

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**Date of Order: 7.10.2015**

OA No.857/2012 with MA No.256/2013

Mr. Nitesh Kumar Garg, Proxy Counsel for

Mr. Rajendra Soni, Counsel for the applicant.

Mr. Hawa Singh, Counsel for respondents No.1 to 3.

None present for respondents No.4 to 13, 16 to 21, 23, 26 and 27.

The OA is filed seeking the following reliefs:-

"By issuing an appropriate order or direction the impugned select list dated 1.10.2012 as informed vide order dated 5.11.2012 in so far as selecting candidates lower in merit than him in general category by not first considering the applicant be quashed and set aside and further the Office Memorandum dated 1.7.1998 on the basis of which the applicant has been denied appointment on the post of Principal, Kendriya Vidyalaya be also quashed and set aside and the applicant be ordered to be appointed as Principal, Kendriya Vidyalaya against advertisement dated 11-17.2.2012 from the date persons lower in merit than him in general category has so been selected with all consequential benefits."

2. The grievance of the applicant is he has not been selected but the candidate lower in merit than him has been selected as Principal, Kendriya Vidyalaya. He alleges that he belongs to OBC category. It is submitted that the impugned orders are against the law laid down by the Hon'ble Supreme Court in Jintendra Kumar Singh Vs. State of U.P. and ors case reported in 2010(3)SCC-119 and full bench decision of the Rajasthan High Court.

3. The matter was taken up for final hearing today. The counsels for parties produced a copy of the decision of the Principal Bench of the Tribunal dated 23.9.2015 in OA No.4037/2012 and connected cases. It is submitted that the controversy involved in the case No.4037/2012 and in the present case is similar. Counsels submitted that this OA can be disposed of on the same lines that of OA No.4037/2012 and connected cases.

4. In the circumstances, the OA is disposed of with the direction to respondents Kendriya Vidyalaya Sangthan. The conclusive part of the order in OA No.4037/2012 is as follows:-

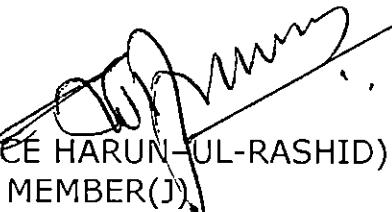
"In the circumstances, the Original Applications are disposed of with direction to the respondent Kendriya Vidyalaya Sangthan to re-examine the issue of preparation of select list for the post of Principal, keeping in view the law declared by the Apex Court in R.K.Sabarwal's case(supra) and Office Memorandum No.36011/1/98/Estt.(SCT) dated 1.7.1998 (Annexure A-6. (colly.)(ibid) , within a period of three months from the date of receipt of copy of this order. It is made clear that anyone of the SC/ST/OBC categories, who have availed any relaxation, viz. age, limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration etc. would not be adjusted against UR vacancies. Before taking final decision in the matter, the official respondent would give an opportunity of hearing to all private respondents also. No costs."

5. The OA is disposed of directing the respondents Kendriya Vidyalaya Sangthan to re-examine the issue of preparation of select list for the post of Principal within a period of three months from the date of issue of copy of this order. It is made clear that as observed in OA No.4037/2012 that anyone of the SC/ST/OBC categories, who have availed any relaxation, viz. age, limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration etc. would not be adjusted against UR vacancies.

6. It is further made clear Before taking final decision in the matter, the official respondent would give an opportunity of hearing to all private respondents also.

7. With these directions the OA is disposed of with no order as to costs.

  
(MS.MEENAKSHI HOOJA) MEMBER(A)

  
(JUSTICE HARUN-UL-RASHID) MEMBER(J)

Adm/

Copy of order given to defendant & Respondent

vide 873, 874, 875

dt - 9/10/15

RS Park  
9/10/15

# CENTRAL ADMINISTRATIVE TRIBUNAL

## JAIPUR BENCH, JAIPUR

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### ORDER SHEET

#### ORDERS OF THE TRIBUNAL

Date: 13-01-2016

MA/291/00014/2016

(OA 857/2012)

Mr. Rajendra Soni, Counsel for the applicant.  
Mr. Hawa Singh, Counsel for the Respondents.

Having heard learned counsel for the parties and having gone through the records with their valuable assistance, two months further time, from today, is granted to the Respondent to comply with the directions contained in the order dated 07.10.2015 of this Bench. However, it is made clear that no further extention would be granted to the respondent in this regard.

*Mr.*  
(Ms. Meenakshi Hooja)  
Member (A)

*Mehinder Singh Sullar*  
(Justice Mehinder Singh Sullar)  
Member (J)

Badetia/

*Received  
copy  
Rahul  
Singh  
For Applicant  
21/1/16*