

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

ORIGINAL APPLICATION NO. 181/00650 of 2019

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

1. Saifudden R.M.,
Aged 34 years,
S/o Abdul Khader C.P.,
R/o Ramlath Manzil,
Androth P.O.,
U.T. Of Lakshadweep.

2. Mohammed Kasim P.S.,
Aged 38 years,
S/o Hameed K.C.P.,
Residing at Puthiya
Sarambikkal,
Androth P.O.,
U.T. Of Lakshadweep.

3. Abdul Saleem K.P.,
Aged 38 years,
S/o Pookoya,
Residing at Kamalmalmiyoda
Puthiya illam,
Agathi Island,
U.T. Of Lakshadweep.

4. Mubeena P.,
 Aged 33 years,
 D/o Mohammed Koya P.,
 Pakrichibiyoda,
 Agathi Island,
 U.T. Of Lakshadweep. ... Applicants

(By Advocate Mr.K.P.S.Suresh)

Versus

1. The Administrator,
 Union Territory of
 Lakshadweep,
 P.O. Kavaratti,
 Pin 682 025.

2. The Secretary (Education),
 Union Territory of
 Lakshadweep,
 P.O.Kavaratti,
 Pin 682 025.

3. The Director (Education),
 Union Territory of
 Lakshadweep,
 P.O. Kavaratti,
 Pin – 682 025. Respondents

(By Advocate Mr. S.Manu for Respondents)

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

ORDER

JUSTICE L. NARASIMHA REDDY

....CHAIRMAN

The Director Education, Union Territory of Lakshadweep, the 3rd respondent herein, initiated steps for appointment to the posts of different categories, including the posts of Business Studies (2) and Accountancy (2). The qualifications for those posts were also mentioned.

2. The applicants herein responded to the said notification. It is stated that the respondents realised that the qualifications stipulated for those posts were inappropriate and representations were also made in this behalf. The applicants have also filed OA No.270/2017 before this Bench, with a prayer to direct the respondents to modify the qualifications for the posts, referred to above.

3. During the pendency of OA No.270/2017, the respondents passed an order dated 23.02.2018, taking a view that the two posts of Business Studies and two posts of Accountancy are redesignated as PGT (Commerce) with the qualifications already notified. The OA was withdrawn on 05.03.2018 in view of this development.

4. The applicants contend that though the respondents have taken a decision to modify the qualifications and change in nomenclature way back in the year 2018, no steps have been taken so far to resume the selection process, and in the meanwhile they are likely to cross the age limit, in case fresh notification is issued.

They pray for a direction to the respondents to resume the process, and to extend the facility of relaxation of age limit, in case a fresh notification issued.

5. On behalf of the respondents, counter affidavit is filed. It is stated that the notification was issued in the year 2016, and representations were received about the inappropriate nature of the qualifications for the two posts and accordingly corrective steps were taken in the year 2018. It is stated that the concerned recruitment rules need to be modified for this purpose, and as soon as that is completed, the process of selection would be initiated. It is also stated that the applicants do not have any right to insist on the selection process being resumed for relaxation of age limit.

6. We heard Shri K. P. S. Suresh, learned counsel for the applicants and Shri S. Manu, learned Senior Standing Counsel for Lakshadweep Administration.

7. The selection process for the two categories of posts referred to above was initiated in the year 2016. The applicants and many others represented that the qualifications stipulated for those posts are not appropriate. That contention was accepted and an order was passed on 23.02.2018. While the applicants insist that the selection process must be resumed on the basis of the earlier

notifications, the respondents are of the view that the recruitment rules need to be amended, and as soon as that formality is completed the process would be taken up.

8. We cannot give any specific direction to the respondents for issuance of a notification. This much, however, can be said that once an attempt was made in the year 2016 to fill the Commerce related posts, the matter cannot be kept pending indefinitely. The institutions would certainly suffer if the qualified Teachers are not appointed. Therefore, the respondents must hasten the resumption of selection process.

9. So far the second limb of prayer is concerned, we find it difficult to accede to the request of the applicants. As of now, the notification is not yet issued and it is not known whether the respondents would take the factum of the failure of the earlier attempt to make selections, into account. It would be reasonable for the respondents to protect the interest of those who attempted earlier, but their selection process did not fructify, for no fault of theirs. Another hurdle for us in this behalf is that the applicant did not reserve to themselves, any right while withdrawing the earlier OA.

10. We, therefore, dispose of the OA directing the respondents to consider the feasibility of (a) resuming the process for selection for the posts of PGT (Commerce) as early as possible, and not later

than six months from the date of receipt of certified copy of this order and (b) providing relaxation of age limits for such of the candidates who applied in response to the notification issued in the year 2016. There shall be no order as to costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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

List of Annexures in O.A. No.181/00650/2019

1. Annexure A1 - True copy of the notification F.No.18/3/2016-Edn/Estt/1169 dated 16.11.2016.
2. Annexure A2 - True copy of the order in F.No.18/32/2012-Edn/Estt/253 dated 23.02.2018.
3. Annexure A3 - True copy of the order in OA No.270/2017 dated 5th day of March 2018.
4. Annexure A4 - True copy of the application submitted by the applicants.
