

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-3202/2015
MA No. 2816/2015

Order Reserved on: 27.08.2015
Order Pronounced on: 07.09.2015

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

1. Miss. Bharti Malik, Age 26 Years,
D/O Bijendar Malik,
Address- H.No:-27 G.No:-1,
Neb Sarai, Delhi-110068
2. Miss Hanni, Age 23 Years,
D/O Raj Singh
Address- H.No:- 425 auchandi delhi-110039
3. I Miss Neha Makkar D/O Tilak Makkar Age 25 Years,
Address-B-187-Flat No:-5, 1st Floor Maidan Garhi
Ext.-110074
4. Miss Ritu Rani D/O Mahinder Singh Age 25years,
Address- H.No:-B21/A Rajpur Khurd Colony
P.O Maidan Garhi Delhi-110068
5. Miss Deepti D/O Jitender Singh Age 24 Years,
Address- H.No:--D-36 Nawada Housing Complex
New Delhi-110059

6. Miss Deepanjali Kaushik D/O Ashok Kumar Age 23
Years, Address-RZ-491, Street No-17 Sadh Nagar Palam
Colony-110045
7. Miss Priya D/O Raj Kumar Age 24 Years,
Address 19124 Tilak Nagar New Delhi-110018
8. Mr. Manoi Kumar S/O Ramesh Chand Age 24 Years,
Address-37A, Durga Park Dallupura Village Delhi-
110096
9. Mr. Sumit Kumar S/O Rajendra kumar Age 28 Years,
Address- A-94, Street No:-5 Kaithwara, new Usman Pur
Delhi-110053

10. Miss Preeti pundir D/O Rajender Singh Age 25 Years, Address-2091 Mukim Pura Near Clock Tower Delhi-110007
11. Miss Renuka Sharma D/O Bodh Prakash Sharma Age 24 Years, Address-135, main Road Moujpur Delhi-110053
12. Miss Pooja D/O Chatru Age 26 Years, Address- E-229, 23D, Shakur Pur Aanand Vas Delhi-110034
13. Miss Aditi D/O Binesh kumar Age 26 Years, Address- 5554, Basti Harphool Singh Sardar Thana Road Delhi-110006
14. Miss Lakshmi Devi D/O Harbir Singh Age 23 Years, Address-C-118, Mata Wali Gali no:-12 Johri pur Delhi-110094
15. Miss Srishti Gupta D/O Vimal Gupta Age 23 Years, Address- 273 LIG Flat, Sanjay Enclave Near Jahangir Puri Delhi-110033
16. Miss Radhika Goel D/O Sunil Kumar Age 23 Years, Address- H.No:-214 Shalimar village Delhi-110088
17. Miss pooja D/O Kuldeep Singh Age 23 Years, Address- H.No:-B/453, Gali No-7, Shalimar Village Delhi-110088
18. Miss Ekta Singhal D/O Subhash Chand Singhal, Age 23 Years, Address-A-8/19, Sec-15 Rohini Delhi-110089
19. Miss Rachna D/O Ramchander Age 25 Years, Address-128C Munirka Village New Delhi-110065
20. Miss Aashima D/O Ashok Gogna Age 24 Years, Address- f-34D Hari Nagar MIG Flats, Pocket-F New Delhi-110064
21. Mr. Sandeep Kumar S/O Nandlal Age 31 Years, Address- 889/8 Mehrauli Sarai, New Delhi-110030
22. Miss Shivali Upreti D/O Anoj Upreti Age 24 Years, Address-A-440 Durga Vihar New Delhi-110062

23. Miss Mona D/O Raj Kumar Age 23 Years,
Address- WZ_3206 Mahindra Park, Rani Bagh Delhi-110034
24. Miss Farha Naaz D/O Hanif Ullah Age 23 Years,
Address-1857, Street Patte Wali Suiwalan, Darya Ganj Delhi-110002
25. Miss Renu D/O Subhash Chander Age 29 Years,
Address- C119, Pachhya Mohalla VPO Chhawla New Delhi-110071
26. Miss Aamar Pali Baagla D/O Babu Brijesh Kumar,
Age 25 Years,
Address-A-18, Harsh Dev Parh Phase-2 Budh Vihar New Delhi-110086
27. Mr. Ravi Kumar S/O Badam Singh Age 26 Years,
Address-H-104, Gali No-15 Jai Prakash Nagar Ghonda Delhi-110053
28. Mis. Hemlata D/O Tuki Ram Atri Age 29 Years,
Address-174- Gali No-8, Village ,Wazirabad Delhi-110084
29. Miss Bhavya Sharma D/O Sudhir Sharma Age 23 Years, Address-C-545, Gali No-12 Majlis Park Delhi-110033
30. Mr. Kapil Malik S/O Dharampal Age 24 Years,
Address- VPO, Dhansa., New Delhi -110073
31. Mr. Sudhir Kumar S/O Rajesh kumar Age 22 Years,
Address- I-279 Prem Nagar-2nd Kirari Suleman Nagar Delhi-110086
32. Miss Anita D/O Raj Bahadur singh Age 23 Years,
Address-T-38, Welcome Seelampur-3rd Delhi-110053
33. Miss Shazia D/O Mohammad Qasim Age 24 Years,
Address- 5121, Sharif Manzil, Ballimaran Delhi-110006
34. Miss Chanchal Goel D/O Krishna Mohan Goel Age 24 Years, Address- H.No-508 Bakhtiar Pur Delhi-110036

35. Miss Monika Jindal D/O Naresh Kumar Age 27 Years, Address- PKT-E2 House No-132 Sector-16 Rohini Delhi-110089
36. Miss. Anjana rani D/O Gauri Shankar Age 25 Years, Address T-214, Tunda Nagar Johri Pur Delhi-110094
37. Miss Asha D/O Murari Lal Age 23 Years, Address- G-88, Street No-13 Bhagirathi Vihar Delhi-110094
38. Miss Shikha Vashisht D/o Chandar Prakash Vashisht Age 26 Years, Address- H.No-194, Khera Khurd Delhi-110082
39. Miss Deepika D/O Rohias Singh Age 27 Years, Address-H.No-3, Gali No-2, MCD Dispencary New Colony Siraspur Delhi-110042
40. Miss Kehkashan D/O Khalid Kamal Age 23 Years, Address-T-538, Gali No-14 Gautampuri Delhi-110053
41. Miss Rishika D/O Pawan kumar Age 23 Years, Address- V-107, Street No-8 Dayanand Marg Arvind Nagar Ghonda Delhi-110053
42. Miss Adiba Parveen D/O Mohd. Raeesuddin Age 24 Years, Address-T-472, Street No-17 Gautampuri New Seelam Pur Delhi -110005
43. Miss Komal Malik D/O Naresh Kumar Malik Age23 Years, Address-RZ_38, Nanda Enclave Gopal Nagar Najafgarh New Delhi-110043
44. Miss Kamlesh D/O Biddha Singh Age 28 Years, Address-H-B/168 Old Kondli Delhi Near Market Delhi-110096
45. Mr. Deepak Gupta S/O Ramavtar Gupta Age 25 Years, Address- H.No-8 Ext.-1 Nangloi Delhi-110041
46. Mr. Ankur Singh S/O Arun Singh Age 24 Years, Address- RZ-61 New Chankya Place Uttam Nagar Delhi-110059
47. Mr. Mohit Narayan S/O Rajesh Narayan Age 24 Years, Address- 24/10 Tilak Gali chajjupur Shahdra Delhi-110032

