

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00814/15**

Reserved on: 24.04.2019
Pronounced on: 26.04.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Sujit Kumar Dharmeja, Son of Sri Shyam Sundar Prasad, Resident of Village-Pawai, PO- Nischal Ganj, PS- Parwalpur, District- Nalanda (Bihar).

.... Applicants.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India, through the Secretary, Ministry of Human Resource Development, Government of India, New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti, B/15, Industrial Area, Setor-62, Noida- 201307.
3. The Joint Commissioner (Per.), Navodaya Vidyalaya Samiti, B/15, Institutional Area, Sector-62, Noida- 201307 (UP).
4. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Patna Region, Boring Road, Patna (Bihar).
5. The Principal, Jawahar Navodaya Vidyalaya, Simdega-835211.

.... Respondents.

By Advocate: - Mr. K.P. Narayan

O R D E R

Per Dinesh Sharma, A.M:- The case of the applicant is that by a letter order dated 10.08.2015 by respondent no. 4, the applicant has been denied appointment to the post of Electrician Plumber, Jawahar Navodaya Vidyalaya, Kolebira (Simdega). According to him, the reasons given in this letter are not correct and therefore it should be set aside and the respondents be directed

to issue offer of appointment letter in favour of the applicant to the post of Electrician cum Plumber in the above-mentioned place.

2. The respondents have denied the claim of the applicant. They have stated that a proposal was submitted for approval by Principal JNV, Simdega for appointment of applicant to the above-mentioned post. Since this proposal suffer from numerous irregularities and infirmities the proposal was rejected by NVS Regional Office, Patna letter No. 2918, dated 01.09.2014. The Principal, JNV, Simdega has been harping on the same matter and has proposed the appointment of applicant by various letters and this even forced the then Dy. Commissioner, NVS, Regional Office to issue charge sheet to Principal, JNV, Simdega. Though the Principal, JNV Simdega again submitted a proposal for approval of appointment of the applicant it has not been agreed to due to various infirmities. The applicant has no legal right to be considered for appointment to the post of ECP and therefore the OA deserves to be dismissed.

3. We have gone through the pleadings and heard the arguments of both the parties. This is clearly a case in which a suggestion made by the Principal of a school under Navodaya Vidyalaya Samiti has not been agreed to by the superior authorities of that Samiti. The applicant is engaged by the Principal on daily wage basis and the Principal is apparently happy with the services provided by him. For this reason, his name has been recommended time and again. The Principal also found him most eligible amongst persons who applied for this job following calling of these applications through Employment Exchange. However, the superior authorities of the Samiti are

apparently not satisfied with his recommendation and have found the process of selection to be improper. The impugned letter which the applicant has sought to be quashed is a communication between the higher authority (Dy. Commissioner) and the Principal. The applicant himself apparently has no legal right to get himself appointed if the authorities, whose approval is needed for such appointment, are not satisfied with the correctness of the recruitment process. He also has no legal right to question the correctness or otherwise of an internal communication. It was informed, during the course of arguments, that no appointment has been made to the said post so far. A letter dated 06.05.2011 was produced to show that all recruitment process of non-teaching staff has been stopped. This letter has suggested filling the vacancies after advertising in national local newspapers and for carrying out the recruitment process by the regional office as per the provisions of the recruitment rules. Apparently, following this letter Principals of the Navodaya schools do not have a right to make local recruitment.

4. The applicant has no right to get himself appointed as Electrician cum Plumber only on ground that the Principal of the school has suggested his name after finding him most suitable, and is persistent on recommending his name. Therefore, we cannot force the Navodaya Vidyalaya Samiti to provide employment to the applicant on permanent basis. The OA is, therefore, dismissed. No costs.

[Dinesh Sharma]
Administrative Member
Sr.k.

[Jayesh V. Bhairavia]
Judicial Member