

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 194/2023

Rajesh Kumar Tatwal S/o Kalu Ram Tatwal, Aged About 49 Years,
Resident Of 3-B Ayodhya Nagar Vistar, Triveni Nagar, Gopalpura
Bye Pass, Jaipur, Rajasthan.

-----Petitioner

Versus

1. The Deputy Commissioner, Kendriya Vidyalaya Sangathan (HQ) 18, Institutional Area, S.J. Marg, New Delhi - 110016.
2. The Joint Commissioner (Acad/trg), Kendriya Vidyalaya Sangathan (HQ) 18, Institutional Area, S.J. Marg, New Delhi - 110016.
3. The Principal, Kendriya Vidyalaya No. 3, Jhalana Dungri, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Sandeep Saxena Mr. Bhuvnesh Tiwari Ms. Neha Swami
For Respondent(s)	:	Mr. Krishna Verma

HON'BLE MR. JUSTICE SUDESH BANSAL
HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

07/05/2026

1. By means of filing instant writ petition under Article 226 of the Constitution of India, petitioner, an ex-contractual employee of Kendriya Vidhyalaya, who worked on the post of Computer Instructor, seeks to assail the final order dated 19.03.2015, dismissing his Original Application No.291/95/2015 so also order dated 23.09.2021, dismissing his Review Application No.291/7/2016 by the Central Administrative Tribunal.

2. Heard counsel for the respective parties and perused the material available on record.

3. Undisputedly, petitioner had filed a D.B. Civil Writ Petition No.5163/2015, assailing the final order of dismissal of his Original Application dated 19.03.2015 and in that writ petition, no interference on merits against the final order dated 19.03.2015 was made by the Court, however, on the prayer of petitioner, liberty was granted to file a review application before the Tribunal to show his continuity in work as Computer Instructor for the period from 2003 to 2015. In pursuance of such liberty, petitioner filed a review application, but instead of producing the documents to show his continuity in work as Computer Instructor from 2003 to 2015 even in the different Kendriya Vidhyalayas, petitioner filed a rejoinder to the reply of Original Application and produced certain certificates of appreciation. His review application has been dismissed on merits by the Tribunal vide order dated 23.09.2021, hence, by way of this second round of litigation, petitioner again seeks to challenge the original order dated 19.03.2015 along with challenge to the order dated 23.09.2021, dismissing his review application.

4. It appears that original application was filed by petitioner, questioning the notification of Kendriya Vidhyalayas dated 31.01.2015, inviting contractual appointment of Computer Instructor for Session 2015-16. In the Original Application, petitioner put a claim that he had worked on the post of Computer Instructor in KVs continuously from the period 2003 to 2015 although on contractual basis, but he may not be discontinued and replaced by appointing a fresh contractual employee, hence, he

prayed that Notification dated 31.01.2015 be quashed and his services on the post of Computer Instructor in Kendriya Vidhyalaya be regularized.

5. In response, on behalf of Kendriya Vidhyalaya, it was pointed out that there is no sanctioned and regular post of Computer Instructor and the appointment on this post is being made by each Kendriya Vidhyalaya temporarily and on contractual basis for the respective sessions. The factum that petitioner continuously served as Computer Instructor from 2003 to 2015 was categorically denied and refuted.

6. In the final order dated 19.03.2015, the Tribunal clearly observed that petitioner has failed to show his continuity in service as Computer Instructor in same Kendriya Vidhyalaya from the period 2003 to 2015. When petitioner put to challenge this order dated 19.03.2015 before the High Court, again petitioner was granted liberty to file a review application and to produce the documents to show his continuity in service from 2003 to 2015 before the Tribunal. We find that petitioner has not placed the documents to the satisfaction of Tribunal showing his continuity in the same Kendriya Vidhyalaya on the post of Computer Instructor for the period of 2003 to 2015, rather he only filed a rejoinder to the reply of Original Application supported with few certificates of appreciation. The pleadings of rejoinder and certificates of appreciation were not found sufficient to hold that the petitioner had continued as Computer Instructor in same Kendriya Vidhyalaya from the period 2003 to 2015 and in addition to above, it was observed by the Tribunal that petitioner cannot be permitted for a fresh re-hearing of his Original Application, in the

guise of review application. Thus, finally review application was dismissed by the Tribunal.

7. That apart, it has also transpired that it is an admitted and undisputed fact that after filing of Original Application on 12.02.2015, the contractual appointment of petitioner as Computer Instructor in Kendriya Vidhyalaya No.3, Jaipur, was discontinued and canceled vide order/letter dated 28.02.2015. This letter dated 28.02.2015 was brought on record and produced by respondents before the Tribunal but same was never challenged by petitioner. Hence, it is explicit that since 28.02.2015, the contractual term of petitioner on the post of Computer Instructor has ended and petitioner is not in service since then.

8. Taking into consideration the above referred factual matrix and the present status of petitioner being ex-contractual employee since 28.02.2015, this Court does not find any reason to interfere in the impugned orders dated 19.03.2015 and 23.09.2021.

9. Hence, the writ petition, being devoid of substance is hereby dismissed.

10. Pending application, if any, also stands disposed of.

(RAVI CHIRANIA),J

(SUDESH BANSAL),J