

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.505/2018 with MA No.422/2018

This the 26th day of November, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Bindu Jha
Residing at : Sector 15/6/E
Reliance Green
Mothikhavdi,
Jamnagar, Gujarat. Applicant

(By Advocate : Shri A. I .Hava)

VERSUS

1. Kendriya Vidyalaya Sangathan
Notice to be served through
The Commissioner,
18, Institutional Area
Shahid Jeet Singh Marg
New Delhi - 110 016.

2. Union of India
The Secretary
Human Resources Department
Shastry Bhavan
New Delhi 110 001. Respondents.

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Heard Shri A.I.Hava, learned counsel for the applicant.

2. Matter is at the stage of notice. The backdrop fact of the matter, as reveals from pleadings of the OA, is that the respondents issued advertisement, dated 29.7.2013, for filling up the post of Primary Teacher (PRT) and the applicant herein, who in addition to having basic qualification for the post was also having degree of B.Ed., applied for the said post. That applicant secured 70.33 % marks average, both in written and oral examination and vide letter dated 08.4.2014 she was called for interview, scheduled from 21.4.2014 to 05.05.2014 and vide letter dated 25.8.2014 (Annexure A-2) respondent No.1 issued notice declaring that candidates who were having qualification of B.Ed. and permitted to appear in examination are ineligible for appointment to the post of PRT. That on 31.08.2016 vide Annexure A-3, respondent

disqualified the applicant and other similarly situated candidate who were holding degree of B.Ed.. The applicant took no steps at that juncture, viz at the time of issuance of letter Annexure A-2 and Annexure A-3.

3. It is the further case of applicant that one another candidate, namely, Reena Tripathi, who was also having B.Ed. qualification challenged the matter before Bangalore Bench of the Tribunal and the Tribunal directed the respondents to consider the case of applicant of that OA, for appointment. That respondents of said OA challenged the Order of the Tribunal before Karnataka High Court, in Writ Petition No.22522/2018, and the Hon'ble High Court of Karnataka directed that Order dated 31.08.2016, relating to appointment of the applicant of that OA, passed by the respondents was totally illegal and upheld Tribunal's direction to consider her case for appointment.

4. In instant OA, the applicant have challenged the legality of the Order dated 31.8.2016 passed by the Respondent No.1. Order dated 31.8.2016 is notification

pertaining to the list of candidates who were having B.Ed. qualification (Annexure A-3).

5. Heard. It is inquired from learned counsel as to what presently is the grievance of the applicant which motivated the applicant to prefer instant OA and he submits that presently the respondents have issued an advertisement for filling up posts of PRT, he referred to page 38 of the OA where advertisement is there. This advertisement No.14 reveals that it is Direct Recruitment of Principals, Vice Principals, PGTs, TGTs, Librarian and PRTs in KVS and reflects further that Commencement of Online Registration will start from 24.8.2018 and last date for the same is 13.9.2018 (upto 23.59 hrs.). Post-wise and Category-wise break up of vacancies has also been provided therein. Learned counsel also drew our attention towards representation dated 17.9.2018 of the applicant, given to the respondents, for consideration of his candidature for appointment pursuant to the advertisement of the year 2013-14.

6. Having considered entirety of matter, we find that applicant had taken the examination pursuant to earlier advertisement, she did clear written test and was called to take part in interview but subsequently her candidature was rejected as she was having B.Ed. qualification. The applicant remains sitting ideal for about four years and did not agitate the matter. The case of applicant appears to be covered by delay and laches. She, if felt aggrieved had to agitate the matter at that time when her candidature was rejected, she did not agitate the matter at appropriate time but opted to agitate the same when according to her favourable decision in case of similarly situated candidate has come. She has preferred representation dated 17.9.2018 and outcome of that representation is still awaited. Six months time have not being passed. She has not applied pursuant to new Advertisement No.14, referred to page 38 of the OA.

7. Orally we are informed that pursuant to the Advertisement No.14, written examination is going to be held on 22.12.2018. If we consider the OA from point of view of rejection of candidature of the applicant for the

reason that she was having degree of B.Ed., we find the OA, in the present forum is covered by laches and if we consider the OA from point of view of the representation, we find that it is premature. The representation was preferred on 17.9.2018 and six months have not yet passed. Any how, in interest of justice, we would like to dispose of this OA at the admission stage with direction to the respondents to consider the representation dated 17.9.2018 of the applicant expeditiously, atleast a week before commencement of the examination pursuant to above said Advertisement No.14. Ordered accordingly. It is hoped that respondents would pass a comprehensive and speaking order taking note of legal proposition. The decision so taken shall be communicated to the applicant forthwith.

8. In the light of above observation and direction, the OA stands disposed of. MA No.422/2018 also stands disposed of.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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