

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/756/2016

DATE OF ORDER: 16.07.2018

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Hemraj Meena S/o Shri Hargyan Meena, age about 26 years, R/o Village & Post Mahswa, Teh. Todabheem, District Karauli-322220.

....Applicant

Mr. Ishwar Tiwari, counsel for applicant.

VERSUS

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi – 110016.
2. The Additional Commissioner (Admn.), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Saheed Jeet Singh Marg, New Delhi – 110016.
3. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jaipur.

....Respondents

Mr. Hawa Singh, counsel for respondents.

ORDER (oral)

Per: Suresh Kumar Monga, Judicial Member

Pursuant to an advertisement No. 08 issued by Kendriya Vidyalaya Sangathan (HQ), published in Employment News dated 16-22 August, 2014, (Annexure A/1), the applicant had applied for appointment on the post of Assistant. He appeared in the written examination and secured 86 marks. The last cut-off in the ST category was 63. Despite fulfilling all the eligibility criteria, the applicant could not find place in the main panel of the direct recruitment to the post of Assistant, whereas, the

persons who were less meritorious in the examination were selected. Aggrieved by the same, the applicant has preferred the instant Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

-

- "i. That the action of the respondent of rejecting the candidature shall be declared arbitrary, discriminatory, unconstitutional.
- ii. That the respondent be directed to consider the candidature of the applicant on the post of Assistant in the Recruitment for the officers cadre and non-teaching post for the year 2012-13 and 2013-14 in advertisement no. 8 issued by the Kendriya Vidyalaya Sangathan, and be appointed on the post of assistant.
- iii. Any other Directions and Orders which is deems proper in the facts and Circumstances of the Case may kindly be allowed to the Applicant.

2. The respondents by way of filing a joint reply have joined the defence and opposed the claim of the applicant primarily on the ground that the committee constituted to verify the eligibility of the candidates has not recommended the empanelment of the candidates in the merit list for the post of Assistant those who were not working as UDC in their respective departments.

3. Learned counsel for the respondents at the very outset pointed out that the matter is no longer res-integra as the Ahmedabad Bench of this Tribunal has already settled the controversy while dismissing O.A. No. 350/2015 vide order dated 31 March, 2017. He further pointed out that following the said order of the Ahmedabad Bench, this Bench of the Tribunal has also dismissed O.A. No. 575/2015 vide order dated 05.10.2017. Learned counsel for the applicant has not disputed the fact as stated by learned counsel for the respondents.

4. It is seen that while considering the issue, the Ahmedabad Bench of this Tribunal passed the following order in the aforesaid O.A. No. 350/2015 (Akulkumar s. Union of India & Ors.):

“15. For the foregoing, we decline to interfere with the impugned select list and consequently, the question of issuing any direction as sought by the applicant does not arise. The O.A. deserves to be dismissed. Accordingly, the same is dismissed. There shall be no order as to costs.”

5. Accordingly, the instant Original Application is dismissed in terms of the order dated 31st March, 2017 passed by the Ahmedabad Bench of this Tribunal in O.A. No. 350/2015 (Akulkumar vs. Union of India & Ors.). There shall be no order as to costs.

**(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**

Kumawat