

**Central Administrative Tribunal  
Principal Bench**

**OA No.726/2018**

New Delhi, this the 15<sup>th</sup> day of February, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Kumari Mukesh  
D/o Dharampal Singh  
R/o Vill. Kuharwas  
Th. Buhana, Distt. Jhunjhunju  
Rajasthan-333-034.

...Applicant

(By Advocate: Shri Sushil Sharma)

Versus

1. Secretary(Services), 'B' Wing, 07<sup>th</sup> Floor  
Government of N.C.T. of Delhi  
Delhi Secretariat, I.T.O.  
New Delhi.
2. Director, Directorate of Education  
Govt. of NCT of Delhi  
Old Secretariat  
Delhi-110054.

...Respondents

**ORDER (ORAL)**

**Justice Permod Kohli :-**

The applicant applied for the post of PGT Guest Teacher (Political Science) in response to a public notice inviting applications for engagement as Guest Teachers in July, 2014. The applicant's name was included in the select list for the session of 2014-2015. As is evident from the information received by the applicant under RTI(Annexure A-3), the said

selection was for the session 2014-2015. The said select list was, however, kept in abeyance vide public notice dated 16.08.2014(Annexure A-4) which reads as under:-

“The declaration of order of merit list for Engagement of Guest Teachers 2014-15 is kept in abeyance in the light of the Hon’ble Central Administrative Tribunal(CAT) Principal Bench, Delhi order dated 7.8.2014 in the case of No.OA 2671/2014 Sonalika Mishra & Ors. V/s Govt. of NCT & Anr.”

2. From the above order it appears that the engagement of the Guest Teachers for 2014-2015 was kept in abeyance on account of Order dated 07.08.2014 passed in OA No.2671/2014. The aforementioned OA was finally decided vide judgment dated 26.11.2014 with the following directions:-

39. In view of the aforementioned, it is held:

“i) The applicants are not entitled to their regularization on the basis of the length of service rendered by them as Guest Teachers and their services can be brought to an end any time as well as they can always be substituted by the regularly appointed teachers,

ii) The Guest Teachers may not be substituted / replaced by another set of Guest Teachers, unless their services are found unsatisfactory.

iii) Such Guest Teachers whose services are found unsatisfactory can always be discontinued and their services can be even substituted by another Guest Teacher.

iv) Since in terms of the impugned Public Notice dated 28.7.2014 as well as circular dated 8.5.2014 (ibid) the candidates for appointment as Guest Teachers are exempted from CTET/TET, the Guest Teachers, who worked during previous academic sessions, may not be substituted by another set of Guest Teachers on the ground that they have not passed the CTET/TET. Nevertheless, the respondents can always take a decision to not appoint such individual, who have not passed CTET/TET, as Guest Teachers. In such situation, such Guest Teachers, who have not passed CTET/ETE, can always be substituted by the freshers, who have passed CTET/TET.

v) The impugned Public Notice dated 28.7.2014 is in order and is not interfered with, except to the extent that instead of giving preference marks to Guest Teacher, the respondents would give preference to Guest Teachers, who worked during previous academic sessions, over the freshers in the matter of their continuance/reengagement.

vi) Only such of the applicants /Guest Teacher who will make representation to the respondents for their continuance /engagement as Guest Teacher mentioning the details of their previous service as Guest Teacher and the schools wherein they worked in such capacity within two weeks from the date of receipt of a copy of this Order, would be entitled to consideration for their continuance/ reengagement as Guest Teacher in preference to juniors and freshers."

3. The findings of the Tribunal as indicated in para-v are that the notice dated 28.07.2014 where upon the selection process was initiated is in order. As a consequence of the aforesaid Order the respondents were to engage guest teachers. It is admitted case of the applicant that she was never engaged on the basis of the said panel. Thereafter, a fresh selection process has been initiated in the year 2017. A fresh panel has been prepared for the year 2017-2018. This OA has been filed seeking the following reliefs:-

“(a) to direct the respondents to first exhaust the earliest empaneled candidates against the list of 2014-15, before considering the candidature of fresh candidates.

(b) To stay the process of appointing fresh candidates from the list of 1917-18 till disposal of this OA.A. OR

To merge the panel of 2014-15 with that of 2017-18 keeping the candidates of 2014-15 above the candidates of 2017-18.”

4. The grievance of the applicant is that without exhausting the panel for the year 2014-2015, the fresh panel has been prepared for 2017-2018. The prayer accordingly made is for either merger of the two panels or the second panel prepared for the year 2017-2018 be not operated upon unless the panel for the year 2014-2015 is exhausted. This prayer cannot be granted. Firstly, the life of the panel for the year 2014-2015 has not been disclosed. There is nothing on record to show that the panel survives for such a long period. There is no question of merger of the two panels unless any rule so prescribes. Unless the applicant satisfies the Tribunal that the panel for the year 2014-2015 survives and has to be operated upon, no relief can be granted in absence of there being any material on record. We are not satisfied that the applicant is entitled to any relief. No merit. OA is dismissed.

**(K.N. Shrivastava)**  
**Member(A)**

**(Justice Permod Kohli)**  
**Chairman**

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