

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original application No. 768/99

Jabalpur, this the 16th day of February, 2004

Hon'ble Shri M.P.Singh, Vice Chairman
Hon'ble Shri G.Shanthappa, Member(J)

Naresh Kushwaha s/o Late Sh.R.D. Kushwaha,
R/o 3034, Type III, Sector II,
New Colony, G.C.F. Estate,
Jabalpur (MP).

...Applicant

(By Advocate: None)

-versus-

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
Shaheedjeet Singh Marg,
New Delhi.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
G.C.F. Estate,
Jabalpur (MP).

...Respondents

(By Advocate: M.K.Verma)

O R D E R

By G.Shanthappa, Judicial Member -

The above O.A. has been filed by the applicant for seeking direction to the respondents to issue the order of appointment for the post of Drawing Teacher in Kendriya Vidyalaya Sangathan in Jabalpur region as per selection already made of the applicant for the said post, and further direction to quash the impugned order dated 15.10.1999 issued by the respondent no. 2.

2. The brief facts of the case are that the respondents have issued to fill up the posts of Drawing Teacher against 150 vacancies available in Kendriya Vidyalaya Sangathan, out of which only seven vacancies were for Jabalpur region meant for the following categories:

| <u>Category</u> | <u>Post(s)</u> |
|-----------------|----------------|
| S.C. | 1 |

| | |
|-------------|---|
| S.T. | 1 |
| O.B.C. | 1 |
| Un-reserved | 4 |

The applicant belongs to OBC of Jabalpur region.

2.1 The applicant applied for the post of Drawing Teacher and received the interview letter to appear before the Selection Committee. He has been selected under the OBC category and an intimation to this effect was issued to him on certain conditions. Since the applicant could not receive the offer of appointment, he issued a legal notice dated 17.4.1999 to the second respondent stating therein that since the applicant has been selected by the respondents, they are duty bound to issue an offer of appointment for the post of Drawing Teacher in their Sangathan.

2.2 Earlier the applicant had filed an O.A. No. 524/99 before this Tribunal which was disposed of with certain directions. On the basis of the directions of the Tribunal, the applicant submitted his representation dated 5.10.99 before the respondents requesting to issue an order of appointment as Drawing Teacher. Since the applicant did not receive any response from the respondents, he has filed the present O.A. for the aforesaid reliefs.

3. The respondents have filed their reply denying the averments made in the O.A. The main contention of the respondents is that the application is barred by limitation. Since the applicant has not chosen to file any M.A. for condonation of delay, the O.A. is liable to be dismissed on this ground alone.

4. The admitted facts are that the respondents have issued the advertisement in the month of April, 1997 to fill up 101 posts of Drawing Teacher for 19 regional offices of Kendriya Vidyalaya Sangathan throughout the country. Seven posts of Drawing teachers were notified for the Jabalpur region out of which one each was reserved for

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ST, SC, OBC and four were unreserved. As the applicant belongs to OBC for Jabalpur region, he was called for interview before the Selection Committee. The applicant's name was placed at serial no. 2 under OBC category and an intimation to this effect was sent to the applicant on 18.12.1997 clearly mentioning that the offer of appointment will be issued as and when vacancy exists.

4.1 One OBC candidate Shri Jitendra Kumar Sahu, whose name was placed at serial no. 1 in the merit list/select panel, was issued the offer of appointment on 16.12.1997. As such the contention of the applicant that at the time of intimation issued to the applicant on 18.12.1997, there were vacancies of Drawing Teacher is not correct.

4.2 The respondents have complied with the directions of this Tribunal issued in OA No. 524/99 by issuing an order dated 15.10.1999 mentioning therein the number of vacancies and also the person who has been appointed under OBC category. Against the said letter, the applicant has submitted his representation dated 30.10.1999 as per Annexure A-11 with a request that his case may be considered sympathetically.

5. We have perused the records carefully and we find that the applicant belongs to OBC category, his name has been considered by the Selection Committee and only two persons were selected including the applicant. One Shri Jitender Kumar Sahu, who was placed at serial no. 1 in the select panel, was issued the offer of appointment on 16.12.1997 for the post of Drawing Teacher. Therefore, the applicant could not be appointed as Drawing Teacher under the OBC category as there was only one post available under the said category in the Jabalpur region and further

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on the ground that he being placed at serial no. 2 in the select panel has no preferential right of appointment over Shri Jitender Kumar Sahu, who was at serial no. 1 in the said panel.

6. For the reasons stated above, we find no merit in the O.A. and the same is accordingly dismissed with no order as to costs.

G.Shanthappa

(G.Shanthappa)
Judicial Member

M.P.Singh

(M.P.Singh)
Vice Chairman

/na/

पृष्ठाकान श्री श्री/न्यो. अवलम्बन, दि.
प्रतिलिपि अच्छे हितः—

- (1) सचिव, उच्च व्यापारिक वार प्रसोलिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/दू. के कानूनी
- (3) प्रत्यार्थी श्री/श्रीमती/दू. के कानूनी
- (4) वंयपाल, दोप्राम., जहलपुर ल्यायरी

सूचना एवं आवश्यक कार्यवाही है।

Bajrangi

B.C. Rawat
M.K. Verma

*Recd
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19.2.04*