed thereunder.

5.2. For that the applicant being in continuous service for 8 years in the school, his service ought not have to terminate by the respondents.

5.3. For that the respondents disposed of the fresh representation of the applicant mechanically and case of applicant for absorption against any Group-'D' post has not been considered sympathetically.

5.4. For that in any view of the matter, the impugned order is not sustainable.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the orders of termination and rejection order dated 23.6.2003 ad to reinstate the applicant with full back wages and other service benefits.

8.2. To direct the respondents to accommodate the applicant in any vacant post (Group-C or Group-D) commensurating to his qualification and to regularise his

PDab



25

such service taking into consideration the OMs mentioned above.

8.3. Cost if the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Under the facts and circumstances of the case the applicant pray for interim order directing the respondents to consider the case of applicant against any vacant post of Group-C or Group-D under the respondent authorities.

10. ....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No.

:

20 G 117645

2. Date

:

1/2/05

3. Payable at

:

Buwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I Sri Poritosh Deb, aged about ... years, Son of Late Sudhir Deb, Village-Char Ganks, P.S. Khowdi, District: West Tripura, Tripura, do hereby solemnly affirm and verify that the statements made in paragraphs 2,3,4,4.1,4.3,4.6,4.7,4.16,4.17 & 5 to 12 are true to my knowledge and those made in paragraphs 1,4.2,4.4,4.5,4.8-4.15 are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 1st day of Feb. of 2005.

Poritosh Deb.  
Signature.

9 set , True Copy - 14 - ANNEXURE - I Serial

JAWAHAR NAVODAYA VIDYALAYA : RAMCHANDRAGHAT : WEST TRIPURA

Ref.No.F.1-9/JNV(RCG)/90/3833-95

Date - 27.09.1993

OFFICE ORDER

You are appointed on daily wage basis against a sanctioned post of Group-D on a fixed salary of Rs.400/- (Four hundred) only per month.

The appointment is purely temporary, and can be terminated at any time without assigning any reason. This will not confer a right to claim permanent/regular absorption on any later date and time. There is no specific area of your duty. You may be employed for any work the Vidyalaya requires.

Your appointment comes into effect from 27th Sept'93.

To

Shri Paritosh Deb  
Khowai.

SD/

Principal

Copy to :-

- 01 The D.M. & Collector, West Tripura. Agartala.
- 02 The Deputy Director, Navodaya Vidyalaya Samiti,  
Regional Office, Lachumiere, Shillong.

SD/

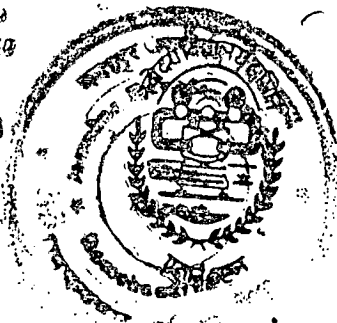
Principal.

*attest*  
*Houn*  
PRINCIPAL  
J.N.V. R.C.G WEST TRIPURA

Attested

*W.D.*  
Advocate.

जवाहर नवोदय विद्यालय  
मानव संसाधन विकास मंत्रालय  
(शिक्षा विभाग)  
रामचन्द्रघाट, पश्चिम त्रिपुरा  
पिन - ७९६१०७  
दूरभाषः



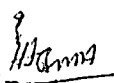
15  
ANNEXURE-1  
Phone :  
**JAWAHAR NAVODAYA VIDYALAYA**  
Ministry of Human Resource Development  
( Deptt. of Education )  
RAMCHANDRAGHAT, WEST TRIPURA  
Pin-799207

Ref No.....

Date 10.08.1996

TO WHOM IT MAY CONCERN

Shri Paritosh Deb is working in this Vidyalaya w.e.f. 12.11.1995 on Casual Basis in fixed pay of Rs. 500.00 with vacation breaks and doing Electricals works. This is purely temporary.

  
Principal  
R.C.G. WEST TRIPURA

Attested  
  
Advocate

161  
JAWAHAR NAVODAYA VIDYALAYA RAMCHANDRAGHAT : WEST TRIPURA

ANNEXURE-1 Series 29

Ref.No.F.1-8/JNV(RCG)/90-98

Date-01.07.1998

OFFICE ORDER

You are appointed against the vacant sanctioned post of Lab. Attendent on purely temporary basis on fixed consolidated monthly salary of Rs. 1000.00 (One Thousand) only on part-time (W.O.) basis w.e.f. 01.07.1998.

Your service can be terminated at any time without notice or assigning any reasons thereof.

To

Shri Paritosh Deb  
J.N.V. Ramchandraghat.

Principal

G. R. C. G. WEST TRIPURA

Attested

Advocate

To  
The Deputy Director  
Navedaya Vidyalaya Samiti  
Regional Office, Nongrin Hills  
Shillong - 7 9 3 0 0 3

Through: The Principal, J.N.V. Ramchandraghat, West Tripura

Sub : Consideration for Regular Appointment.

Sir,

With due respect and humble submission, I would like to draw your kind attention that I have been serving in your Vidyalaya, J.N.V. Ramchandraghat, since Sept' 23, 1993 on part time basis. Sometimes against the post of Electrician and sometimes that of Lab. Assistant. I am performing the duty in Scice Lab., operating the Generator of the Vidyalaya including all other Electric Work.

I get Rs. 1000.00 (Rupees One Thousand) only for the said duties, a very meagre amount to lead my life.

I, therefore, request your honour to kindly appoint me on regular basis against any such posts any where in this region and oblige me.

Thanking you,

Date :- 12.09.1999.