48. Mr. Narender Kumar S/O Sunil Kumar Age 24 Years, Address- B-2/10 Gali No-9, Raja Puri Uttam Nagar New Delhi-110089
49. Miss Alpna Rani D/O Rajkumar Age 26 Years, Address- 18/253 Kalyan Puri Delhi-110091
50. Miss Nisha Kumari D/O Laxman Ram Age 25 Years, Address- D-446, ST No-10, Bhajanpura Delhi-110053
51. Miss Rakhi D/O Rajkumar Rathi Age 24 Years, Address- RZ-F-73A Dhrampura Najafgarh New Delhi-110043
52. Miss Kajal Jain D/O Rajkumar Jain Age 22 Years, Address- 342/9 Gautampuri, Seelampur Delhi-110053
53. Miss Shweta Gautam D/O Suresh Kumar Gautam Age 27 Years, Address- E-108. Yadav Nagar Near Samayapur Delhi-110042
54. Miss Asha Rani D/O Mahender Singh Age 25 Years, Address- H.No-103 VPO Hiran Kudna Delhi-110041
55. Miss Ruchika D/O Om Prakash Age 25 Years, Address- F-229 Lal Kuan Near Panch mukhi Mandir M.B Road Badarpur Delhi-110044
56. Miss Jyoti D/O Babu Lal Age 25 Years, Address- B-339 Vikas Nagar Near Uttam Nagar New Delhi-110059
57. Miss Pooja D/O Satish Kumar Age 22 Years, Address-917 VPO Kanjhawala Delhi-110081
58. Miss Sarita D/O Jagdish Age 24 Years, Address-QTR No-A/7 Police Colony Nangloi Delhi-110041
59. Miss Neesha Lata D/O Rang Lal Age 25 Years, Address- 318, Gali No-22 Chauhan Muhalla village Saboli Delhi-110093
60. Miss Pramila Deepak D/O Chandra Prakash Age 25 Years, Address- Flat No-1585 Delhi Govt. Flats Type-3 Gulabi Bagh Delhi-110007

61. Mr. Ravinder Kumar S/O Om Prakash Age 26 Years,
Address- B-406 Street no-2 Mahalakshmi Enclave
Karawal Nagar Delhi-110094
62. Mr. Ankit Sharma S/O Ram Krishan Age 24 Years,
Address- C-8/502 Yamuna Vihar Delhi-110053
63. Miss Deepa Tomar D/O Fakir Chand Age 25 Years,
Address-B-1 Gali No-1 Mahalakshmi Enclave Karawal
Nagar Delhi-110094.
64. Miss Nandini D/O Ramesh Shrivastava Age 24 Years,
Address- C-7 84A Keshav Puram Delhi-110035
65. Miss Indu D/O Rattan Lal Age.....Years,
Address- 16/441 E Padam Singh Road Karol Bhagh
Delhi
66. Mis. Rekha D/O Balbir Singh Age 28 Years,
Address 2022 Gali Barf Wali Kirari Bazar
Chandni Chowk Delhi
67. Miss Manisha Chandok D/O Jitender Chandok
Age 23 Years, Address- RZ-57/c
Gali No-6,1/2 Near Gupta Sweet,
Tugalkabad Ext. Delhi-110019
68. Mr. Pankaj S/O Jogeshwar Gupta Age 25 Years,
Address- RZ-224/2 gali No-14
Durga Park New Delhi-110045
69. Miss Sujeta D/O Raghbir Singh Age 25 Years,
Address- RZ D-412 Street No-14A/6,
Sadh Nagar Palam Colony Delhi -110045
70. Miss Megha Kaushik D/O Satvir kaushik
Age 22 Years, Address- S-142 S.No-4
New Raja Puri Uttam Nagar Delhi-110059
71. Miss Meenakshi Gupta D/o Aditya Prakash Gupta
Age 26 Years, Address- B-286 S.No-11
Ashok Nagar Delhi-110093
72. Miss Rekha Rani D/O Bharat Bhushan Age 22 Years,
Address- H.No-645 VPO:- Jharoda Kalan Delhi-110072

73. Miss Taranjeet kaur D/O Bhupinder Singh Age 23 Years, Address- 63 Gyan Park S.No-5 Chander Nagar Delhi-110051
74. Miss Mamta D/o Tikaram Age 26 Address- H.No-782, VPO Nangal thakran Delhi-110039
75. Miss Tanuja D/O Sudesh Kr. Age 26 Years, Address- H.No-311 Village-Sultan Pur dabas Pooth Khurd Delhi-110039
76. Miss deepa D/O Udairaj Age 24 Years, Address- A-12 Jawahar Nagar Loani Road Delhi
77. Miss Renu Yadav D/O Jagdish Yadav Age 25 Years, Address- RZ-126 B-Block Arjun Park Najafgarh New Delhi-110043
78. Mis. Rekha W/O Rakesh Kr. Dixit Age 31 Years, Address- D-1 Nawada Complex Kakrola More Delhi-110059
79. Mis. Sakshi Nagal W/O Praveen kumar Age 23 Years, Address- H.No-443, Jaat Mohola Nangloi Delhi-110041
80. Miss Pooja D/O Rajpal Singh Age 26 Years, Address-RZ-150B Todarmal Colony Najafgarh New Delhi-110043
81. Miss Priyanka Verma D/O Rakesh Verma Age 25 Years, Address- 37,A/1, Mehrauli New Delhi-110030
82. Miss Neha D/O Attar Singh Age 28 Years, Address-177, C/6, Ward No-2, Mehrauli New Delhi-110030
83. Miss Mamta D/O Shiv Chandra Yadav Age 23 Years, Address- A-1/348A Madhu Vihar Delhi-110059
84. Miss Annu Rani D/O Sajjan Kr. Goel Age 25 Years, Address- D-41 Yadav Nagar Sanjay Pur Delhi-110042
85. Miss Nistha Thakur D/O Rajeshwar Singh Thakur Age 23 Years, Address- 3509, Arya Pura sub 31 Mandi Delhi-110007

86. Miss Versha D/O Dinesh Chand Age 24 Years,
Address- E-34, Budh Vihar, Ph_1 New Delhi-110086
87. Miss Swati Soni D/O Shashi Bhushan Singh Age 26
Years, Address-C-72/ DDA Colony Khayala
New Delhi-110018
88. Miss Saroj Gahlot D/O Dharambir Gahlot Age 26 Years,
Address- H.No-429, Khera Kalan Delhi-110082
89. Miss Shurti D/O Ram Nioas Goel Age 24 Years,
Address- E-74 Prem Nagar G.No-5 Najafgarh New Delhi-
110043
90. Miss Meenakshi D/O Pradeep Kumar Age 24 Years,
Address- 127 Old Anaskali Krishna Nagar Delhi-110051
91. Mr. Ashish Sharma S/O Chhail Bihari Sharma
Age 27 Years, Address- 11 Street no-5A
West Karawal Nagar Delhi-110094
92. Mr. Keshav S/O Om Prakash age 24 Years,
Address- Village-Pandwala Khurd Post Office-
Najafgarh New Delhi-110043
93. Miss Nidhi D/O Suresh Chander Age 23 Years,
Address-G-198, ST No-9, Shin Mandir Road Saroop
Nagar Delhi-110042
94. Miss Ritu Bhasin D/O Ramesh Chander Bhasin
Age 26 Years, Address- Flat no-492, Pocket-3
Paschimpuri NEwe Delhi-110063
95. Miss Manju Kumari D/O Jagbeer Singh Age 24 Years,
Address-303-Gali No-7, Jeevan Park Siras Pur Delhi-
110042
96. Miss Archana Rani D/O Naresh Kumar Age 8 (sic.)
Years, Address-113- Delhi Govt. Flats Rohini Sec-11
Delhi-110085
97. Miss Annu D/O Uishnu Dutt Age 24 Years,
Address-H.No-74 Pooth Khurd Delhi-110039
98. Mr. Rohit Kumar Singh S/.O Raj Narayan Singh
Age 26 Years, Address- A-1/37 Gauri Shankar Enclave
Prem Nagar-3 Kirari Delhi-110086

