

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**OA/310/01708/2018**

**Dated Wednesday the 2<sup>nd</sup> day of January Two Thousand Nineteen**

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)  
HON'BLE MR. P. MADHAVAN, Member (J)**

Guthula R. Srilakshmi,  
Door No. 9-1-054, 1<sup>st</sup> Cross Street,  
U.K.Nagar, Yanam,  
Union Territory of Puducherry.

....Applicant

By Advocate M/s. V.V.Sairam

Vs

1.Union of India,  
Government of Puducherry,  
Rep by its Chief Secretary,  
Puducherry.

2.Government of Puducherry,  
Directorate of School Education,  
rep by its Director,  
Perunthalaivar Kamarajar Centenary Educational Complex,  
100 feet Road, Anna Nagar,  
Puducherry 605005.

....Respondents

**ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"i. To call for the records connected with Notification bearing No. 29118/DSE/Estt-II/D/2018 dated 30.10.2018 on the file of the respondent herein and quash the same and direct the respondent herein to consider the name of the applicant herein for appointment to the post of Trained Guest Teacher in Maths subject, who is in waiting list prepared in the year 2011 or in the alternative direct the respondent to accept the application of the applicant herein dated 24.11.2018 sent by Registered Post with AD, as per the impugned notification dated 30.10.2018 and thus render justice."

2. The applicant is aggrieved that her application for appointment as Trained Graduate Teacher in the year 2011 did not fructify although she was placed at No. 1 in the waiting list at the relevant time. Attention is drawn to Annexure A1 information dt. 27.03.2012 provided under the RTI Act showing the vacancy position in respect of Trained Graduate Teacher in the discipline of Mathematics in Government Schools of Yanam region. The applicant was informed that one post of Trained Graduate Teacher (Maths) was vacant in the SKSPVRN Government High School, Kanakalapeta, Yanam since March 2009. The applicant ought to have been granted appointment against such vacancy, it is contended.

3. The applicant seeks to challenge Annexure A4 notification dt. 30.10.2018 on the above basis and an appointment against the vacant post in pursuance of her "success" in the 2011 selection process. Alternatively, the applicant would be satisfied if her application dt. 24.11.2018 submitted in response to the impugned notification dt. 30.10.2018 is directed to be accepted so that she could

be permitted to participate in the selection process. It is submitted that the online application was rejected as she had crossed the age of 30 in the meantime. It is contended that the notification is illegal as the respondents could not reduce the upper age limit for recruitment and hold it against the applicant, especially when she had a right to be appointed in pursuance of the 2011 selection process.

4. We have considered the matter at the admission stage. It appears that one post of Trained Graduate Teacher was vacant from March 2009 as on 27.03.2012 when the RTI information was provided to the applicant through Annexure A1 communication. However, there is no *prima facie* evidence that the number of vacancies advertised in the year 2010 in the discipline of Mathematics did not include this or that it was included but continued to remain vacant as one of the selected candidates did not join. The applicant would have had a cause of action only if it was established that one of the selected candidates against the 8 vacancies advertised for Maths discipline had not joined and, therefore, the applicant had a right to be appointed thereagainst.

5. The applicant has alleged that 9 posts were vacant under the Maths discipline out of which the notification issued in the year 2010 proposed to fill up 8 posts. However, even if it is true, it is not for this Tribunal to interfere more than 8 years after the notification and direct the competent authority to fill up 9 posts instead of the 8 posts advertised, also drawing the 9<sup>th</sup> candidate from the waitlist. No valid explanation has been given by the applicant to question the

recruitment process of 2010-11 after such lapse of time if any right of hers was indeed violated.

6. The applicant's prayer for quashment of the notification dt. 30.10.2018 calling for applications for appointment to the post of Trained Graduate Teacher in Mathematics for the reasons that she had become over aged in the meantime or that her claim for appointment under 2010-11 selection process had not been considered is misconceived, belated and an afterthought. No *prima facie* case is made out to warrant even an issue of notice to the respondents. We are accordingly of the view that this OA is liable to be dismissed at the admission stage.

7. OA is dismissed.

**(P. Madhavan)**  
**Member(J)**

**(R. Ramanujam)**  
**Member(A)**

**02.01.2019**

SKSI