Yours faithfully,

*Paritosh Deb*

( Paritosh Deb )

To D.D.  
R.O. Shillong  
Please try to consider the  
is possible  
14.09.99

To Honble Deputy Director,  
Mrs. P.O. Shillong  
Forwarded with application  
for kind consideration  
14.9.99

Attested

*uon*  
14.09.99

- 18 -

Annexure - 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.103 of 2002

Date of decision: This the 17th day of February 2003

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

The Hon'ble Mr S. Biswas, Administrative Member

Shri Paritosh Deb  
S/o Late Sudhir Deb,  
Village- Char Banks, P.S.- Khowai,  
District- West Tripura, Tripura. ....Applicant  
By Advocates Mr B.K. Sharma, Mr S. Sarma  
and Mr U.K. Goswami.

versus -

1. The Union of India, represented by  
The Secretary to the Government of India,  
Ministry of Human Resources Development,  
New Delhi.
2. The Navodaya Vidyalaya Samity,  
Represented by the President,  
A-39, Kailash Colony, New Delhi.
3. The Director,  
Navodaya Vidyalaya,  
A-39, Kailash Colony,  
New Delhi.
4. The Deputy Director,  
Navodaya Vidyalaya Samity,  
Nongrim Hills, Shillong.  
The Principal,  
Navodaya Vidyalaya,  
Ram Chandraghat,  
District-West Tripura, Tripura. ....Respondents  
By Advocates Mr K.N. Choudhry and Mrs R.C. Choudhury.

.....

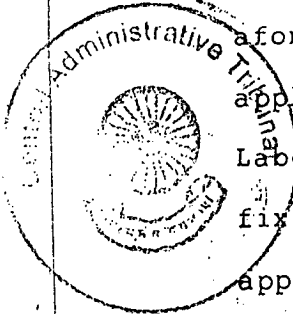
O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The applicant was first appointed on daily wage basis by the Principal, Jawahar Navodaya Vidyalaya (JNV for short), Ramchandra Ghat, West Tripura vide order dated 27.9.1993. As per the appointment letter the applicant was appointed on daily wage basis against a

Attested  
by  
Advocate

sanctioned post of Group 'D' on a fixed salary of Rs.400/- per month. It was stated that his salary was subsequently increased to Rs.500/- per month. By order dated 1.7.1998 the applicant was appointed against a vacant sanctioned post of Laboratory Attendant on purely temporary basis on fixed consolidated monthly salary of Rs.1000/- on part-time basis with effect from 1.7.1998. By order dated 24.4.1999 due to the commencement of the summer vacation of the school from 1.5.1999, his service from the part-time job as Laboratory Attendant was terminated with effect from 30.4.1999. The applicant submitted a representation before the Deputy Director, Navodaya Vidyalaya Samiti on 12.9.1999 requesting for appointing him on regular basis to any post in the region. By order dated 15.11.1999, on the strength of the aforementioned representation of the applicant, the applicant was again appointed on part-time basis as Laboratory Assistant-cum-Electrician on a consolidated fixed monthly salary of Rs.1000/-. According to the applicant from 1.4.2000 his service was terminated without any order. Being aggrieved, the applicant first knocked the door of the High court by way of a Writ Petition, which was numbered and registered as W.P.(C) No.557 of 2000. By order dated 20.7.2001 the High Court dismissed the application of the applicant as not maintainable and the applicant, therefore, moved this Tribunal by way of the present O.A. assailing the action of the respondents including his termination from service.



Attested  
V. Sen  
Advocate

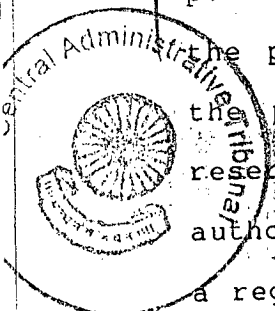


2. The respondents submitted their written statement. In the written statement the respondents stated that the applicant was engaged on part-time basis from time to time due to exigency of service. His engagement itself indicated that he was engaged purely on temporary part-time basis indicating that his service was liable to be terminated any time without any notice. The applicant, though was working as a Laboratory Assistant for some time, he was not eligible for the post since the prescribed qualification for the post of Laboratory Assistant was to the effect that the candidate would have passed the Secondary Examination (Class-X) or equivalent with Science subject and since the applicant did not possess the said qualification he was not eligible for the post. That apart, the respondents also stated that the post of Laboratory Assistant in the school was a reserved post for ST community and for that purpose the authority conducted an interview on 6.4.2000 and selected a regular Laboratory Assistant from the ST community and who had already joined in the post. It was pleaded that the service of the applicant was terminated as per terms contained in the appointment letter.

3. We have heard Mr S. Sarma, learned counsel for the applicant and Mrs R.S. Choudhry, learned counsel for the respondents. From the materials on record it appears that the applicant was working under the respondents since 1993, of course, with some breaks, till the impugned order of termination was passed. The applicant, as contended by Mrs Choudhury, was holding the post purely on temporary basis under the respondents. But then, the respondents as a State under Article 12 is also to act as

a.....

Attested  
  
 Advocate.



34

- 21 : 4 :

a benevolent employer. The very termination order which was only an oral termination order, on the face cannot be accepted since the order was passed without any notice or the payment in lieu thereof.

4. On consideration of the entire materials on record, we are, however, not inclined to disturb the same since a person was already engaged on holding a regular selection. We, however, feel it is a case in which the respondents need to consider for absorption of the applicant in a Group 'D' post in which the applicant can be fitted. Mr S. Sarma submitted that the applicant has no particular choice and is willing to work even outside West Tripura provided he is engaged in a regular Group 'D' post.

5. On consideration of all the aspects of the matter, we feel that ends of justice will be met if a direction is issued on the applicant to submit a fresh representation before the respondent Nos.3 and 4 narrating his grievances within a month from today. If such representation is made the authority shall consider the same sympathetically, keeping in mind about the past services of the applicant and consider his case for absorption in any Group 'D' post in accordance with law in any vacant Group 'D' post.

6. With the above observation the application stands disposed of. No order as to costs.

Central Administrative Tribunal  
Guwahati Bench  
16/6/69

Section Officer (I)  
C.A.T. GUWAHATI BRANCH  
Guwahati-781005

Sd/ VICE-CHAIRMAN  
Sd/ MEMBER (A)

nk m  
16/6/69  
Verified to be true

Attest  
Advocate

22

- Annexure - 4

To,  
The Director,  
Navodaya Vidyalaya Samiti,  
A-39, Kailash Colony,  
New Delhi-110048.

