

**Central Administrative Tribunal
Principal Bench**

**OA No.3378/2018
MA No.3795/2018**

New Delhi this the 18th day of March, 2019

Hon'ble Ms Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Puran Lal Tewatia (Aged about 60 years)
Retired HOS/Vice Principal, GP 'B',
R/o F-175, Gali No.18, Mittal Colony,
Pul Pahladpur,
New Delhi-110044

- Applicant

(By Advocate: Mr. JS Mann)

Versus

1. Chief Secretary,
Govt. of NCT of Delhi,
Players Building, IP Estate,
New Delhi

2. Director of Education,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Civil Lines,
New Delhi-54

3. Regional Director of Education (South)
Directorate of Education,
Govt. of NCT of Delhi,
C-4, Vasant Vihar, Vihar,
New Delhi-110057

- Respondents

(By Advocate: Ms. Harvinder Oberoi)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

The applicant has filed this Original Application (OA), claiming the following reliefs:-

- “(a) Quash impugned orders dated 07.03.2018 passed by Regional Director of Education (South) (ANNEXURE A-1) and 26.06.2018 passed by Director of Education (ANNEXURE A-2); and/or
- (b) the respondents may be directed to give re-employment on the post of Vice Principal with effect 01.03.2018 with arrears of consequential benefits; and/or
- (c) pass any other order/direction which this Hon’ble Tribunal deem fit and proper in favour of the applicants and against the respondents in the facts and circumstances of the case.”

2. The brief facts, which are necessary for adjudication of this OA, are that the applicant retired on superannuation on 28.02.2018 from the post of HOS/Vice Principal from GBSS School No.1, Khanpur, New Delhi. It is the contention of the applicant that he is eligible for automatic re-employment as per the prevailing policy on the subject, as his ACR/APAR are above the required standard and secondly, he has vigilance clearance and thirdly, he is medically fit. He further pleaded that despite being eligible for re-employment, his case was rejected by the respondents on the ground that he is lacking professional fitness in the light of the facts that the result

of Class-XII for the academic year (2016-17) has shown negative deviation of 9.08%, i.e. 85.56 % from 94.64% for academic year 2015-16 and also during the inspection carried out by DDE (South) on 24.07.2017.

3. In reply to the above contentions, the respondents have filed the counter affidavit in which they are able to show us that the case of the applicant for re-employment was examined as per the provisions of the Circular dated 27.01.2012 and rejected by the competent authority vide speaking order dated 07.03.2018 on the grounds that the result of the Class-XII for the academic year 2016-17 has shown negative deviation of 9.08% (85.56%) from 94.64% for the academic year 2015-16, and that during the inspection carried out by DDE (South) on 24.07.2017, the total marks given on the basis of inspection was 48 out of 100 which were given on the basis of various parameters, i.e. Result, observance of truancy, not maintained teachers diaries, non-compliance of directions of the authority etc..

4. We also find that the judgment relied upon by the respondents in the case of **Shashi Kohli Vs. Directorate of Education & Anr** [WP(C) No. 4330/2010, decided on 29.04.2011] is squarely applicable to this case to the

extent that the re-employment is not a matter of right and in which the following observation was made:-

“At the cost of repetition, it may be stated that the petitioner has not right to re-employment. She only has a right to be considered and the school has a right to deny her re-employment, if after considering her overall performance as a teacher, it find that she is not fit for re-employment.

From the reasons delineated above, I find myself one with respondent No.2 and hold, that the action taken by it in not granting re-employment to the petitioner suffers from no illegality.

The Writ Petition has no merit. The same is dismissed.”

5. In view of the above facts and circumstances, we do not find any merit in this OA and the same is dismissed. Consequently, MA No. 3795/2018 seeking exemption from filing the legible/typed documents is also dismissed. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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