99. Miss Jyoti Chandra D/O Hari Om Chandra
Age 21 Years, Address- D1/649 Gali No-18,
Harsh Vihar Delhi-110093
100. Mr. Vishal Singh S/O Davender Kumar Age 26 Years,
Address-322, Ishwer Colony Bawana Delhi-110039
101. Miss Rachana Gupta D/O Ramchander Gupta
Age 27 Years, Address- E-19/159 Sactor-3 Rohini
Delhi-110085
102. Miss Richa Bhasin D/O R.C Bhasin Age 28 Years,
Address- 492 Pocket-3, Paschim Puri New Delhi-110063
103. Miss Himani Jain D/O Anil Kumar Jain
Age 5 (sic.) Years, Address-8/84, 1st Floor
New delhi Nehru Gali Vishwas Nagar Shadra
Delhi-110032
104. Mr. Sandeep Kumar S/O Rajbir Singh Age 22 Years,
Address F-34 West Jyoti Nagar4 St No-7 Shadra Delhi-
110094
105. Miss Priyanka Gupta D/O Subash Chand Gupta
Age 24 Years, Address C-82/5 S.T No-7
Mohan Puri Mauj Pur Delhi-110053
106. Miss Annu D/O Deep Chand Age 24 Years,
Address -17/80-81 Trilok Puri New Delhi-110091
107. Miss Mamta Sharma D/O Dharanvir Sharma
Age 25 Years, Address-307 main Stand Mubarak Pur
Near Parl Village Delhi-110081
108. Miss Sweta Meena D/O Bheemsen Meena Age 21 Years,
Address-B-9814 Kondli Colony Delhi-110096
109. Miss. Deepika D/O Lekh Raj Age 26 Years,
Address-H.No-15/481 Mama Bhanja Chowk Sonepat-
131001
110. Miss Gunjan Bhatia D/O Vimal Bhatia Age 24 Years,
Address-BH-Block 614 1st Floor East Shalimar Bagh
Delhi-11008
111. Miss Kusum Lata D/O Azad Singh Age 24 Years,
Address-H.No-658A, Alipur Garhi Delhi-110036

112. Miss Suman Kumari D/O Vijay Pal Singh Age 25 Years, Address-F-222,Shakur Pur Anandvas New Delhi-110034
113. Miss Madhu D/O Hari Om Gupta Age 22 Years, Address-A-102, Vijay Vihar Phase-2 Rohini Sec-4 New Delhi-110085
114. Miss Neha Mittal D/O Kailash Chand Age 26 Years, Address- G-23/89 Sec-7 Rohini Delhi-110085
115. Mr. Neeraj Dahiya S/O Ramkaran Singh Age 23 Years, Address- A-42 Jain Nagar Ext. Karala Delhi-110081
116. Miss Jyoti Dahiya D/O Jai Bhagwan Age 23 Years, Address-Gali No-15 B S.N Ext. 2nd Narela Delhi-110040
117. Miss Parul D/O Harish Kumar Age..... Years, Address-mamen pur narela delhi-110040
118. Miss Rupam D/O Laxmi Narain Age 23 Years, Address-P-7/6 Pana Udyan Dahiya x-Ray wali Gali Narela Delhi-110040
119. Miss Anita Yaduvanshi D/O Bishan Singh Yadav Age 26 Years, Address-H.No-166, Near Old Bus Stand Village Badli Delhi-110042
120. Miss Annu Jain D/O Vimal Kr. Jain Age 24 Years, Address- A-90/2 G.No-4 Ext. Nathu Colony Shadra Delhi-110093
121. Miss Ritu Devi D/O Vijendra Kumar Age 25 Years, Address- D-7/71 Dayal Pur Delhi-110094
122. Miss Jyoti Kumari D/O Suraj Pal Singh Age 24 Years, Address-H.No-311, G.No-12, B-Block Mahalakshmi Enclave Karawal Nagar Delhi-110094
123. Miss Pinky D/O Satish Kumars Age 26 Years, Address- G-79/10 Ganga Vihar Delhi-110094
124. Miss Geeta D/O Mahinder Pal Age 27 Years, Address-H.No-114 Gajju Katra Shahdra Delhi-110032
125. Miss Ruby D/O Suresh Chandra Age 25 Years, Address-C-29 Amar Colony Nangloi Delhi-110041

126. Mr. Rahul S/O Shyam Sunder Age 23 Years,
Address- H.No-300 GNo-6 West Kanti Nagar Delhi-110051
127. Miss Vandana Saini D/O Ramesh Saini Age 26
Address- H.No-98 Azad Pur Village Delhi-110033
128. Miss Naina Sharma D/O Dinesh Kr. Sharma Age 25
Years, Address-62/39A 2nd Floor Rameshwar Nagar
Azad Pur Delhi-110033
129. Miss Tripti Sharma D/O Pradeep Age 22 Years,
Address- H.No-228 Ishwar Colony Bawana Delhi-110039
130. Miss Shivani D/O Anil Kumar Age 22 Years,
Address- 1-32 Mahindra Park G.No-25 Delhi-110033
131. Miss Lalita Chauhan D/O Uday Singh Chauhan
Age 22 Years, Address-F-3-2 DDA Flats Block-A
Jahngir Puri Delhi-110033
132. Miss Preeti D/O Ramesh Chand Age 22 Years,
Address-H.No-172 VPO-Naya Bans Delhi-110082
133. Miss Vaishali Sharma D/O D.K Sharma Age 23 Years,
Address-332-B Pocket-E, LIG Flats GTB Enclave Delhi-110093
134. Mr. Gurjinder Singh S/O Gurmukh Singh Age 26 Years,
Address- 1445 C-13 Govind Puri Kalkjaji New Delhi-110019
135. Miss Iti D/O Rakesh Kr. Goel Age 24 Years,
Address- X/3042, Raghbir Pura-2 S.T No-4 Gandhi
Nagar Delhi
136. Miss Neha Jain D/O Arun Jain Age 23 Years,
Address- IX/1847, S.T No-2, Kailash Nagar Delhi-110031
137. Mr. Kapil Kr. Goyal S/O Subhash Chand Age 23 Years,
Address-153-A, Shive Vihar Vikas Nagar Uttam Nagar
Delhi
138. Mr. Govind Kr. Gupta S/O Kishan Lal Gupta
Age 4 (sic.) Years, Address- H.No-934 Ph-6,
G.N-18, Shiv Vihar Karawal Nagar Delhi-110094