Date: 13/03/2003

Sub:- Judgment and order dated 17.2.2003 passed in OA  
No. 103/2002 by Central Administrative Tribunal,  
Guwahati Bench

Sir,

With due deference and profound submission I beg  
to lay the following few lines before your honour for  
kind consideration and necessary action thereof.

That Sir, after the death of my father, I had no  
option to abandon my further studies and for want of  
JOB I had registered my name in the local Employment  
Exchange. Thereafter I got my 1st job in JNV, Ram  
Chandra Ghat, West Tripura against a group D post.  
Initially I used to get a sum of Rs. 400/- pm.  
Subsequently my such pay was increased to Rs. 500/- pm,  
and finally I was allowed the pay of Rs. 1000/- pm,  
w.e.f. 1.1.98. Once my service was discontinued by an  
order dated 24.4.99 and I having no other affirmative  
made requests to the concerned authority for my  
appointment. The said authority was pleased to appoint  
me once again w.e.f. 15.11.99 and I continued as such  
till 1.4.2000. However, w.e.f. 1.4.2000 I was asked not  
to attend the office any further. I submitted members  
of representations but same yielded no result in  
positive. Situated thus. I had to move Hon'ble High  
Court for redressal of his grievances but the said case  
was subsequently transferred to Central Administrative  
Tribunal, Guwahati Bench at Guwahati and same was  
registered as OA No. 103/2002.

That the Hon'ble Tribunal issued notice and  
written Statement was filed on behalf of NVS. In the  
said written statement, it was contended that at JNV  
Rameswarghat there is no vacancy, however, there are  
other vacancies in N.L. Region.

Attested  
*W.D.*  
Advocate.

23

That the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OA vide its Judgment and order dated 17.2.2003 with a direction for consideration of my case against any vacant post. (copy of the said Judgment is yet to be made available to me and as such I undertake to furnish the same as and when same will be available).

That in view of the above I earnestly request Your honour with my folded hand for extending a helping hand towards consideration of my case against any post anywhere immediately.

I hope and trust that Your honour would graciously be pleased to consider my case for appointment against any Group-D post any where.

Sincerely Yours

✓ Paritosh Deb

Paritosh Deb  
S/o Lt. Sudhir Deb,  
Vill.-Char Ganks, P.S. Khowai,  
Dist.-West Tripura, Tripura.  
Date: 16/03/2003

Copy to:  
Dy. Director  
N.V.S. Nongrim Hills,  
Shillong-793003.

Ans

W.D.

Adm. Secy.

৪ বিদ্যালয় সমিতি  
শিলাংগ

স্মারক

(স্মারক)

Ref No

103/2002-NVS(SHR)/Admin//263

Date 23.6.2003

ORDER

By Registered

Whereas, while disposing of the Original Application No 103/2002- by the Hon'ble Central Administrative Tribunal Guwahati Bench on 17.2.2003 Shri Paritosh Deb (petitioner), was directed to submit a fresh representation before the Respondent No 3 & 4 i.e. Commissioner, NVS and Deputy Director R.C, Shillong within a month from 17.2.2003 and the authority was directed to consider the same sympathetically in accordance with law

Whereas, said Deb submitted his fresh representation by Registered Post on 26.3.2003 and received this Regional Office on 31.3.2003.

and whereas his fresh representation is examined in accordance with the Recruitment Rule and procedure keeping in view of his past service and experience.

And whereas the procedure for the recruitment of non teaching staff in the Jawahar Navodaya Vidyalayas are revised by the Samiti and accordingly no candidate other than the one sponsored by the Employment Exchange can be considered for appointment under any circumstances

Now therefore since the Recruitment Rules do not allow consideration of appointments to any candidates other than the one sponsored by the Employment Exchange for the recruitment. there are the fresh representation submitted by Shri Paritosh Deb while being considered sympathetically considered and rejected

(D. HAZARIKA)  
DEPUTY DIRECTOR.

Shri Paritosh Deb  
S/O Lt. Sudhir Deb  
vill Char Gank P. S. Khowai  
Dist. West Tripura, Tripura

Attested  
W. D.  
Advocate.

25

To,  
Dy. Director,  
N.V.S. Nongrim Hills,  
Shillong-793003.

Date: 17.7.03

Sub:- Representation against the order dated 23.6.03  
bearing No. 103/2002-NVS(SHR)/Admn/1263.

Sir,

With due deference and profound submission I beg to lay the following few lines before your honour for kind consideration and necessary action thereof.

That Sir, after the death of my father, I had no option to abandon my further studies and for want of JOB I had registered my name in the local Employment Exchange. Thereafter I got my 1st job in JNV, Ram Chandra Ghat, West Tripura against a group D post. Initially I used to get a sum of Rs. 400/- pm. Subsequently my such pay was increased to Rs. 500/- pm, and finally I was allowed the pay of Rs. 1000/- pm, w.e.f. 1.1.98. Once my service was discontinued by an order dated 24.4.99 and I having no other affirmative made requests to the concerned authority for my appointment. The said authority was pleased to appoint me once again w.e.f. 15.11.99 and I continued as such till 1.4.2000. However, w.e.f. 1.4.2000 I was asked not to attend the office any further. I submitted members of representations but same yielded no result in positive. Situated thus. I had to move Hon'ble High Court for redressal of his grievances but the said case was subsequently transferred to Central Administrative Tribunal, Guwahati Bench at Guwahati and same was registered as OA No. 103/2002.

That the Hon'ble Tribunal issued notice and written Statement was filed on behalf of NVS. In the said written statement, it was contended that at JNV Rameswarghat there is no vacancy, however, there are other vacancies in N.E. Region.

That the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OA vide its Judgment and order dated 17.2.2003 with a direction for consideration of my case against any vacant post.

