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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.447/11

Wednesday this the 15th day of June 2011

C O R A M :

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P.Thangakoya,
S/o.late Abusala Koya,
Special Teacher (Sarva Shiksha
Abhiyan now out of employment).
Residing at Pakkimmada House,
Amini Island, Union Territory of Lakshadweep.Applicant

(By Advocate Mr.M.V.Thamban)

V e r s u s

1. The Lakshadweep Sarva Shiksha Abhiyan
represented by its President,
The Hon'ble Administrator,
Union Territory of Lakshadweep,
Kavaratti – 682 555.
2. The Secretary Education & Vice President,
State Mission Authority Director,
The Lakshadweep Sarva Shiksha Abhiyan,
Union Territory of Lakshadweep,
Kavaratti Island – 682 555.
3. The State Project Director,
Lakshadweep Sarva Shiksha Abhiyan,
State Mission Authority,
The Director of Education,
Union Territory of Lakshadweep,
Kavaratti Island – 682 555.Respondents

(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 15th June 2011 this Tribunal
on the same day delivered the following :-

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ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant was working as a Primary School Teacher in school at Lakshadweep on contract basis. Admittedly, his contract period is over. Subsequently on coming to know that some vacancies are there, the applicant made a representation to consider him for appointment in any of the vacancies. By Annexure A-13 he was informed that he does not fulfill the conditions stipulated in the existing recruitment rules of Primary School Teacher. Impugning the said order Annexure A-13, the present application is filed.

2. According to the applicant, the qualification for the post of Primary School Teacher is prescribed in the recruitment rules, a copy of which is Annexure A-4. As per column 8 thereof, the educational and other qualifications to be possessed are either of the following.

- (i) Senior Secondary School Certificate/PDC or its equivalent with TTC/TCH or its equivalent with a minimum of 40% marks in each of the above examinations or ;
- (ii) Degree in Humanities/Social Science/Science with B.Ed or its equivalent with a minimum of 40% marks in each degree or;
- (iii) B.Sc.Ed/Bachelor of Elementary Education or its equivalent with a minimum of 40% marks.

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3. Even though the applicant is a graduate in Humanities, he does not have the minimum prescribed marks of 40% in the degree. But, according to him, Annexure A-1 notification inviting applications issued in 2002 which notified qualifications, there is no mention therein regarding the requirement of minimum of 40% marks. Admittedly, Annexure A-1 is only a notification which is issued as early as in 9.1.2002 which has no application as of now in view of the new regulations issued subsequently on 4.9.2002. Necessarily when there is a statutory regulations prescribing qualification the applicant's eligibility has to be considered with reference thereto only and has necessarily to satisfy the qualification as prescribed therein and he cannot lay any claim based on the notification issued prior to the framing of the regulations. Still further it has to be held that even the qualification as notified in Annexure A-1 does not contain a degree in Humanities as a qualification prescribed therein. After all the applicant is only a contract employee who has no legal right to continue beyond the period of contract. He is not now in service. His right of being considered will arise only where he shows otherwise qualified for the post.

4. In the above circumstances, we find no merits in this OA and the same is dismissed. No costs.

(Dated this the 15th day of June 2011)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER

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JUSTICE P.R.RAMAN
JUDICIAL MEMBER