



Item No. 77
Court No. IV

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O.A. No. 4101/2023



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 4101/2023

This the 31st day of October, 2025

**Hon'ble Mr. Manish Garg, Member (J)
Hon'ble Mr. Rajinder Kashyap, Member (A)**

Rajni Yadav
Aged about 38 years,
D/o Sh. Jagat Singh
R/o S-3/146, Swarn Park, Shiv Mandir,
Mundka Extension, Delhi-110041
Post: Librarian, Group - B

...Applicant

(By Advocate(s): Mr. Anuj Aggarsal with Mr. Nikhil Pawar)

Versus

1. Kendriya Vidyalaya Sangathan
Through its Commissioner,
18, Institutional Area,
Shaheed Jeet Singh Marg.
New Delhi-110016
Email ID: commissioner-kvs@gov.in
2. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
Salawala, Hathibarkala, Dehradun
Uttarakhand-248001
Email: ackvsroddr@gmail.com
3. The Principal
Kendriya Vidyalaya Sangathan
IMA Dehradun, Uttarakhand-248001
Email: aaokvsroddr@gmail.com
4. Union of India
Through Secretary,
Ministry of Education, Govt. of India
Shastri Bhawan, New Delhi-110001
Email: mosedu-ss@gov.in

....Respondents

(By Advocate(s): Ms. Sangeeta Rani)



ORDER (ORAL)

Hon'ble Mr. Manish Garg, Member (J)

The present O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking following reliefs:-

"8. (i) Declare that the impugned action on the part of the respondents in not allowing the applicant to join on the post of Librarian at Kendriya Vidyalaya, IMA Dehradun in Dehradun Region, is illegal as well as unjustified;

(ii) Direct the respondents to allow the applicant to join on the post of Librarian and grant her all the consequential benefits (monetary as well as non-monetary) thereof including full back wages/salary, seniority, etc. w.e.f. 05.12.2023 along with interest thereupon to be calculated @ 18% per annum;

(iii) allow the present Original Application with costs in favour of the applicant; and

(iv) issue any other appropriate order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicant."

2. Highlighting the facts of the present case, learned counsel for the applicant would submit that the applicant has been issued an offer of appointment on 30.11.2023, pursuant to the selection process to the post of Librarian. He states when the applicant went for joining to the Kendriya Vidyalaya IMA, Dehradun, the place of her posting, the Principal of the School did not allow the applicant to join.

3. It is not in dispute that principal of the school asked for an OBC Certificate, ignoring the fact that the

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scored 159.15 marks which is more than the cut off marks prescribed for UR Category which was 152.66. She submitted that her name was included in UR Category (Main Panel) and has not claimed any benefit under OBC category and therefore, she is not required to produce OBC certificate.

4.2. She further states that it was clearly mentioned in the Advertisement no., 15 dated 02.12.2022, under Para viii (t) General Instructions to the candidates that no change of category, date of birth, name, father's name, gender etc. will be permitted at any stage after successful registration of the online application. The result will be processed considering the details like category, date of birth, etc. which has been indicated in the online application.

5. Having heard the learned counsel for the parties and perused the records of the case. The present case is a very interesting case. On the face of it, it is a clear case of arbitrary exercise of their power, more particularly in light of the fact that even no doubt the applicant, who had though applied under the OBC category had secured 7th rank in Unreserved category and therefore the law laid down by the Hon'ble High Court of Allahabad in W.P. (C) No. 237/2020 decided

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on 18.12.2020 titled as Saurav Yadav Vs. State of Uttar covered the case of the applicant. Hon'ble High Court of Allahabad in Saurav Yadav, has observed that once a meritorious candidate who has been selected under unreserved category, asking for an OBC Certificate by the respondents is uncalled for.

6. Furthermore, importantly the selection of the applicant ranking 7th under unreserved category not under the OBC category. Even offer of appointment was issued to the applicant as a General candidate not in the OBC category.

7. In view of the same, the impugned action on the part of the respondents for not allowing the applicant to join is set aside. The respondents are directed to allow the applicant to join her place of posting within thirty days from the date of receipt of a certified copy of this order. Needless to mention all consequential benefits shall be flowing including seniority. Since there is a refusal on the part of the respondents, the applicant shall be entitled to 50% of the arrears of the salary as well from the date when she went for joining to her place of posting. The above exercise shall be completed by the respondents within a period of two

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months from the date of receipt of a certified copy of this order.

8. We could have imposed a heavy cost upon the respondents, however, at the request of the learned counsel for the respondents we refrain from imposing such cost.

9. The O.A. is disposed of in the aforesaid terms. Pending MAs, if any, shall also stand disposed of accordingly. No order as to costs.

(Rajinder Kashyap)
Member (A)
/SG/

(Manish Garg)
Member (J)