As per direction of the Hon'ble Central Administrative Tribunal, Guwahati Bench I filed a fresh representation on 26.3.03 which was received by the Regional office on 31.3.03. Your Honour was pleased to dispose of the representation by the order dated 23.6.03 rejecting my prayer for consideration of my case against any post anywhere sympathetically taking into consideration my past 8 years long service under you on the ground of revision of the procedure of the recruitment of non-teaching staff.

That in view of the above I earnestly request your honour with my folded hand to reconsider my case against any post anywhere since I have already served your Department for long period of time.

Attest  
WDA

✓ 26 ✓

37

Copy to:  
The. Director  
Novodaya Vidyalaya Samiti  
A-39, Kailash Colony,  
New Delhi-110048.

21

- 27 -

ANNEXURE - R-7 40

AVODAYA VIDYALAYA SAMITI: REGIONAL OFFICE: SHILLONG: MEGHALAYA :

F.No. 1-52/NVS/SHR/95-96/Recdt/NT/

Date: 25.7.96.

To,

The Principal,  
JNV. 1) West Tripura, 2) R.K. Nagar, 3) Karingan,  
3) Pfukhro - Mao, 4) Lepajaring, 5) Tuensang,  
6) Mahadevpur, 7) North Sikkim.

Sub: Recruitment of Lab. Attendant and Driver.

Sir,

This is regarding conduct of interview against sanctioned post of Lab. Attendant and Driver to be conducted at your level. Constituting Vidyalaya Appointment Sub- Committee as decided by this Office.

The list of candidates may be obtained from the local Employment Exchange at the ratio of 1 : 10 i.e. for 1 post 10 candidates to be called for and interview may be conducted after verification of eligibility criteria given in the enclosed Annexure.

The person working in the Vidyalaya as Part-time/Casual basis, and eligible for the post may also be considered for interview along with the sponsored candidates of the Employment Exchange provided their names are registered in the Employment Exchange. Some applications as forwarded by the Principals are sent herewith for necessary action at your end.

The recruitment process may be completed at the earliest possible time under intimation to this Office.

Yours faithfully,

Encl:  
(i) Application  
Sponsored by the Principals  
for Lab. Attendant and Driver

(DR. U.C. BAIJAT)  
DEPUTY DIRECTOR.

(ii) Eligibility criteria  
Name: Recruitment Rules

Attested  
[Signature]  
[Signature]

File in 1-8

The application may be considered  
only after the next YHC meeting



28

61  
21

: NAVODAYA VIDYALAYA SAMITI : REGIONAL OFFICE : SHILLONG : MEGHALAYA :

A N N E X U R E

(3) New Recruitment Rules .

1) Laboratory Attendant : Group 'C' Non- Ministerial

(a) Age : 18 to 30 years.

(Relaxable for eligible categories as per Samiti Rule ) .

(b) Qualification : Pass Secondary / Class 10 with science as one of the subjects.

(c) Scale of Pay : Rs. 775-12-871-EB-14-1025 .

2. Driver : Group 'C' ( Non - Ministerial )

(a) Age : 18 to 30 years .

(Relaxable for eligible categories as per Samiti's Rules )

The target date for consideration of age may be given as last date for receipt of sponsored list from Employment Exchanges.

(b) Qualification : (i) Pass Class- VIII .

(ii) Possession of valid driving .

Licence of the Motor Vehicle, Knowledge of Motor Mechanism and experience of driving Motor Vehicle for at least three years.

(c) Scale of Pay Rs. 950-20-1150-EB-25-1500 .

\*\*\*\*\*

Attest:

*W. Sen*  
Advocate

Central Administrative Tribunal  
1  
4 AUG 2005  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 43 of 2005

**IN THE MATTER OF :**

Sri Paritosh Deb

...Applicant

-Vs-

The Union of India and ors.

...Respondents

**IN THE MATTER OF :**

An affidavit filed on behalf of the Respondent Nos.  
2 to 5 of the aforesaid Original Application in terms  
of the Order dated 20.06.2005 passed by this  
Hon'ble Tribunal in the said Original Application.

**AFFIDAVIT**

I, Shri Debananda Hazarika, son of Late D. D. Hazarika, aged about 53 years, presently serving as the Deputy Commissioner of the NVS, Regional Office, Shillong, do hereby solemnly affirm and state as follows:

1. That I have been impleaded as the Respondent No. 4 in the instant case and a copy of the Original Application has been served upon me. I have gone through the copy of the Original Application and have understood the contents thereof. I am well acquainted and fully conversant with the facts and circumstances of the instant case and as such, I am competent to file this affidavit. I have been duly instructed to file this affidavit on behalf of the Respondents No. 2, 3 and 5 also.
2. That the instant affidavit is filed in terms of the Order dated 20.06.2005 passed by this Hon'ble Tribunal in the aforesaid Original Application directing the Respondents to bring on records the procedures that have been changed and are now followed regarding the appointment of an incumbent in the NVS. However, the Respondents reserve its right to file a detailed written statement at the appropriate point of time.
3. That the grievance sought to be raised by the applicant in the present Original Application is that his representation submitted, pursuant to the directions of this Hon'ble Tribunal dated 17.02.2003 in O.A. No. 102 of 2002, before the Respondents has been rejected vide order dated 20.06.2003 without considering his case for appointment to the post of Laboratory Attendant on a regular basis.

FILED BY:

The Respondent Nos 2 to 5.

THROUGH:

By                      52

MR. R.S. CHOWDHURY  
ADVOCATE.  
21/7/05

4. That while preferring the present Original Application the applicant has relied upon an order dated 25.07.96 issued under No.1-52/NVS/SHR/95-96/Rectt/NT/.....by the Deputy Director, NVS (Annexure -7 of the O.A.) whereby it was directed to consider the cases of part time / casual employees who are eligible for the post of Lab Attendant and Driver for interview along with those candidates who are sponsored by the Employment Exchange. The applicant being engaged on casual basis as Laboratory Attendant has claimed to have a right for being appointed on regular basis in terms of the aforesaid order.