139. Miss. Mehtab Banu D/O Buran Ali Age 23 Years,
Address- H.N-A/5, Street No-1, Indra Vihar Delhi-110094
140. Miss Renu Kumari D/O Kprat Mal Age 24 Years,
Address- A-20 Kondli Delhi-110096
141. Miss Manisha D/O Kishan Lal Nagpal Age 23 Years,
Address- 794/1 Bhola Nath Nagar Shadra Delhi-110032
142. Miss Nidhi D/o R.C. Khurana Age 23 Years,
Address- F-4/10 Krishna Nagar Delhi-110051
143. Miss Anju D/O Ramdass age 27 Years,
Address-101, Jaunti Delhi-110081
144. Miss Deepika D/o Ravinder Singh Age 24 Years,
Address- H.No-29 Block-C Patel Garden Kakrola Mor Delhi-110059
145. Mr. Lalit Kumar S/o Praveen Kr. Jain Age 23 Years,
Address-D-1/369, Ashok Nagar Delhi-110093
146. Mr. Ramesh S/O Sunder Lal Age 24 Years,
Address- B-1/729, G.No-24 Harsh Vihar Delhi-110093
147. Miss Yogita Verma D/O Suresh kr. Verma Age 26 Years,
Address- H.No-90 East Friends Enclave Sultan Puri Delhi-110086
148. Miss Charu Chawla D/o Dayanand Chawla Age 26 Years, Address- WZ-16/5 Plot No-7/a, 1st Floor Ram Nagar Ext. Tilak Nagar Delhi
149. Mr. Manish Kumar S/O Bhagwan Singh Age 25 Years,
Address H.No-242, Rahhoti Vihar Nangloi Delhi-110041
150. Mr. Ashish Kumar S/o Sheesh Pal Singh Age 24 Years,
Address- B-49 Street No-7 New Modeern Shadra Delhi-110032
151. Miss Pratima Rani D/O Sheesh Pal Singh Age 27 Years,
Address-B-49, S.T No-7, New Modern Shadra Delhi-110032
152. Miss Pooja Singhal D/O Ramesh Chand Mittal
Age 30 Years, Address H.No-27 Ext. 2B
Gali No-5 Nangloi Delhi-110041

153. Miss Shweta badhwar D/O Sunil Kumar Age 26 Years, Address-A-71, Jagat Puri, Street No-6 Delhi-110051
154. Mr. Man Singh Verma S/O Shiv Charan Age 29 Years, Address- D-46 Street No-15 Dass Garden, Baprola Vihar Delhi-110043
155. Mr. Mahendra singh Rawat S/o Badri Singh Rawat Age 23 years, Address- A-81, New Ashok Nagar Delhi-110096
156. Mr. Basant Malik S/O Balbir Singh Malik Age 22 Years, Address-D-53A Ganga Vihar Delhi-110094
157. Miss Ankita Goel D/o Manoj Goel Age 24 Years, Address- D-81, Gno-4 Lakshmi Nagar Delhi-110092
158. Miss Pushpa D/O Mahir Singh Age 25 Yaers, Address- N-61/52, ST No-14, Bihari Colony Shadra Delhi
159. Miss Nisha D/O Suresh Kr. Ojha Age 22 Years, Address- L-102 Lakshmi Nagar Delhi-110092
160. Mr. Naveen kumar S/o Tirath Singh Age 23 Years, Address-B-301,Gari Nath Nikunj Plot No-1, Sec-5 Dwarka Delhi
161. Mr. Pradeep Mann S/o Umed Singh Age 24 Years, Address- H.No-278, Khera Khurd Delhi-110082
162. Miss Mohini D/o Sant Ram Age 27 Years, Address- H.no-284, Village Bakkarwala, PO-Nangloi Delhi-110041
163. Mr. Mittal Ram Meena S/o Jag Mohan Meena Age 26 Years, Address- RZ-14/15 Sher Singh Enclave New Gopal Nagar Najafgarh Delhi-110043
164. Mr. Pooran S/o Amrat Pal Age 25 Years, Address-N-146 Krishna Vihar Delhi-110086
165. Miss Jyoti D/O Bhoop Singh Age 25 Years, Address- B-33 Street No-2, first Pusta New Usmanpur Delhi-110053
166. Miss Divya Saurabh D/O Ram Niwas Mishra Age 24 Years, Address R-59, East Vinod Nagar Delhi

167. Mr. Siddhart Sharma S/O Parmod Kumar Age 23 Years,
Address-68A Satyam Vihar Police Enclave Chanchal Park Delhi
168. Miss Daljeet Kaur D/O harbans singh Age 26 Years,
Address-F-29, Bhagat Singh Road, Chander Nagar Delhi-110051
169. Miss Avneet Kaur D/O Ankir Singh Age 22 Years,
Address- H.No-10, Silver Park Shiv Puri Delhi-110051
170. Mr. Manoj Kumar S/o Surendra Kumar Age 26 Years,
Address H.no-74 Bakkawalla, P.O- Mundka Delhi-110041
171. Miss Preeti Gautam d/o Jagbir Singh Age 26 Years,
Address E-10/255 East Gokal Pur Delhi-110094
172. Mr. Umakant S/o Umesh Kumar Age 25 Years,
Address-G-18/A, A-Block Gali No-4 Amar Colony Gokal Pur Delhi-110094
173. Mr. Yogesh S/O Radhey Shyam Age 26 Years,
Address-A-56 Block-A Suraj Park Colony Badli Delhi-110042
174. Mr. Vipul Kumar S/O P.m Gothwal Age 26 Years,
Address- P-6 P-Ext. Ramapark Near Dwarka Mor Delhi-110059
175. Ms. Preeti D/O Shiv Kumar Garg Age 23 Years,
Address- D-59 Gali No-10 Brahampuri Delhi-110053
176. Ms. Pooja Sharma d/O Kuldeep Singh Age 25 Years,
Address-Gali No-8 Sanjal Colony Safiyabad Road Narela Delhi-110040
177. Ms. Vandana D/O Pradeep Age 25 Years,
Address- H. 2/18A Budh Vihar Phase-1 Delhi-110086
178. Ms. Megha Sachdeva D/O Jogender Sachdeva
Age 26 Years, Address-11/335 Ist Floor Geeta Colony Delhi-110031
179. Ms. Soham D/O Balwan Singh Age 25 Years,
Address- H.No-20A Ext.-5 Rajendra Park Nangloi Delhi-110041

180. Mrs. Manisha D/O Sh. Krishna Lal Age 28 Years,
Address- C-188 Tagore Garden Ext. New Delhi-110027
181. Miss Simmi Taneja D/O Sh. Bhushan Taneja
Age 27 years, Address- RZ-24 South Ext. Part-2
Uttam Nagar New Delhi-110059
182. Miss Priyanka Verma D/O Prakash Chand Verma
Age 25 Years, Address- RZ-31 Manas kunj
Uttam Nagar New Delhi-110059
183. Miss Sulekha Sharma D/O Suresh Kumar Age 24
Years, Address-H.No-161 VPO- Surehra Najafgarh
Delhi-110043
184. Miss Manjari Sharma D/O Ram Tek Sharma Age 27
Years, Address- DA/47A Hari Nagar Near Clock Tower
New Delhi-110064
185. Ms. Kusum Sharma D/O Mr. Suresh Sharma
Age 23 Years, Address- H.No-843 Behind MCD Girls
School Bakhtawar Pur Selhi-110036
186. Ms. Suman D/O Suraj Singh Age 23 Years,
Address Village Bharthal P.o- Dwarka Sec-26 New
Delhi-110077
187. Mrs. Rajni Bala D/o Sh. Jai Prakash Age 35Years,
Address 118,Dhaka Kingsway Camp Delhi-110009
188. Mr. Robins Badesra S/O J.K Badesra Age 29 Years,
Address- G-2504, Sec-49 Sainik Colony Faridabad-
121001
189. Miss Richi Rani D/o Vinod Mittal Age 23 Years,
Address Banya Wada Pana Pooth Khurd Delhi -110039
190. Miss Sarita D/o Swaminath Shah age 21 Years,
Address- B-229 Gali No-8 Gaurav Nagar Delhi
191. Miss Shivani Bhagat D/O N.K Bhagat Age 23 Years,
Address- CC-12B Shalimar Bagh New Delhi
192. Miss Shikha Gupta D/O Sunil Gupta Age 22 Years,
Address- G-2/114 Sec-15 Rohini Delhi

