

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 454 of 2003

Thursday, this the 17th day of July, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. Naseema Beegum,
Pallathu House,
Kalpeni,
Union Territory of Lakshadweep.Applicant

[By Advocate Mr. V.D. Balakrishna Kartha]

Versus

1. Union of India represented by
the Administrator,
Union Territory of Lakshadweep,
Kavarathi.

2. The Collector-cum-Development Commissioner,
Union Territory of Lakshadweep,
Kavarathi.

3. The Director of Education,
Union Territory of Lakshadweep,
Kavarathi.Respondents

[By Advocate Mr. S. Radhakrishnan]

The application having been heard on 17-7-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, who applied for the post of Trained Graduate Teacher (Hindi) in the Union Territory of Lakshadweep, is aggrieved by the refusal on the part of the respondents to consider her for the same post inspite of her having requisite qualifications as per the Recruitment Rules 1994 and also

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according to the Recruitment Rules prescribed by the National Council for Teachers Education. Accordingly, the applicant has prayed for the following main reliefs:-

- "i) to call for the records leading to the issue of Annexure A-11 and to set aside the same;
- ii) declare that the respondents have no authority to revise the Annexure A5 Notification after receiving the applications for the posts and after inviting for written test and interview for the post of Trained Graduate Teacher (Hindi);
- iii) declare that Annexure A5 is valid and selection has to be made based on the application received in response to this Notification;
- iv) direct the 1st respondent to allow relaxation of qualification to the applicant in consideration of her length experiences as done in Annexure A8; and
- v) to direct the respondents to consider this applicant for selection and appointment as Trained Graduate Teacher in existing vacancies or alternatively regularise the service of this applicant in service as Trained Graduate Teacher (Hindi) considering her length of service."

2. Meanwhile, the applicant has filed M.A.No.536/03 praying for a direction to the respondents to keep one post of Trained Graduate Teacher (Hindi) vacant pending disposal of the OA. When the MA came up for consideration, learned counsel for the applicant pointed out that in exactly identical factual situation another OA (OA.No.460/03) was disposed of with a direction to the respondents to consider the representation of the applicants therein and not to proceed with the announcement dated 24-5-2003 (Annexure A8 therein and Annexure A-11 herein) and the press note dated 27-6-2003 (Annexure A9 therein and Annexure A-13 herein) in any manner which might cause any prejudice to the applicants in that case, viz. OA.No.460/2003, till the disposal of the representation. Accordingly, learned

counsel for the applicant pressed for disposal of the OA by directing the respondents to consider the applicant's Annexure A-10 and Annexure A-12 representations dated 13-5-2002 and 27-5-2003 respectively with similar directions to the respondents as in OA.No.460/2003.

3. Shri S.Radhakrishnan, learned counsel appearing for the respondents endeavoured to highlight the factual difference between the case covered in OA.No.460/2003 and the present OA, viz. OA.No.454/2003, and would contend that in OA.No.460/2003 all the applicants have already found a place in the short-list (Annexure A9 in OA.No.460/2003), whereas the applicant in the present case failed to get short-listed at all for the reason that she did not obtain the qualifying marks. However, the learned counsel did not raise any objection in disposing of the OA on the basis of the available material including the representations.

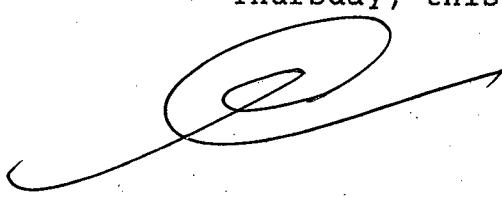
4. We have gone through the records including OA.No.460/2003. We find that in both the cases the applicants had responded to the very same notification dated 27-12-2002 (Annexure A2 in OA.No.460/2003 and Annexure A5 in OA.No.454/2003) issued under the pre-revised Recruitment Rules. Therefore, the criteria for selection of the applicants in OA.No.460/2003 and the applicant herein ought to have been the same. In other words, just as the representation in respect of the applicants in OA.No.460/2003 was to be considered by the respondents as per our directions in the order in that OA dated 3-7-2003, the pending representations of the applicant herein, i.e. A-10 and A-12, also ought to be considered by the respondents: In respect of the applicant, the respondents

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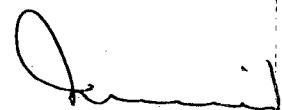
cannot be found to apply a different standard or yardstick. We do not find that these two sets of applicants, namely, those in OA.No.460/2003 and the one in the present OA, stand on different footings as far as the selection criteria are concerned as all of them responded to the very same notification and the very same post.

5. In the above circumstances, we dispose of the Original Application by directing the respondents to consider the applicant's Annexure A-10 representation dated 13-5-2003 and Annexure A-12 representation dated 27-5-2003 in accordance with the rules including the Recruitment Rules, instructions and orders on the subject in force and pass appropriate orders thereon and communicate the same to the applicant. For this purpose, the respondents shall apply the same criteria as they would apply in the case of the applicants in OA.No.460/2003. Respondents are further directed not to proceed with Annexure A-11 announcement dated 24-5-2003 and Annexure A-13 press note dated 27-6-2003 in any manner which might cause any prejudice to the applicant till the disposal of the representations as above. No order as to costs.

Thursday, this the 17th day of July, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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