5. That it is pertinent to mention herein that the post of Laboratory Attendant in Jawahar Navodaya Vidyalaya, West Tripura is exclusively reserved for an Scheduled Tribe candidate in terms of letter dated 16.10.97 issued by the Deputy Director of the NVS, Shillong. As such the applicant being a non ST candidate could not claim to have any right for being appointed as a Laboratory Attendant in the Jawahar Navodaya Vidyalaya, West Tripura on a regular basis. Be it stated herein that the said fact was duly argued before this Hon'ble Tribunal in O.A. No. 102/02. The applicant has deliberately suppressed this particular aspect in the instant Original Applicant.

A copy of the said letter dated 16.10.97 is annexed herewith and marked as ANNEXURE - A

6. That along with the aforesaid impediment on the part of the Respondents in appointing the applicant as a Laboratory Attendant on regular basis, the Deponent further begs to state that vide order dated 07.05.2003 issued under No.F.No.2-1/02-NVS ( Estt.) a procedure for notification and filling up of vacancies in the NVS has been categorically laid down inter alia as follows:

“ (i) Vacancies should be notified to all the Employment Exchanges of the district where vidyalaya is located including all sub-Employment Exchanges. While notifying vacancies to the Employment Exchange, complete details regarding Name of Post, Pay Scale, Age limit, reservation of post as per roster points, eligibility conditions, copy or recruitment rules, last date for submission of names etc must be intimated.

“ (ii) Vacancies shall neither be advertised in the newspapers nor displayed on the notice board of the Vidyalaya. It is reiterated that no candidate other than the one sponsored by Employment Exchange shall be considered under any circumstances”.

(151)

438  
(1-5)  
3-11-97

NAVODAYA VIDYALAYA SAMITI, DISTRICT EDUCATIONAL OFFICE, SHILLONG  
Ref. No. F.5\_38/92/NVS(SHR)/5348  
Date: 16.10.97

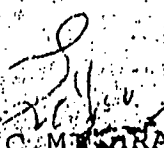
To,  
The Principal,  
All JNMs, N.E. Region.

Subject: Filling up of Group 'C' (non teaching) and  
Group 'D' post

Sir,  
The roster point for filling up of Group 'C'  
and group 'D' posts of vidyalayas at local level in accordance  
with stipulation of the Samiti are forwarded for strict  
adherence to the roster point.


The roster point are for existing vacancies  
and also against anticipated vacancies like lab Attendants,  
store keeper etc which should not be filled up unless a  
receipt of sanction of the post.


Your's faithfully

  
(D.C. MEHTA)  
DY. DIRECTOR  
NVS, RO: SHILLONG

  
16/10/97

18/11  
genc.

  
7/11/97

Certified to be true Copy  
  
Rakhee Sirauthia Chowdhury  
ADVOCATE

post/anticipated post.

E.D.C.

1. East Kameing	1 - S/T
2. Tirap	1 - U/R
3. Kamrup	1 - S/T
4. Nalbari	1 - U/R
5. Sibsagar	2 - SC/OBC
6. Dibrugarh	1 - U/R
7. Tinsukia	2 - OBC/UR
8. Jorhat	1 - ST
9. Golaghat	1 - UR
10. Morigaon	1 - OBC
11. Barpeta	1 - UR
12. Darrang	1 - UR
13. Kokrajhar	1 - UR
14. Karbianglong	2 - OBC/UR
15. C.C.Pur	1 - ST
16. Chandel	1 - UR
17. Tamenglong	2 - SC/UR
18. East Garo Hill	1 - ST
19. South G.Hill	1 - UR
20. Aizawl	1 - ST
21. Chintimpui	2 - ST/UR
22. Kohima	1 - ST
23. Tuensang	1 - UR

Store Keeper

1. Divang velly	1 - UR
2. Tirap	1 - SC
3. Upper Subansiri	1 - ST
4. Tawang	1 - UR
5. Lower Subansiri	1 - OBC
6. Karimgang	1 - ST
7. Kamrup	1 - UR
8. Sonitpur	1 - UR
9. Nalbari	1 - UR
10. Silchar	1 - UR
11. Sibsagar	1 - OBC
12. Dibrugarh	1 - UR
13. Tinsukia	1 - OBC
14. Aizawl	1 - UR
15. Golaghat	1 - ST
16. Morigaon	1 - UR
17. Barpeta	1 - OBC
18. Darrang	1 - UR
19. Kokrajhar	1 - UR
20. Karbianglong	1 - UR
21. Tamenglong	1 - OBC
22. Jorhat	1 - ST
23. West Khasi	1 - ST
24. Aizawl	1 - ST
25. Lunglei	1 - ST
26. Chintimpui	1 - UR
27. Kohima	1 - ST
28. Wokha	1 - ST
29. Tuensang	1 - ST
30. Phek	1 - OBC
31. South Tripura	1 - UR
32. North Tripura	1 - ST
33. West Sikkim	1 - ST

DRIVER

1. Dabang velly	UR
2. Upp. Subansiri	UR
3. Tawang	SC
4. L. Subansiri	UR
5. Karimgang	ST
6. Kamrup	UR
7. Sonitpur	UR
8. Nalbari	UR
9. Silchar	OBC
10. Sibsagar	UR
11. Dibrugarh	OBC
12. Tinsukia	UR
13. Jorhat	ST
14. Golaghat	UR
15. Morigaon	OBC
16. Barpeta	UR
17. Darrang	UR
18. Kokrajhar	UR
19. Karbianglong	OBC
20. Tamenglong	ST
21. Lunglei	ST
22. Chintimpui	UR
23. Kohima	ST
24. Phek	UR
25. Tuensang	UR
26. South Tripura	UR
27. North Tripura	UR
28. North Sikkim	UR