193. Miss Tajeshwari D/O Ramvir Age.....Years,
Address-WP-138 Wazir Pur Village Ashok vihar Delhi
194. Miss Shivani Arora D/O Naveen kumar Age 23 Years,
Address D-329, Sec-1 Avantika Rohini Delhi-110085
195. Miss Mona D/o Ajit Singh Age 23 Years,
Address- 240/A Rajendra Park Ext. Nangloi Delhi-110041
196. Miss Sangeeta D/O om Chand Sharma Age 23 Years,
Address-H.No-353 Pandit Mohalla Village Kondli Delhi-110096
197. Miss Nikita Mittal D/o Sunil Kumar Mittal Age 24 Years, Address J-134, Ashok Vihar Phase-1 Delhi-110052
198. Miss Radhika Sharma D/O Ram Prakash Sharma Age 24 Years, Address- A/129 Street No-10 Bhajanpura Delhi-110053
199. Miss Sangita D/o Vishram Singh Age 23 Years,
Address- B-10 Block-B Ramesh Nagar New Delhi
200. Ms. Meena kumara D/O Chandrika Prasad Age 24 Years, Address H.No-C345 Village and Post Office mukhmel pur Delhi-110036
201. Ms. Babita Dogra D/O Manohar Lal Age 24 Years,
Address A-2/158-C Keshav Puram Delhi-110035
202. Ms. Neetu D/O Vijay Singh Age 24 Years,
Address- H.No-64/785 Udhyan Pana VPO- Kanjhawla Delhi-110081
203. Ms. Meenakshi D/O Om Parkash Age 25 Years,
Address H.No-964 Fokara Near Kirakds Ashram VPO-Jaanti Delhi-110081
204. Ms. Saba Hasan D/O Hasan Raza Age 24 Years,
Address- H.No-P-11 Street No-17 Brahmpuri New Seelam Pur Delhi-110053
205. Ms. Noor Fatma D/O Mohd. Ali Age 29 Years,
Address H.No-R-104 Street No-21 Brahmpuri Delhi-110053

206. Ms. Shweta Jain D/O Mr. Mukesh Kumar Jain
Age 24 Years, Address BL-64 West Shalimar Bagh
Delhi-110088

207. Ms. Shweta Aggarwal D/O Mahender Kumar Aggarwal
Age 25 Years, Address-H.No-651, Sector-6
Bahadurgarh Jhajjar Haryana-124507

208. Ms. Pooja D/O Sambhole Verma Age 23 years,
Address- C-128 Street No-4 Ganga Vihar Near Gokal
Puri Delhi-110094

209. Mrs. Geeta Pal D/O Sh. Dhara Pal Age 26 Years,
Address-D-5183 Gali No-5 H.No-83 Brijpuri Delhi-
110094

210. Ms. Abha Chaudhary D/O Sh. Kashmir Singh Age 23
Years, Address-B-50 Gali No-1, Ganga Vihar, Near
Gokalpuri Delhi-110094

211. Ms. Sonam Arya D/O Sh. Ved Prakash Arya Age 26
Years, Address- C-3/14A Rajouri Garden New Delhi-
110027

212. Mrs. Maya Jat D/O Duda Ram Jat Age 29 Years,
Address- B-1154 Sangam Vihar New Delhi

213. Miss Shalini D/O Ratan Bhusan Age 26 Years,
Address- 14/210 New Moti Nagar New Delhi-110015

214. Miss Monica D/O Rakesh Singh Age 24 Years,
Address 863/55 Lekhu Nagar Tri Nagar New Delhi-
110035

215. Miss Aditi Malik D/O Raj Kumar Malik Age 24 Years,
Address- 19A, DDA, MIG Flats Metro Apartments
Jhangir Puri Delhi-110033

216. Miss Sharda Meena D/O Babu Lal Meena Age 20 Years,
Address H.No-705, Gali No-8 Sangam Vihar New Delhi-
110080

217. Miss Rajn D/O Bilot Mehta Age 21 Years,
Address- A-170 Nand Ram Park St. No-9 Uttam Nagar
Delhi-110059

218. Miss Preeti D/O Randhir Singh Age 24 Years,
 Address- RZ-P-3, 191 New Roshan Pura Najafgarh New
 Delhi-110043

219. Mr. Parvesh S/O Dalbir Singh Age 27 Years,
 Address-H.No-414, VPO Sanor Narela Delhi-110040

-Applicants

(By Advocate : Ms. Jyoti Singh, Senior Counsel with
 Shri Amandeep Joshi and Ms. Tinu Bajwa)

versus

1. The Director (Education)
 East Delhi Municipal Corporation
 Education Department HQ,
 419, Udyog Sadan, Patparganj,
 Industrial Area, Delhi-110 092.
2. Union of India
 M.H.R.D
 Office of the U.E.E. Mission,
 1 Floor, Near Estate Branch,
 Department of Education,
 Distt. North Lucknow Road,
 Delhi – 110 054.
3. Government of N.C.T.
 Through Chief Secretary,
 Delhi Secretariat
 New Delhi.

-Respondents

O R D E R

Per Sudhir Kumar, Member (A):

The case of the 219 applicants of this O.A. was argued at length by the learned senior counsel appearing for them on the point of admission of the case for issuance of notices, and was then reserved for orders.

2. The 219 applicants of this OA have stated that they were earlier on contractual employment with the respondents

as Additional Teachers under the “Sarva Shiksha Abhiyan” (SSA, in short), which is a Scheme run by the Union of India. The applicants were all appointed earlier on contractual basis for the Academic year 2014-15 on the basis of their response to the advertisement issued on 06.05.2013. They have filed this OA claiming that their contract should have been continued/renewed for the Academic year 2015-16 also, after the summer vacations, which the respondents have not done. They have tried to seek shelter behind the instructions contained in Circular dated 15.05.2015, produced at Annexure A-5, which stated as follows:-

CIRCULAR

Sub : Engagement of Subject specific teacher (TGT) and Primary teachers working under SSA on contractual basis during the year 2015-16.

The Sarva Siksha Abhiyan SSA has been engaging subject specific teachers (TGT) and Primary Teachers on contractual basis as a temporary measure against the increased enrolment of students in the Govt., schools. The engagement of the said teachers are discontinued when the schools are closed for summer vacation as their services are no longer required once vacation gets declared.

SSA would re-engage the same set of contract teachers for the session, once the schools re-open after summer vacation. In view of the order of Govt. of NCT of Delhi No. F.19(01)/2014/S-IV223-224 dated 16.02.2015, **the contract teachers preferably be engaged in the same schools, subject to availability of vacancy (based on the students enrollment)** and in case of non-availability of vacancy in the same school, the contract teacher would first be tried to be posted in the some other school within the same district. Further, **the contract teachers who were found to be ineffective in their work and indulging in dereliction of duty may not be considered for re-engagement.**

In view of above, all the DPOs/DDEs are hereby directed to take fresh agreement from all the contract teachers whose initial contract was only upto 31.03.2015

but was extended upto 10.05.2015 vide order No. F.DE (29) / UEEM / SSA /Access/ 2015 / 9270-85 dated 26.03.2015. Their term of contract will be w.e.f. 13.07.2015 to 31.03.2016 since MHRD approves the engagement of contract teachers for 10 minutes only.

This issues with the approval of the competent authority.

sd/
SPD-SSA
UEE Mission".

(Emphasis supplied)

3. Therefore, it is clear that re-engagement of the same set of contract teachers once again is the prescribed norm under SSA, subject to only two riders attached, namely (1) availability of vacancy (based on the students' enrollment), and (2) the contract teachers who were found to be ineffective in their work, and indulging in dereliction of duty, may not be considered for re-engagement.

4. During her elaborate arguments, the learned Senior counsel for the applicants also tried to take shelter behind the instructions issued through the letter dated 16.02.2015 (Annexure A-6), which was a general Circular, in respect of all types of contractual employees coming under the Govt. of NCT of Delhi, and which had been issued by the Special Secretary (Services) of the Govt. of NCT of Delhi, and stated as follows:-

“1. All Pr. Secretaries/Secretaries/HODs, Govt. of N.C.T of Delhi.

