CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.496/11, O.A.No.497/11 & O.A.No.498/11

Tuesday this the 28th day of June 2011

C O R A M :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER

O.A.No.496/11
Abdul Razak PM,
S/o.P.Azhar,
Pallimuttam House, Chetlat Island,
Union Territory of Lakshadweep – 682 554. ...Applicant

(By Advocate Mr.John K George & E.C.Bineesh)

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratty Island, Union Territory of Lakshadweep,
PIN – 682 555.

2. The Director of Education,
Directorate of Education,
Kavaratty Island, Union Territory of Lakshadweep,
PIN – 682 555. ...Respondents

(By Advocate Mr.S.Radhakrishnan)

O.A.No.497/11
Asadulla P,
S/o.Ummerkoya,
Puthiyapattiniyoda House, Agatty Island,
Union Territory of Lakshadweep – 682 553. ...Applicant

(By Advocate Mr.John K George & E.C.Bineesh)

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratty Island, Union Territory of Lakshadweep,
PIN – 682 555.

2. The Director of Education,
Directorate of Education,
Kavaratty Island, Union Territory of Lakshadweep,
PIN – 682 555. ...Respondents

(By Advocate Mr.S.Radhakrishnan)

O.A.No.498/11
Subaidabi KK,
D/o.late N.C.Sulaiman,
Kaliyammakkada House, Kadmat Island,
Union Territory of Lakshadweep – 682 554. ...Applicant

(By Advocate Mr.John K George & E.C.Bineesh)

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratty Island, Union Territory of Lakshadweep,
PIN – 682 555.

2. The Director of Education,
Directorate of Education,
Kavaratty Island, Union Territory of Lakshadweep,
PIN – 682 555. ...Respondents

(By Advocate Mr.S.Radhakrishnan)

These applications having been heard on 28th June 2011 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

As common legal issue is involved in these three Original Applications, this common order is passed.

2. The facts of these cases are that for appointment on regular basis, Employment Notice dated 21.2.2011 (Annexure A-1) was issued and a number of aspirants had applied for the same. Vide Annexure A-2

Employment Notice dated 21.4.2011 for appointment on contractual basis applications were invited and sufficient responses had been received in respect of this Employment Notice as well. Insofar as appointment on regular basis is concerned, selection has taken place on 8.5.2011. The procedure adopted for this selection is as under :-

> *"8. On 8th May, 2011 a Teacher Eligibility Test was conducted by the Calicut University for these candidates and the answer sheet in the OMR form was valued by the Lal Bahudur Shastri Institute of Science & Technology, Trivandrum. A committee consisting of two IAS officers and five DANICS officers was constituted as the Selection Committee and conducted personal interview to assess the pedagogical skills, personality and general awareness of the candidates.*
>
> *9. In the selection proceedings 40% of the marks were given for the academic merit of the qualification prescribed in the Recruitment Rules, 50% marks were awarded to the Teacher Eligibility Test conducted by the Calicut University and valued by LBS Trivandrum and 10% marks were assigned to the Selection Committee for the pedagogical skills, general awareness and personality of the candidates."*

3. While the above was meant for regular appointment, the respondents have thought it fit to select persons from the very same panel in respect of contractual appointment as well.

4. The grievance of the applicants is that the parameters for selection cannot be identical, both in respect of regular appointment as well as contractual appointment, inasmuch as, in respect of the former, there is no requirement of experience of teaching and higher qualification, whereas, in respect of contractual appointment, these are important conditions. It is

the case of the applicants that if the respondents have followed the same parameters for contractual appointment as they had for regular appointment, these important aspects of higher qualification and experience part of it would be thoroughly ignored and as such the selection would be illegal.

5. Counsel for the respondents submitted that, as a matter of fact, the selection for regular appointment has been so rigorous that it reflects persons fittest to hold the appointment on merit basis and as such, it was decided to appoint on contractual basis persons who figured in the order of merit on regular basis.

6. We have considered the arguments advanced by both the sides. Selection in respect of the regular appointment would not have taken into account the higher qualification and experience part of it. As such, a separate selection would have been more appropriate in respect of the contractual appointment and such selection should take into account the higher educational qualification and experience part. It is also exactly not known whether all those who have applied for contractual appointment were considered in the earlier selection for regular appointment. As such, interest of justice would be met if the respondents are directed to hold a selection of all those who have applied in response to Employment Notice dated 21.4.2011 taking into account the higher educational qualification and experience, and take further action accordingly. We accordingly order.

With the above direction, these Original Applications are disposed of. We make it clear that since the applicants in the above three Original Applications were aspirants for the post of P.G.T. (Economics), this order will confine to that subject only.

(Dated this the 28th day of June 2011)

K.NOORJEHAN
ADMINISTRATIVE MEMBER

Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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