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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00185/2019**

**Tuesday, this the 27<sup>th</sup> day of March, 2019**

**CORAM:**

<b>HON'BLE Mr.E.K.BHARAT BHUSHAN,</b>	<b>...ADMINISTRATIVE MEMBER</b>
<b>HON'BLE MR.ASHISH KALIA,</b>	<b>...JUDICIAL MEMBER</b>

Smt.I.K.Subi, W/o Sajith T., Aged 30 years, residing at Thathanoor House, Chathamangalam, Calicut-673 601.	....Applicant
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**(By Advocate Mr.R.Sreeraj)**

**V e r s u s**

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|---|-----------------|
| 1. The The Kendriya Vidyalaya Sangathan,<br>18, Institutional Area,<br>Shaheed Jeet Singh Marg,<br>New Delhi – 110 016.<br>represented by its Commissioner. |                 |
| 2. The Joint Commissioner (Admn),<br>Kendriya Vidyalaya Sangathan,<br>18, Institutional Area,<br>Shaheed Jeet Singh Marg,<br>New Delhi 110 016.             | ....Respondents |

**(By Advocate Mr. K.I.Mayankutty Mather represented by Vineeth Komalachandran for Respondents)**

This application having been heard on 19<sup>th</sup> March, 2019, the Tribunal on  
27<sup>th</sup> March, 2019 delivered the following :

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**ORDER**

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER**

OA No.185/2019 is filed by Smt.I.K.Subi, who is aggrieved by the action of the respondents in refusing to interview her for appointment to the post of TGT (S.St), thereby depriving her of the right to be considered for appointment. In the notification inviting applications for direct recruitment of TGTs, a copy of which is at Annexure A1, it had been stated that any dispute with regard to this recruitment shall be subject to the court having jurisdiction in Delhi only. The order below, is confined to the point relating to the jurisdiction of this Tribunal alone.

2. When the matter was heard on the question of jurisdiction, Shri R.Sreeraj appeared on behalf of the applicant and Shri Vineeth Komalachandran appeared on behalf of Shri M.I.Mayankutty Mather, Standing Counsel for the respondent organization. The learned Counsel for the respondents drew our attention to the decision of this Tribunal in 180/00118/2019 dated 22.02.2019 to the effect that this Tribunal did not have jurisdiction over an identical matter. In view of the referred clause in the recruitment notification, this Tribunal had followed the decision of the **Hon'ble High Court of Gujarat at Ahmedabad in Special Civil Application No.10073 of 2017.** The Hon'ble High Court considering the same issue involving recruitment to Kendriya Vidyalaya Sangathan had come to the

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conclusion that the particular clause in the advertisement inviting applications ousts the jurisdiction of all courts other than the ones in Delhi. The orders of this Tribunal in OA No.118/2019 was challenged before the Hon'ble High Court Kerala in OP (CAT) No.70 of 2019, but the Hon'ble High Court confirmed the order of this Tribunal.

3. Shri Sreeraj appearing for the applicant argued that the respondent organisation has no authority to oust the jurisdictional powers of this Tribunal which are bestowed on it under Rule-6 of CAT (Procedure) Rules. The said Rule reads as under:

6. **[Place of filing applicant.]**\_\_ (1) an application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction –
- (i) the applicant is posted for the time being, or
  - (ii) the cause of action, wholly or in part has arisen:

He called to his assistance a decision of **Hon'ble High Court of Orissa in Jyoti Prakash Nayak vs. Union Bank of India and Others**, which took a contrary view to that adopted by this Tribunal. He also referred to the decision of Allahabad Bench of this Tribunal in OA No.1380 of 2011 dated 24.02.2012, in a matter relating to Railway recruitment and the decision of the Hon'ble High Court of Delhi in W.P.No.7953 of 2010 dated 25.07.2013, which involved appointment in a Nationalized Bank, as supporting his contention.

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4. After hearing both sides and perusing the documents on offer, we are of the view that the decision taken in OA No.118/2019 by this Tribunal and confirmed by the Hon'ble High Court of Kerala in OP (CAT) 70 of 2019, ought to be followed in this OA as well, as it relates to the same set of circumstances. OA is dismissed as lacking in jurisdiction. No costs.

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

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**List of Annexures in O.A. No.180/00185/2019**

- 1. Annexure A1:** True copy of the relevant portions of the Advertisement No.14 issued by the 1<sup>st</sup> respondent.
  - 2. Annexure A2:** True copy of the Admit Card for the KVS Direct Recruitment Examination 2018 issued to the applicant.
  - 3. Annexure A3:** True copy of the Degree Certificate issued by the University of Calicut to the applicant.
  - 4. Annexure A4:** True copy of the Mark lists of the applicant during her course of Degree in Economics.
  - 5. Annexure A5:** True copy of the relevant portions of the Recruitment Rules for the post of TGT (S.St).
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