2. All Heads of Local Bodies/Autonomous Bodies/Undertaking/Corporation/Boards/Institutions under GNCTD, Govt., of N.C.T. of Delhi.

Subject : Regarding engagement of contractual employees.

The Government of N.C.T. of Delhi would like to take a view on the existing policy regarding status of contractual employees engaged in various departments and organizations under this Government.

Therefore, services of Contractual employees engaged by the departments should NOT be terminated till further instructions in the matter. If any terminations are likely to take place, the same should be stopped till further orders.

(ASHUTOSH KUMAR)
SPL. SECRETARY (SERVICES)"

(Emphasis supplied)

5. It has been further submitted in Para 4.7 of the O.A. that the applicants were appointed as Additional Teachers subject to only one rider, i.e., they shall continue working as Additional Teachers, only if the funds continued to be provided by Respondent No.2, and which had also been mentioned in the provision of the advertisement dated 06.05.2013 (supra). The applicants have stated that Respondent No.2 has since approved the release of funds for renewal of contracts of the Additional Teachers working under the Scheme of SSA, which funds had been granted earlier for the years 2013-14, 2014-15, and now for the Academic year 2015-16 also, and, therefore, the office of SSA Mission- Respondent No.2 had through their letter dated 24.06.2015 (Annexure A-7) directed the Respondent No.1-Director (Education) of the East Delhi Municipal Corporation (EDMC,

in short) that since the Govt. of India's Ministry of Human Resource Development sanctions salary in respect of contractual teachers under SSA only for a period of 10 months, the contract of 506 contractual Assistant Teachers, who were engaged in 2014-15, may be renewed w.e.f. July 31, 2015 to March 31, 2016 also, ensuring that the total contract period in the Academic year 2015-16 does not exceed 10 months, as per the scheme of SSA.

6. However, the 219 applicants before us are aggrieved that they have been denied re-engagement by the respondents as Additional Teachers for the Academic session of 2015-16 "for the reasons best known to the applicants (sic. respondents)". But, in the same paragraph No.4.9 of their O.A., the applicants have themselves stated that:-

"It appears that denial has been on false and frivolous grounds that:

- (i) **EDMC has appointed regular teachers,**
- (ii) **EDMC have renewed contract teachers under EDMC because they have higher merit than SSA teachers."**

7. The applicants themselves have further stated in Paragraph 4.9 & in Paragraph 4.10 of the OA as follows:-

"4.9.....In fact the tenure of contractual teachers in EDMC who were not sanctioned under SSA as additional teachers, their tenure would be upto the contractual period or till the selection list received from DSSSB whichever is earlier, and for many it has been reviewed.

4.10.....It has come as a shock to the applicants that the Respondent No.1 has disengaged the services of

applicants, as additional teachers, but continued the service of Contract Teacher in EDMC. Though, the funds were released by the Respondent No.2 under SSA for continuing the services of applicants in spite of this Respondent No.1 did not allow the applicants to be continued in service and it is learnt that they have transferred the funds to other Contractual teachers, which were sent by Respondent No.2 for applicants”.

(Emphasis supplied)

8. Learned senior counsel for applicants pressed for notices to be issued in the present OA on the ground that as per the terms and conditions mentioned in the advertisement related to SSA, the services of the applicants as Additional Teachers under the Scheme of SSA were to be continued as long as the funds will be provided by the Respondent No.2- Union of India, and that the applicants were also performing well as Additional Teachers in their respective Schools, and, as mentioned in Ground 5(A), some of them had been engaged by the respondents for the last more than two Academic sessions. The applicants have further taken the ground that it is settled law that contractual employees cannot be replaced by another set of contractual employees, and it has been held so by the Larger Bench of this Tribunal in OA No.1184/2009-**Parveen Khan vs. GNCTD & Ors.** It was also submitted that the issue of Contractual Employment has also been settled by this Tribunal through its order in OA No.2671/2014 with connected cases- **Sonalika Misra & Ors. vs. GNCTD & Ors.**, a copy of which order dated 26.11.2014 was produced by the learned Senior

counsel appearing for the applicants during her arguments, and the entire emphasis of her elaborate arguments was based on this order dated 26.11.2014 only, which she claimed to have covered the present case before us also.

9. However, in the O.A., the applicants have taken the further ground that in South Delhi Municipal Corporation, the contractual period of Additional Teachers under the Scheme of SSA has been renewed, while only in the case of Respondent No.1-EDMC the Contractual Employment of the applicants has not been continued. Without giving any figures in respect of the prescribed criteria of enrollments, it was also submitted that the total number of vacancies are much more than the applicants, who were disengaged as Additional Teachers in Schools, and there is ample work, many vacancies, and no regular process for recruitment is in sight so far. In the result, the 219 applicants of this O.A. have prayed for the following reliefs and Interim Relief, which were pointed out by the leaned Senior counsel:-

“(i) To declare that the impugned action of the respondents against the applicants is illegal.

(ii) To direct the respondents to continue/renew the last engagements of the applicants in the same schools respectively for session 2015-16 where the applicants were earlier engaged as a Additional Teachers till the regular process, if any.

(iii) To allow the OA with cost.

(iv) To pass such other and further orders which their lordships of this Hon’ble Tribunal deem fit

and proper in the existing facts and circumstances of the case.

Interim Relief :

Pending final adjudication of the O.A, it is humbly prayed that this Hon'ble Tribunal may be pleased to stay the further process pursuant to the present impugned action of the respondents for the engagement of contract teachers in schools of EDMC for the academic year 2015-16 if the said process is not stayed and vacancies are filled, then the O.A filed by the present Applicants will become infructuous and pass interim order to direct the respondents to continue as additional teachers under the scheme of SSA post summer vacations till the pendency of present O.A".

10. During the course of her arguments, learned senior counsel appearing for the applicants had pointed out the contentions raised by her before a Coordinate Bench in the case of **Sonalika Misra & Ors. vs. GNCTD & Ors.**, (supra), which had been recorded by the Bench in Para-3(h) of its order as follows:-

"h) The contractual employees can be substituted only by regular employees".

11. She submitted that on the basis of this, the issue as framed by the Coordinate Bench in Para-13 of its order was as follows:-

"13. The prime question arises to be determined in the present Original Applications is "whether the services of one set of Guest Teachers can be substituted by another set of Guest Teachers"?

12. She further submitted that thereafter the finding as arrived at by the Coordinate Bench on that issue was contained in Para-39 (ii) of the judgment and order of the Coordinate Bench, which stated as follows:-

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

13. However, even though it appears, *prima-facie*, that the facts of that case were different, and unless the facts of two cases are on all fours with each other, the ratio of one case cannot be applied to the different facts of another case, still we would do well to take notice of some other portions of the order dated 26.11.2014 cited by the learned senior counsel, which she had not pointed out. In Para-9 of its judgment, the Coordinate Bench had recorded as follows:-

“9. As far as the first proposition is concerned, it is settled position of law that on the basis of contractual service rendered by an individual or a group of individuals, he/she/they cannot acquire any superior claim for regularization on such post. In **Secretary, State of Karnataka & others v. Umadevi (3) & others**, (2006) 4 SCC 1, it has been ruled thus:-

“47. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post.”

14. Also, that case in **Sonalika Misra** (supra) being a case of Guest Teachers, who were also appointed as contractual employees, but not relating to the SSA Scheme, the Coordinate Bench could in Para-21 of its order conclude as follows:-

“21. From the aforementioned judgments, it is clear that the services of one set of contractual employees/Guest Teachers may not be replaced by another set.....”