Cook

1. L. hit	ST
2. Tawang	UR
3. L. Subansiri	ST
4. Karimgang	ST
5. Kamrup	UR
6. Sonitpur	SC
7. Nalbari	UR
8. Silchar	OBC
9. Sibsagar	UR
10. Dibrugarh	OBC
11. Tinsukia	UR
12. Jorhat	ST
13. Morigaon	UR
14. Barpeta	OBC
15. Darrang	UR
16. Kokrajhar	UR
17. Karbianglong	UR
18. Imphal	ST
19. Ukhrul	UR
20. Tamenglong	ST
21. Chintimpui	ST
22. Wokha	ST
23. Tuensang	UR
24. Phek	ST
25. South Tripura	ST
26. North Tripura	UR

1. East Kameing	1 ST
2. Lohit	1 UR
3. Tawang	1 ST
4. L. Subansiri	1 UR
5. Karimgang	1 ST
6. Kamrup	2 UR/SC
7. Sonitpur	2 UR/OBC
8. Nalbari	2 UR/OBC
9. Silchar	1 UR
10. Sibsagar	2 UR/ST
11. Dibrugarh	1 OBC
12. Tinsukia	1 UR
13. Jorhat	1 UR
14. Morigaon	1 UR
15. Barpeta	1 OBC
16. Darrang	1 UR
17. Kokrajhar	1 SC
18. Imphal	2 ST/UR
19. Ukhrul	2 SC/UR
20. Tamenglong	2 ST/UR
21. East Khasi	1 ST
22. Jowai	1 UR
23. S.G.Hill	1 SC
24. Chintimpui	1 ST
25. Kohima	1 ST
26. Wokha	1 UR
27. Tuengsang	2 UR/ST
28. Phek	1 OBC
29. South Tripura	2 ST/UR
30. N. Tripura	1 SC
31. N. Sikkim	1 ST

Chowkider

1. Dibangvelly	1 ST
2. East Kameing	1 UR
3. L. Subansiri	1 SC
4. Kamrup	1 ST
5. Sonitpur	1 UR
6. Nalbari	1 SC
7. Silchar	1 UR
8. Sibsagar	1 OBC
9. Dibrugarh	1 UR
10. Tinsukia	1 OBC
11. Jorhat	1 UR
12. Morigaon	1 ST
13. Barpeta	1 UR
14. Kokrajhar	1 OBC
15. Karbianglong	1 UR
16. C.C. Pur	1 ST
17. Imphal	1 UR
18. Senapati	1 SC
19. Chintimpui	1 ST
20. Wokha	1 ST
21. Tuengsang	1 UR
22. W. Tripura	1 ST
23. S. Tripura	2 UR/SC
24. N. Tripura	1 UR

Chowkidar Cum Sweeper

1. Tuengsang	2 ST/UR
2. Phek	1 OBC
3. W. Tripura	1 ST

4. S. Tripura	1 UR
5. N. Tripura	1 UR
6. N. Sikkim	1 ST
7. East Kameing	1 ST
8. Tirap	1 UR
9. Upp. Subansiri	1 UR
10. Tawang	1 UR
11. Lower Subansiri	1 OBC
12. Karimgang	1 ST
13. Kamrup	2 UR/SC
14. Sonitpur	2 UR/OBC
15. Nalbari	2 UR/SC
16. Silchar	1 UR
17. Sibsagar	1 ST
18. Dibrugarh	1 UR
19. Tinsukia	1 OBC
20. Jorhat	1 UR
21. Golaghat	1 UR
22. Morigaon	1 UR
23. Barpeta	1 OBC
24. Darrang	1 UR
25. Kokrajhar	1 OBC
26. Karbianglong	1 UR
27. C.C. Pur	1 ST
28. Imphal	1 UR
29. Chandel	1 SC
30. Ukhrul	1 UR
31. Tamenglong	1 ST
32. East Khasi hills	1 ST
33. Jowai	1 UR
34. East G. Hill	1 SC
35. Chintimpui	1 ST
36. Wokha	2 ST/UR

LAB ATTENDENT

1. Lohit	ST
2. Upp. Subansiri	UR
3. Tawang	SC
4. L. Subansiri	UR
5. Kamrup	ST
6. Sonitpur	UR
7. Nalbari	SC
8. Silchar	UR
9. Sibsagar	OBC
10. Dibrugarh	UR
11. Tinsukia	UR
12. Jorhat	ST
13. Golaghat	UR
14. Morigaon	OBC
15. Barpeta	UR
16. Darrang	UR
17. Kokrajhar	UR
18. Karbianglong	OBC
19. Tamenglong	ST
20. W.K. Hill	UR
21. Linglei	ST
22. Chintimpui	UR
23. Kohima	ST
24. Wokha	UR
25. Tuengsang	UR
26. Phek	UR
27. W. Tripura	ST
28. S. Tripura	UR
29. N. Tripura	UR
30. N. Sikkim	UR

CHOWKIDAR

1. Goalpara UR
2. Lakhimpur UR

Cow-cum-sweeper

1. Goalpara ST
2. Lakhimpur UR

Cook

1. Goalpara OBC
2. Lakhimpur UR

Mess helper

1. Goalpara OBC
2. Lakhimpur UR

LDC

1. Goalpara UR
2. Lakhimpur UR

South sikkim

1. LDC ST
2. COOK ST
3. Mess helper UR
4. Chowkidar ST
5. Chow-cum-sweeper UR

Fax : 3392645  
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**NAVODAYA VIDYALAYA SAMITI**  
(An Autonomous Organisation under Ministry of HRD)  
Govt. of India  
**Indira Gandhi Stadium, I.P. Estate**  
**NEW DELHI-11002**

F.No.2-1/02-NVS(Estt.)

Dated:- 7/05/2003

**ORDER**

With a view to ensure objectivity in the selection process the following guidelines are hereby laid down in supersession of all previous instructions on the subject to streamline the process of selection of candidates for appointment to the posts of LDC, Lab Attendant and Electrician-cum-Plumber in the Vidyalayas:-

**I. Notification of vacancies**

(i) Vacancies should be notified to all the Employment Exchanges of the district where vidyalaya is located including all sub-Employment Exchanges. While notifying vacancies to the Employment Exchange, complete details regarding Name of Post, Pay Scale, Age limit, reservation of post as per roster points, eligibility conditions, copy of recruitment rules, last date for submission of names etc. must be intimated.

