

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNALKULAM BENCH

OA No.471/2003

Wednesday this the 11th day of June, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Sajitha B.K.
D/o K.Alikoya
Bisimi House
Agathi Island
Lakshadweep.

Applicant

(By advocate Mr.A.V.M.Salahuddeen)

Versus

1. Union of India represented by the
Secretary, Ministry of Education
Government Secretariat, New Delhi.
2. The Administrator
Union Territory of Lakshadweep
Kavaratti.
3. Director of Education
Union Territory of Lakshadweep
Kavaratti.
4. P.Sareena
D/o K.C.P.Musthafa
Sareena Manzil
Androth Island
Lakshadweep.

Respondents.

By advocate Mr.S.Radhakrishnan)

The application having been heard on 11th June, 2003, the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Applicant who was a candidate for selection and appointment to the post of Post Graduate Teacher (Biology) has filed this application challenging A-9 which is a call letter by which the applicant and the 4th respondent were called for interview and A-12 by which the result selecting the 4th respondent was published. The applicant has alleged that the whole process of selection was irregular. The 4th respondent being the daughter of one K.C.P.Musthafa who was Private

Secretary to the ex Minister of State for Home Sh.P.M.Syed got selected with the help of one Dr.Johny Thomas, at the interview which was held in a hurried manner. It is alleged that Dr.Johny Thomas was included in the interview panel at the instance of Musthafa only to make the selection in favour of the 4th respondent. Although there were 10 candidates for the post, a written test was held and that ignoring the higher academic qualifications of the applicant, the 4th respondent who got lesser marks in M.Sc. and a second class in B.Ed. Degree has been selected. The applicant states that the process of selection having been made without any guidelines and in an arbitrary manner, the selection and appointment of the 4th respondent is liable to be set aside. With these allegations, the applicant has filed this application.

2. Sh.S.Radhakrishnan, Advocate, took notice on behalf of respondents 2 & 3. He opposed admission of the application on the ground that no valid cause of action has been made out in the application, that the allegation of malafide cannot be taken cognizance of in the absence of impleading the person against whom malafide has been alleged, in an individual capacity and that the selection has been made bonafide and properly and the applicant who had participated in the process of selection including interview has no locus standi to challenge the selection.


3. On a careful scrutiny of the application and the material placed on record and on hearing the learned counsel on either side, we do not find that the applicant has got a valid cause of action. The applicant has probably had a heart burn as she



having acquired first class in Masters and B.Ed.Degrees could not come out successful in the selection. It has to be understood that selection is made not merely on the basis of the performance in the university examination but also on the basis of written test and interview held by selecting authority. As there is no malafide alleged against any member of the interview board who conducted the selection, impleading such a person in an individual capacity, we are not in a position to take cognizance of the malafide alleged. We also do not find anything wrong with the process of selection.

4. In the light of what is stated, we do not find anything in this application which calls for admission and further adjudication. Hence this application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 11th June 2003.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN