

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00537/2013

Reserved on : 20.09.2019

Jodhpur, this the 27th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

Takdir Singh Yadav S/o Shri Balvir Singh Yadav, Sector-D, Plot No. 43, Pratap Nagar, Jodhpur

.....Applicant

By Advocate : Mr Aditya Singhi.

Versus

1. The Navodaya Vidyalaya Samiti through the Commissioner, Department of School Education and Literacy, Government of India, New Delhi-110048.
2. The Navodaya Vidyalaya Samiti through the Asst. Commissioner [Estt} Personnel, Department of School Education and Literacy, Government of India, B-15, Institutional Area, G.B. Nagar, Sector-62, Noida-201309, Uttar Pradesh.

.....Respondents

By Advocate : Mr Avinash Acharya.

ORDER

Per Smt. Hina P. Shah

The present Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking direction on the respondents to call the applicant for interview and give him posting as Post Graduate Teacher (History), if found eligible.

2. Brief facts of the case are that the applicant in pursuance of publication of Annex. A/1 Advertisement by the respondents for the post of Post Graduate Teachers (PGT) in Jawahar Navodaya Vidyalayas (JNV), applicant applied online as an OBC candidate. Being eligible, applicant was called for written examination on 26.02.2012 for the post of PGT (History). It is the plea of the applicant that after passing the written examination, the respondents were required to send interview call letters through E-mail and SMS to the applicant as per Advertisement but the call letter for interview was not received by him, therefore, he was not able to attend the interview. However, respondents sent such E-mail and SMS to only known persons or to only limited number of persons. Hence, the applicant has filed the present OA.

3. Respondents filed reply raised preliminary objections of territorial jurisdiction and limitation and stated that as per Advertisement any dispute with regard to recruitment will be subject to the courts having its jurisdiction in Delhi only. Hence, the subject matter is not within the jurisdiction of this Tribunal and recruitment which has been challenged relates to the advertisement published in Employment News on 10-16 December, 2011. Moreover, further fresh advertisement against available vacancies has already been published in January, 2014 and in response to the fresh advertisement, written examination had already been conducted on 01.06.2014.

Besides raising preliminary objections, respondents on merits of the case have stated that information regarding date and venue of the interview had been uploaded in Navodaya Vidyalaya Samiti's website and the same is still available on the website. Apart from this, respondents published advertisement in the Employment News, Times of India and Hindustan Times in all editions with the sole object and purpose of informing the qualified candidates to appear in the interview after downloading the interview call letter from the Samiti's website. Applicant mere possessing the educational qualification without appearing in interview does not get any right to him to get selected for the post of PGT (History). The recruitment process which was advertised in the year 2011 has already been completed and fresh advertisement against available vacancies has already been published in January, 2014.

4. We have heard learned counsels for the parties at length on the issue of jurisdiction as well as on merits. Although matter has also been heard on merits but it is imperative for this Tribunal to decide the objection of territorial jurisdiction raised by the respondents before adjudicating the matter on merits.

5. We have noticed that the Advertisement (Annex. A/1) in question has been issued by the Navodayaya Vidyalaya Samiti having its office at New Delhi. The application forms were submitted online and call letters have also been downloaded

online from the respondents' website. The respondents arrayed by the applicant as party are located at New Delhi and Noida (Uttar Pradesh) respectively. The applicant has annexed total ten documents alongwith the OA and most of them either emails or downloaded documents which do not contain the address of the applicant. However, information under RTI vide letter dated 11.09.2013 (Annex. A/6) has been provided to the applicant at the address of Jodhpur and legal notice (Annex. A/10) has also been issued by the counsel for the applicant from Jodhpur.

6. As such, it is clear that entire selection process took place outside the territorial jurisdiction of this Bench as per records and only information under RTI (Annex. A/6) sought by the applicant has been sent to him at his address of Jodhpur being his residence in Jodhpur which is within the territorial jurisdiction of this Bench. Since, mere receiving information under RTI by the applicant within the territorial jurisdiction of CAT Jodhpur Bench, which has no bearing with the lis or dispute involved in the case, does not confer any territorial jurisdiction to this Tribunal to hear and dispose the present matter. Moreover, instruction No. 4 under the Heading "GENERAL INSTRUCTIONS TO THE CANDIDATES" clearly mentions that 'Any dispute with regard to this recruitment will be subject to the court having its jurisdiction in Delhi only'.

7. The issue of territorial jurisdiction in the matters pertaining selection process/examination challenged by an aggrieved

person/aspirant in the Central Administrative Tribunal, as in the present case, is no more res integra. In such matters, it has consistently been held by the Tribunal that part of cause of action in a particular territory, which has no bearing with the lis or dispute involved in the case, does not constitute cause of action occurred within the territorial jurisdiction of the Tribunal as per Rule 6 of CAT (Procedure) Rules, 1987. Issue of territorial jurisdiction in the present matter is covered by the order dated 26.08.2019 passed by this Tribunal in a similar OA bearing No. 290/00168/2016 (Kalu Ram Vs Union of India & Anr). Accordingly, this Bench lacks territorial jurisdiction to hear and decide the present Original Application.

8. In view of discussions hereinabove made, we are of the considered view that present Original Application lacks territorial jurisdiction for this Bench to hear the matter. Accordingly, the same is dismissed for want of territorial jurisdiction. The applicant is granted liberty to approach Bench of appropriate territorial jurisdiction, if so desired. There shall be no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-