15. The Coordinate Bench had then dealt with a number of cases relating to contractual employment, as well as the ratio laid down in **Inder Pal Yadav & Others etc. vs. Union of India & Others etc. 1985 SCR (3) 837**, which related to Project Casual Labour cases, all of which cases are not on all fours with the facts of the instant case. The Coordinate Bench had at the same time taken notice of the contention of the respondents in that case, in Paragraphs 27 & 28 of its order, by stating as follows:-

“27. Mr. Tandon, learned counsel for respondents relied upon a detailed judgment of Hon^{ble} Punjab and Haryana High Court in Ashok Kumar (C.W.P. No.13045/2009) (supra) wherein the policy of giving relaxation to Guest Teachers in reemployment was struck down. Paragraph 28 of the Judgment reads thus:

“28. In the year 2007, again many writ petitions were filed, claiming continuation in service and higher wages. All those writ petitions were disposed of by a Division Bench of this Court, by passing an order on 30.8.2007, in CWP No.387 of 2007, titled as Baldev Singh and others v. State of Haryana and others, regarding claim of continuation in service of the guest faculty teachers and their entitlement to get higher wages, it was observed as under:-

“A perusal of the Policy shows that appointment of Guest Faculty Teachers was a job work on period basis at prescribed rates and hence, no Guest Faculty Teacher is entitled to remain on the post beyond the period for which he has been engaged. The petitioners were engaged as Guest Faculty Teacher by the Principal of the college concerned, who otherwise, is not the competent authority to make appointment under the Rules. Apart from the above, the petitioners were engaged from certain pocket area only i.e., from their village or from the block and they never competed with the best of talent available. The reservation policy was also not followed. Essentially the petitioners were engaged on contract basis and there was no obligation on either side to continue that contract beyond the period for which the Guest Faculty Teachers/Lecturers were appointed.

It is, thus, clear that the claim of the petitioners for quashing the condition of limiting the period of their appointment does not suffer from any illegality or irregularity which may warrant interference of this Court. In the Constitutional Bench judgement in *Secretary, State of Karnataka & others vs. Umadevi & others*, (2006) 4 SCC 1, the Hon'ble Supreme Court has allowed the State to engage employees on contract basis by taking into account the requirement of work. The petitioners can neither impose themselves upon the respondents nor they can be allowed to continue beyond the period for which they were engaged as Guest Faculty Teachers. The petitioners also cannot be allowed to continue till regular appointments are made, as Guest Faculty Teachers are appointed only to tide over the situations like death, retirement, resignation, promotion, etc”.

28. We find that in the aforementioned case, the Hon'ble High Court had relied upon an Order dated 30.8.2007 passed in **Baldev Singh & others v. State of Haryana & others** (CWP No.387/2007) wherein following the judgment of Hon'ble Apex Court in the case of Umadevi (supra), Hon'ble High Court of Punjab and Haryana High Court had taken a view that the petitioners can neither impose themselves upon the respondents nor they can be allowed to continue beyond the period for which they were engaged as Guest Faculty Teachers”.

16. The issue in that cited case of **Sonalika Misra** (supra) also related to the requirement of passing of CTET & TET, which is not an issue here in the instant case before us, relating to SSA scheme, because that particular requirement was related only to the eligibility for appointment as Guest Teachers, and has not been mentioned as a requirement, either essential, or desirable, in the case of Assistant Teachers under SSA scheme, in the instant case.

17. The Coordinate Bench had also in Para-34 of its order in **Sonalika Misra** (supra) relied upon the case of **P.U. Joshi & Others vs. The Accountant General, Ahmedabad & others, 2003 (2) SCC 632**, and upheld the competence of the respondents to adopt policy measures and decisions in regard to appointment of Guest Teachers, by stating as follows:-

“34. As far as the policy decision taken by the respondents to appoint Guest Teachers through a nominated panel is concerned, it is settled position of law that it is not open to this Tribunal to interfere with the policy decision. In the case of P.U. Joshi (supra), the Hon’ble Apex Court viewed thus:-

“We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and

within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/substruction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

Thus, we are not inclined to interfere with the Public Notice dated 28.7.2014 and the respondents are justified in making appointment as Guest Teacher through a centralized panel. Nevertheless in view of the principle that the services of one set of contractual employees should not be substituted by another set, as enunciated and propounded by Hon’ble Apex Court (*ibid*), the clause 8 of the policy need to be liberalized in favour of Guest Teacher having past experience.”

18. Also, the contention of the learned senior counsel was that the ratio of the Coordinate Bench judgment in **Sonalika Misra** (*supra*) was contained only in the direction contained in Para-39 (ii), as was again and again emphasized by her, and has been reproduced by us above, and that was the only ratio arrived at by the Coordinate Bench. However, we may reproduce the entire concluding Paragraph-39 of the cited judgment as follows:-

“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”.

(Emphasis supplied)

19. We have given our anxious consideration to the elaborate arguments of the learned senior counsel for the 219 applicants before us in the present O.A. Firstly, it is

clear that the Interim Relief as prayed for by the applicants is the same as final relief, as prayed for by them in Para-8(ii) of their OA.

20. Secondly, when the applicants have themselves pointed out, in Para 4.9 of their O.A., as reproduced above, that the respondents have followed and implemented the cited judgment in **Sonalika Misra** (supra) in the case of Guest Teachers, the applicants cannot now claim to derive any benefit from that judgment under a different scheme, the SSA scheme. That judgment had been delivered only in the context of Guest Teachers appointed on contract basis, and the facts of that case are not at all on all fours with the facts of the present case, which concerns only the Additional Teachers appointed under the SSA scheme, and not contractual teachers in general.

21. Actually, it is seen from the Circular dated 15.05.2015 (Annexure A-5) itself that in the specific case of engagement of Subject Specific Teachers (Trained Graduate Teachers) and Primary Teachers working under SSA scheme, instructions had been issued that the respondents would re-engage the same set of SSA contract teachers for the new Academic session, once the schools re-open after summer vacations, and that they should preferably be engaged in the same Schools, subject to availability of vacancies (based on the students' enrollment), and in case of non-availability of

vacancy in the same School, the SSA contract teacher would first be tried to be posted in some other School within the same district, at the same time it was very clearly specified that those contract teachers under SSA Scheme, who were found to be ineffective in their work, and indulging in dereliction of duty, may not be considered for re-engagement. No averment has been made in the O.A. as filed, nor could the learned senior counsel point out as to in what manner these instructions under the SSA scheme have been violated by the respondents.

22. As pointed out above also, the applicants themselves have in Para 4.9 of their OA admitted that (i) **the EDMC has since appointed regular teachers**, and also that (ii) it has renewed the services of the contract teachers, **who have higher merit than SSA teachers**. Therefore, it *prima facie* appears that the entire requirement of teachers of the Respondent No.1-EDMC has already been met, and those who have been left out may perhaps have been so left out because in terms of the Circular dated 15.05.2015, either the enrollments did not justify any further teachers to be engaged under SSA, or they were found in the previous year to be ineffective in their work, and indulging in dereliction of duty, because of which they were not considered for re-appointment. It is also not the case of the applicants that nobody has been engaged by the Respondent No.1 under

SSA on contractual basis during 2015-16, and that the enrollments of students was so high that the respondents ought to have necessarily engaged more teachers under the SSA scheme, which they did not do.