(ii) Vacancies shall neither be advertised in the newspapers nor displayed on the notice board of the Vidyalaya. It is reiterated that no candidate other than the one sponsored by Employment Exchange shall be considered under any circumstances.

(iii) The names of all the persons sponsored by all the Employment Exchanges shall be verified with reference to the provisions of recruitment rules to ensure that they are eligible for consideration for appointment on the post. Only such persons who are eligible for consideration shall be called for a trade test

**II. Trade Test.**

Trade test should be conducted only at a Govt. ITI or polytechnic in the concerned District headquarters where facilities for requisite trade test are available. If no such agency is available at the District Hqrs., trade test should be conducted at such institute located at sub-Divisional or Divisional Hqrs. In no case, the trade test should be conducted by the Vidyalaya itself. Trade test is of qualifying nature only. No weightage is to be given for the trade test performance.

Na. d.

Dis. 336  
Date 19.5.03  
File

Certified to be true Copy

*Rakhee Sirauthia Chowdhary*  
ADVOCATE

50  
AD(SA)  
AD(P)  
Copy to all  
Principals  
19/5



- 9 -

No Written Test.

No written test of any type should be conducted in any case for appointment to these posts by the Vidyalyayas.

### Merit Criteria

Candidates qualifying the trade test shall be short listed for further consideration for selection. These short listed candidates will be awarded marks out of a total score of 15 as under:-

S.No.	Qualification	Weightage	Scoring pattern
i)	Essential educational qualifications prescribed under the recruitment rules	10 Marks	Marks equal to one tenth of the percentage of marks in the final exam upto 2 decimal points. For example 50% marks will score 5.00 and 66.70% will score 6.67% marks etc.
ii)	For one next higher educational qualification only	3 Marks	Weightage for only next higher exam will be given on the basis of %age of marks as under: 3 marks for score above 60% 2 marks for score between 50% and 59.9% 1 marks for score below 50%
iii)	For experience (only relevant experience)	2 Marks	Weightage for relevant experience will be given at the rate of 0.5 points for each year of experience in the same field and relevant for the duties and responsibilities of the post for which being considered.

Essential educational qualifications under (i) above and the next higher qualification under (ii) above for various posts will be as under:-

Name of Post	Essential educational qualification as per RRs	Next higher qualification eligible for weightage.
LDC	Class XII with 50% marks.	Graduation degree
Lab Attendant	Class X with Science	Class XII Board exam with science
Electrician-cum-Plumber	Class X	Class XII / 3 years diploma in the trade of electrician from a I.T.I. In case of a candidate possessing both these qualifications, the one with higher %age of marks in the final exam will be considered.

V. **No Interview**

No interview of any type shall be conducted in any case for appointment to these posts in the Vidyalayas.

VI. **Preparation of Merit List**

The candidates shall be arranged in the order of merit on the basis of total score worked out as per criteria at IV above by convening a meeting of duly constituted Selection Committee as per provisions of recruitment rules.

VII. The entire process will be verified as per check list in the enclosed proforma (Annex-I) which shall be verified by the Principal personally. This check list duly verified by the Principal shall be sent to RO for approval within 7 days of its preparation alongwith all records related to recruitment and including

- (i) Notification to Employment Exchange,
- (ii) List of names sponsored by Employment Exchange,
- (iii) Communication intimating details of trade test to the candidates,
- (iv) Complete bio-data (alongwith copies of all educational and experience certificates) of all candidates who appeared for test,
- (v) Result of trade test,
- (vi) Calculation sheets for working out the total score of each candidate for preparation of merit list,
- (vii) Final merit list, and,
- (viii) The proceedings of DPC.

VIII. (i) The record submitted by the Principal shall be scrutinised at the level of Regional Office by a Committee comprising an Assistant Director and Section Officer. This scrutiny at Regional Office will be with regard to eligibility of candidates as per provisions of the recruitment rules and observations of all other procedural formalities of selection procedure laid down above.

- (ii) The Deputy Director, Regional Office shall verify all the records received from the Vidyalaya personally also before conveying approval. The decision will be taken by Deputy Director, Regional Office within 7 days from the receipt of proposal from the Vidyalaya and conveyed to the Vidyalaya within three days thereafter. A check list for the Dy. Director before granting approval is available at Annex-II.

X. Intimation of results.

Final report indicating scoring pattern of all the applicants will be displayed on the Vidyalaya notice board and also intimated to all the applicants including those who are not selected within five days of receipt of approval from the Regional Office.

Above instructions are for appointment to the posts of LDC, Lab Attendant and Electrician-cum-Plumber in Jawahar Navodaya Vidyalayas as per provisions of recruitment rules and you may go ahead to fill up these posts. Detailed guidelines in respect of remaining categories of non-teaching posts will be communicated shortly. Till that time the ban on making appointment to all other categories of non-teaching posts in Vidyalayas will continue to be in force.

Above instructions are circulated to all concerned for strict compliance. If there is any deviation from these instructions, the Principal will be personally held responsible as executory authority and Dep y Director, Regional Office as supervisory authority. Any appointment made in a manner otherwise than the one detailed above will be liable to be set aside and personal responsibility for violation of the instructions will be fixed.

(DR. RAKESH SHARMA)

JOINT DIRECTOR (Admn)

1. Principals of All JNVs
2. Dy. Director of all ROs
3. All Officers at NVS Hqrs.

Check List to be prepared at Vidyalaya.

- Note:-
1. This check list must be personally verified by Principal himself.
  2. This check list must be sent to RO alongwith all records relating to recruitment for approval.

