

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP

ORIGINAL APPLICATION NO. 181/00660 of 2016

Friday, this the 13th day of December, 2019

CORAM

HON'BLE MR. JUSTICE L. NARASIMHA REDDY

...CHAIRMAN

HON'BLE MR. E.K.BHARAT BHUSHAN

...ADMINISTRATIVE MEMBER

Fathima Siyana,
W/o Mohammed Hassan,
Aged 29 years
Ponnikkam,
Amini Island,
UT of Lakshadweep.

... Applicant

(By Advocate Mr.Sunil Jacob Jose)

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti- 682 255.
2. The Director of Education,
UT of Lakshadweep,
Kavaratti – 682 255.
3. Sithunnisabi P.S.,
Puthiya Sirambikkal,
Androth – 682 551.
4. Shameena Makkuttathil,
PGT Malayalam on contract,
Government Senior Secondary School,
Amini.

..... Respondents

(By Advocate Mr. Manu for Respondents-1&2, Mr.N.Unnikrishnan for Respondent-3 and Mr.T.A.Rajan for Respondent-4)

This application having been heard on 13th December, 2019, the Tribunal
on 13th December, 2019 delivered the following :

ORDER (ORAL)**JUSTICE L.NARASIMHA REDDY****....CHAIRMAN**

The respondents have taken up the process of selection and appointment of Teachers in various subjects, including the Teachers in Malayalam. This selection process involved in awarding of weightage marks. In case the batch of students whom the candidate taught as a Teacher passed, to the extent of 85%, the weightage is 8%. A distinction, however, was maintained in this behalf. In respect of English Teachers weightage of 12% is provided, if the percentage of pass is 100%, whereas similar facility is denied to other teachers.

2. The applicants filed this OA challenging the action of the respondents in maintaining this distinction.

3. The respondents filed a counter affidavit opposing the OA. It is stated that the applicant was selected and offered appointment in the next academic year, but she did not join.

4. We heard Shri Sunil Jacob Jose, learned counsel for the applicant and Shri S. Manu, learned counsel for the respondents.

5. Whatever may have been the grievance of the applicant when the OA was filed, the fact remains that she has been selected and offered appointment as a Teacher in the next academic year, but she did not avail that opportunity. We are of the view that nothing

remains to be decided in this OA. It is accordingly dismissed as infructuous.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

List of Annexures in O.A. No.181/00660/2016

1. Annexure A1 - True copy of the notification F.No.6/2/20013-Edn/Estt(1) dated 1.4.2013.
2. Annexure A2 - True copy of certificates dated 6.5.2013 and 1.6.2016 issued by the Principal Government Senior Secondary School, Amini.
3. Annexure A3 - True copy of notification no.6/3/2014-Edn. Dated 25.4.2014 issued by the 2nd respondent.
4. Annexure A4 - True copy of certificate dated 13.4.2015 issued by the Principal.
5. Annexure A5 – True copy of notification no.6/1/2015-Edn/Estt dated 23.2.2015.
6. Annexure A6 – True copy of check list for PGT Malayalam in 2015-16.
7. Annexure A7 – True copy of certificate dated 12.5.2016 issued by the principal.
8. Annexure A8 – True copy of notification no.6/3/2014-Edn/Estt/332 dated 29.4.2016 issued by the second respondent.

9. Annexure A9 – True copy of representation dated 25.05.2016.
 10. Annexure A10 – True copy of check list for PGT Malayalam for 2016-17.
 11. Annexure A11 – True copy of representation dated 06.07.2016.
 12. Annexure A12 – True copy of final list for PGT Malayalam for 2016-17.
 13. Annexure A13 - True copy of order no.6/1/2016-Edn/Estt(2) dated 18.07.2016.
 14. Annexure A14 – True copy of order no.6/1/2016-Edn/Estt(2) dated 18.07.2016.
 15. Annexure A15 - True copy of copy of the results of the XII class of the petitioner's school.
 16. Annexure A16 – True copy of the letter No.F.No.04/06/2010-GSSSA/1385 dated 15.11.2016 and enclosure thereof.
 17. Annexure A17 – True copy of the representation dated 25.05.2016 obtained under the Right to Information Act.
 18. Annexure A18 - True copy of the file notings on the representation made by the applicant obtained under the Right to Information Act.
 19. Annexure A19 –True copy of the letter No.18/12/2016-Edn-Estt/942 dated 22.8.2016.
 20. Annexure A20 – True copy of contract employment notice no.6/3/2017-Edn/Estt(1) dated 31.5.2017.
 21. Annexure R1(a) – True copy of the Office Order dated 6.8.2016.
 22. Annexure R1(b) – True copy of OM F.No.138/01/2016-Edn(AW)/1982 dated 19.12.2015.
 23. Annexure R1(c) – True copy of the Notice F.No.6/1/2016-Edn/Estt/512 dated 4.7.2016 publishing the check list.
 24. Annexure R1(d) - True copy of the notice F.No.6/1/2016-Edn/Estt dated 15.7.2016 publishing the corrected check list.
 25. Annexure R1(e) – True copy of the representation of the applicant dated 6.7.2016.
 26. Annexure R4(a) - True copy of the nativity certificate F.No.15/1/2006-SDO(AND) dated 9.1.2004 issued by the Sub Divisional Officer, Androth Island.
-