

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-3733/2015

Order Reserved on: 08.10.2015
Order Pronounced on: 13.10.2015

Hon'ble Mr. Sudhir Kumar, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Ms. Kavita, aged 34 years
D/o Shri Ram Dass
R/o H. No. 2658/A, Gali No. 6,
Behari Colony, Shahdara, Delhi-110032. -Applicant

(By Advocate: Shri Lal Singh)

Versus

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi-110001.
2. The Director,
The Directorate of Education,
Govt. of NCT of Delhi, Old Secretariat,
Delhi-110054. -Respondents

ORDER

Per Sudhir Kumar, Member (A):

This application has been filed by the applicant seeking directions upon the respondents to re-engage her as Subject Specific Teacher (Natural Science) under the "Sarva Shiksha Abhiyan" (SSA, in short) Scheme for the Academic Session of the year 2015-16 on contract basis, and further direction to continue the applicant in service as contract teacher till the post held by her is filled up on regular basis, and not to replace her by another contractual teacher, and to continue her

engagement as contractual teacher in the same school where she was earlier employed with the cost of proceedings and other reliefs, if any.

2. The applicant has submitted that she was engaged as Subject Specific Teacher as TGT (Natural Science) in District East Delhi, Sarvodaya Bal Vidyalaya, Old Seelampur Delhi-110031 (School ID-1003265) under "Sarva Shiksha Abhiyan" Scheme for the period from 02.09.2013 to 10.05.2014 on contract basis, with a consolidated remuneration. The SSA Scheme provides for 10 months' employment, with the respondents engaging the teachers on contract basis when the school sessions begins, and disengaging their services for two months when schools are closed for summer vacations.

3. After that when the applicant applied for her engagement for next academic session of the year 2014-15, even though she has claimed that her rank was 42 in the result of contract teachers of 2014-15 but she was not issued with any letter of offer of re-engagement. She submitted that she has personally visited the office of Dy. Director of Education, District East Delhi but of no avail, and she missed being re-engaged/re-appointed in the academic year 2014-15 altogether.

4. By the passage of time, the next academic session of 2015-16 has come and the instructions have now been issued by the respondents that the applications were invited only from those who have worked in schools upto 08.05.2015 in the academic year 2014-15 through their Circulars dated 07.07.2015 and 10.07.2015. The applicant was left out, as she

has been rendered ineligible for re-engagement for the academic session of 2015-16, because she had worked only in the academic year 2013-14, and not in the academic year 2014-15. The applicant has tried to take the shelter behind the case in OA No.2671/2014 with connected cases- **Sonalika Misra & Ors. vs. GNCTD & Ors.**, dated 08.06.2015. But it is seen that the aforesaid common judgment and order was passed in the context of the Guest Teachers, and not in the context of teachers engaged under SSA Scheme. The case of the SSA candidates had recently been considered by the same Bench in order dated 07.09.2015 in OA No.3202/2015. In that judgment, the distinction from the case of **Sonalika Misra & Ors. vs. GNCTD & Ors.**, (supra) had been discussed in great detail.

5. In the instant case, the claim of the present applicant is further weaker than the applicants of the above OA No.3202/2015 (supra), because the respondents did not find any need for re-engaging her under SSA even in the previous Academic year 2014-15. Re-engagements under the SSA Scheme have been directly linked to the number of students enrolled in a particular year, and it seems that the enrolment in the subject, and in the school, where the applicant was engaged under SSA Scheme from 02.09.2013 to 10.05.2014, did not merit her re-engagement even in the previous year 2014-15, and the applicant has not been able to show that the enrollment of students during the current year would necessarily require her to be re-engaged by the Respondents in the Academic Year 2015-16.

6. Therefore, we are not inclined to issue notice in the OA. However, as was ordered in the OA No.3202/2015 also, it goes without saying that the State has a responsibility to be a model employer, and to be fair and just, and the respondents shall be liable to be brought to book by the present applicant, if any malafide action is taken by them in the course of following the instructions dated 15.05.2015 (Annexure A-5) (supra), or if any deviations from those instructions are allowed, and the present applicant is denied the benefit of those deviations, if she is covered by them.

7. The OA is, therefore, dismissed in *limine*, at the stage of admission itself.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

cc.