

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 7.10.2015

OA No.322/2013 with MA No.291/00231/2015

Mr. Nitesh Kumar Garg, Proxy Counsel for

Mr. Rajendra Soni, Counsel for the applicant.

Mr.V.D.Sharma, Counsel for respondents.

The OA is filed seeking the following reliefs:-

" i) By issuing an appropriate order or direction the impugned order dated 8.2.2013 appointing the respondent No.4 lower in merit than applicant 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 and all candidates belonging to general and OBC category be first considered for general and then for OBC category by following the judgment passed in Jitendra Singh's case decided by the Hon'ble Supreme Court and the applicant be appointed with all consequential benefits from the date person lower in merit than him has so been appointed. "

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 also 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 Jitendra 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/Estd.(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.

Meenakshi Hooja (MS.MEENAKSHI HOOJA) (JUSTICE HARUN-UL-RASHID)
MEMBER(A) MEMBER(J)

Adm/

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDER SHEET

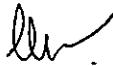
ORDERS OF THE TRIBUNAL

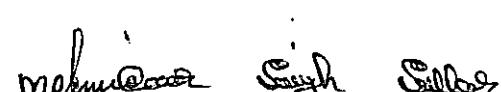
Date: 13-01-2016

MA/291/00013/2016
(OA 322/2013)

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.


 (Ms. Meenakshi Hooja)
 Member (A)


 (Justice Mehinder Singh Sullar)
 Member (J)

Badetia/