23. In case the number of teachers required under the SSA scheme in this academic year is less than the number who were engaged during the last year, the respondents are fully entitled to pick up the more meritorious among all the candidates available before them, and to leave out those who were either found to be ineffective in their work, or were found indulging in dereliction of duty, which type of teachers they were specifically directed to leave out, through the Circular dated 15.05.2015 (Annexure A-5) itself. The applicants have also not made party-respondents any of the contractual SSA teachers already selected and re-engaged by the respondents-EDMC for the year 2015-16, in order to fulfil their requirements, who may perhaps have to be removed, if the prayer of the 219 applicants before us, as reproduced above, has to be granted.

24. In fact, in the case of **Shankarsan Dash vs. Union of India: (1991) 3 SCC 47**, the Hon'ble Apex Court has held that even if a number of vacancies are notified for appointment, and adequate number of candidates are found fit, even the successful candidates do not acquire an indefeasible right to be appointed, which cannot be

legitimately denied. Ordinarily, the vacancy notification merely amounts to an invitation to the qualified candidates to apply for recruitment, and even on their selection they do not acquire any right to occupy the post. It was held that unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies, but, however, it does not mean that the State has the licence of acting in an arbitrary manner. In the instant case, the O.A., as well as the elaborate arguments of the learned senior counsel before us, have failed to allege and then pin-point any element of arbitrariness in the actions of the respondents.

25. We cannot also find fault with the directions given by the respondents through the Circular dated 15.05.2015 that those teachers who have been found ineffective in the previous year may not be considered for re-engagement, as laying down and prescribing through Rules such criteria and qualifications etc. in the matter of appointments is a prerogative of the Executive. In exercise of rule making power under Proviso to Art. 309, the President, or an authorized authority, is entitled to prescribe the method of recruitment, educational and technical qualifications, or conditions of service for appointment to an office or post under the State, and to further prescribe to keep away, in public interest, those who had been found in the past to be ineffective, or wanting in the performance of their assigned

tasks. The rules cannot be impeached for the sake of their being tailor-made to suit certain specific individuals, as had been held by the Hon'ble Apex Court in **V.K. Sood vs. Secretary, Civil Aviation & Others: AIR 1993 SC 2285.**

26. In fact, in the case of **Shankarsan Dash vs. Union of India** (supra), and in the case of **State of U.P. & Ors. vs. Rajkumar Sharma & Ors. (2006) 3 SCC 330**, it was held by the Hon'ble Apex Court that even regular selectees cannot claim their appointment as a matter of right, as the mere inclusion of a candidate's name in the list does not confer any right upon him to be finally selected, and even if some of the vacancies had remained unfilled, the concerned selected or short-listed candidates cannot claim that there has been hostile discrimination against them.

27. In the case of **Nilangshu Bhushan Basu vs. Deb K. Sinha & Others (2001) 8 SCC 119** the Hon'ble Apex Court has held that in absence of any rule to that effect, it would be an administrative function of the appointing/appropriate authority to take a decision as to which method should be adopted for recruitment to any particular substantive post. It was further held that it may depend on various factors relevant for the purpose e.g. status of the post, its responsibilities and job requirements.

28. The applicants themselves have submitted that the Respondent No.1-EDMC has already taken more meritorious candidates. In the case of **Lila Dhar vs. State of Rajasthan & Others (1981) 4 SCC 159=AIR 1981 SC 1777**, the Hon'ble Apex Court has held that the object of any process of selection for entry into a public service is to secure the best and the most suitable person for the job, avoiding patronage and favouritism. It was held that selection based on merit, tested impartially and objectively, is the essential foundation of any useful and efficient public service. So, the respondents cannot be faulted by the applicants before us only on the ground that they had retained more meritorious candidates.

29. In the case of **Chaturanan Berman vs. Union of India JT 2002 (Supp1) SC 149**, the Hon'ble Apex Court had held that when less meritorious person was appointed, and no material was placed before the Tribunal for it to find out as to what criteria had been adopted for assessing merit, the Tribunal was unjustified in entering into the question of assessing comparative merits, by laying down the law as follows:-

“7.The High Court stated that the tribunal ought not to have entered upon the question of comparative merits of the parties when the selection committee had itself considered as to who was more meritorious. The stand of the appellant is that he had secured 355 marks but it is clear from the perusal of the marks sheet that he had secured such marks in second attempt and not in first attempt. Whether this aspect had gone into the mind of the selection committee in selecting respondent no. 6 believing him to be more

meritorious than appellant is not very clear to us. In the circumstances, the department ought to have placed necessary material before the tribunal to show the manner in which the selection committee proceeded to find out as to who was more meritorious. In the absence of such material, the tribunal could not have come to the conclusion that the appellant was more meritorious than respondent no. 6.

The High Court was justified in holding that the Tribunal ought not to have entered into the question of comparative merits of the appellant and respondent No.6.”

30. In the case of **High Court, Calcutta vs. Anmol Kumar Roy, AIR 1962 SC 1704: 1963 (1) SCR 437**, the Hon’ble

Apex Court had held as follows:-

“The plaintiff’s case was considered along with that of the others, and the High Court, after a consideration of the relative fitness of the Munsifs chose to place a number of them on the panel for appointment as Subordinate Judges, as and when vacancies occurred. He had, therefore, along with others, equal opportunity. But equal opportunity does not mean getting the particular post for which a number of persons may have been considered. So long as the plaintiff, along with others under consideration, had been given his chance, it cannot be said that he had not been given equal opportunity along with others, who may have been selected in preference to him. **Where the number of posts to be filled is less than the number of persons under consideration for those posts, it would be a case of many being called and few being chosen.** The fact that the High Court made its choice in a particular way cannot be said to amount to discrimination against the plaintiff”.

(Emphasis supplied)

31. In the case of **State of Bihar & Ors. vs. Sheo Prasad and Ors. 1995 SCC (L&S) 1244**, the Hon’ble Apex Court has held that even though there were vacancies in existence in respect of all the posts in dispute, and the posts were advertised, and applications were invited from eligible persons, the advertisement was published with the approval of

the Secretary to the Government in the Water Resources Department, and the appointments were ultimately made after a process of selection, and on the basis of merit list, and on these facts, the High Court came to the conclusion that the appointments of the respondents were made in accordance with the rules, the Hon'ble Apex Court found no ground to interfere with the findings arrived at by the High Court.

32. In the case of **Municipal Corporation, Jabalpur vs. Om Prakash Dubey, 2007 (1) SCC 373**, the Hon'ble Apex Court has held that in the event the appointment is made in total disregard of the Constitutional scheme, as also the recruitment rules framed by the employer, which is State within the meaning of Article 12 of the Constitution of India, the recruitment would be an "**illegal**" one; whereas there may be cases where, although substantial compliance of the Constitutional scheme, as also the rules, has been made, the appointment may be "**irregular**" in the sense that some provisions of the rules might not have been strictly adhered to, and had thus distinguished between "**illegal**" and "**irregular**" appointments. But, in the instant case, we are not able to discern either any "**illegality**" or any "**irregularity**" having been committed by the respondents, nor have the applicants (in their O.A.) or their senior counsel been able to point out any "**illegality**" or "**irregularity**" having been committed by the respondents.

33. In view of the above pronouncements of the Hon'ble Apex Court, it appears that we are bound by the orders of the Full Bench in **Parveen Khan vs. GNCTD & Ors.** (supra), and the orders of the Coordinate Bench in **Sonalika Misra** (supra), which were cited by the learned senior counsel for the applicants before us, and which we have already distinguished above to have been based upon different set of facts of the case. However, being bound by the above cited pronouncements of the Hon'ble Apex Court, laying down the law of the land, we decline to issue notice in the present OA.

34. However, 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 applicants, if any malafide action is taken by them in the course of following the instructions dated 15.05.2015 (Annexure A-5) (supra).

35. The OA and the M.A. for joining together in filing this O.A., are, therefore, dismissed in *limine*, at the admission stage itself.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

cc.