1. Date from which regular vacancy existing.
2. Whether reserved for SC/ST/OBC as per Roster Point for reservation received from R.O.
3. Date of sending communication to Employment Exchange for inviting names of eligible candidates.
4. Date on which nominations received from Employment Exchange.
5. Total number of candidates sponsored by Employment Exchange.
6. Whether eligibility of all candidates has been verified as per provisions of RRs.
7. Is there any candidate who is not eligible as per RRs? If so, particulars thereof with reasons.
8. Date fixed for Trade Test.
9. Date and method of sending communication to candidates for appearing in trade test. (Proper communication to candidates for appearing in trade test is the responsibility of the Principal.)
10. Date of publication of results of trade test.
11. Date if DPC meeting to prepare the panel.
12. Whether following records have been enclosed for submission of case to RO:
  - (i) Notification to Employment Exchange.
  - (ii) List of names sponsored by Employment Exchange.
  - (iii) Communication intimating details of trade test to the candidates.
  - (iv) Complete bio-data (alongwith copies of all educational and experience certificates) of all candidates who appeared for test.
  - (v) Result of trade test.
  - (vi) Calculation sheets for working out weightage given to each candidate for preparation of merit list.
  - (vii) Final merit list, and
  - (viii) The proceedings of DPC.
13. Date of submission of proposal to RO for approval.
14. If there is an inordinate delay (more than 30 days) at any stage between activities 8-13. If so reason thereof.

Date:

(Signature of Principal)

ANNEXURE-II

Check list, to be prepared at RO level.

Note:- All the points in this check list are to be seen by Dy. Director of R.O. personally before granting approval.

1. Date of receipt of proposal from Vidyalaya for approval.
2. Whether communication to Employment Exchange contains all relevant details.
3. Whether reservation point is correct.
4. Whether trade test conducted properly and as per instructions.
5. Whether weightages given are strictly as per qualification/experience certificate of candidate issued by appropriate authorities.
6. Whether weightage for experience given is for experience relevant for duties and responsibilities of the post.
7. Whether weightage for higher qualification is only for one next higher exam in the same line.
8. Whether all particulars furnished by Vidyalaya are verified w.r.t. records.
9. Whether E.C. is constituted as per Samiti's instructions.
10. Is the panel prepared strictly as per instruction issued by Samiti.

Date:-

(Signature of Dy. Director)

Fax: 23392645  
Tele: 23392601, 23392603-5

**NAVODAYA VIDYALAYA SAMITI**  
(An Autonomous Organisation under Ministry of HRD,  
Department of Secondary & Higher Education)  
Government of India  
Indira Gandhi Indoor Stadium, I. P. Estate  
NEW DELHI-11002

F.1-1/2001-NVS(Estt)

March 29, 2004

ORDER

Policy regarding appointment to various non-teaching posts in the vidyalayas has been under consideration of the Samiti for some time. After detailed consideration the following decisions regarding appointment to various non-teaching posts of the vidyalayas is hereby communicated :

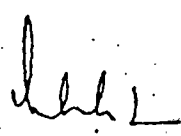
Sl. No.	Issues	Decision
1	Regular appointment to the posts of LDCs, Lab Attendant and Electrician-cum-Plumber in the vidyalaya	Detailed guidelines for appointment to the post of LDC, Lab Attendant and Electrician-cum-Plumber in the vidyalaya have been circulated vide order number F.2-1/2002-NvS(Estt) dated 7.5.2003. Appointment to these posts would be made strictly in accordance with the instructions dated 7.5.2003. Further, names of only those candidates who are sponsored by the Employment Exchange are to be considered for appointment to their posts. Regular Group 'D' employees of the vidyalayas are not exempted from these conditions. However, their names may be considered if they are sponsored by the concerned employment exchange.
2	Finalization of selection procedure for appointment to Group 'D' posts (Cook, Mess Helper, Chowkidar and Chowkidar-cum-Sweeper) in the vidyalaya	Regional Office will make appointments to Group 'D' posts in the vidyalayas viz Cook, Mess Helper, Chowkidar & Chowkidar-cum-Sweeper strictly in accordance with the provisions of Recruitment Rules, by following the existing selection procedure. However, in all such cases <u>only those names are to be considered which are sponsored by the employment exchange.</u>
3	Regularization of such group 'D' employees who have been	Such Group 'D' employees who have been appointed on contract basis but in whose cases the vacancies were notified for regular appointment and due procedure for regular

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*[Signature]*  
**Rakhee Srivastava Chowdhary**  
**ADVOCATE**

<p>contract basis but in whose cases the vacancies were notified for regular appointment and due procedure for regular appointment was made.</p>	<p>regularization with prospective effect. However, before issuing orders for regular appointment it would be responsibility of the Regional Office to ensure that the employment notification against which the above persons were appointed on concerned post was issued for regular appointment only and due process for regular appointment i.e. trade test, consideration of the cases by a duly constituted selection committee, preparation of panels etc. was followed, that the concerned person fulfilled all the conditions for appointment to the concerned post at the time of his initial appointment on contract basis and is still working on the post.</p>
<p>Regularization of all those LDCs/Store Keepers and Group 'D' employees who were appointed on contract basis and in whose cases the posts were also notified on contract basis.</p>	<p>Such all those LDCs/Store Keepers, Lab Attendants and other Group 'D' employees who were appointed on contract basis and in whose cases the posts were also notified on contract basis may be allowed to compete along with other eligible candidates whose names are sponsored by the employment exchange for appointment to the respective posts. Such candidates will be allowed relaxation in age and weightage for experience to the extent of length of service rendered in the Samiti. The weightage for experience will be the same as notified for regular appointment vide Samiti's instructions dated 7.5.03 referred to above. The cases of employees of above category appointed on daily wages, part-time or ad-hoc basis against regular sanctioned posts may also be processed accordingly.</p>

Appointment to non teaching posts in the vidyalaya may, hereafter be made strictly in accordance with the above instructions.

  
 (M.S. Khanna)  
 Deputy Director (Admn.)

Copy to:  
 All Regional Offices  
 All Officers of NVS Hqrs.