

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A. NO. 515 OF 2011
O.A. NO. 543 OF 2010
&
O.A. NO. 535 OF 2010**

Thursday, this the 4th day of August, 2011

CORAM:

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

1. O.A. NO. 515 OF 2011

1. Abdul Gafoor A.K
Akkara House, Kalpeni Island
Union Territory of Lakshadweep
2. Ukkas B.C.
Amini Island
Union Territory of Lakshadweep
3. Navaz Khan A.P.
Kiltan Island
Union Territory of Lakshadweep
4. Abdulla M.P.
Amini Island
Union Territory of Lakshadweep
5. Abdul Razak A
Agatti Island
Union Territory of Lakshadweep
6. Mohammed Nizamudeen O.P
Amini Island
Union Territory of Lakshadweep
7. Shaik Mutar Hussain P.N.
Kavaratti Island
Union Territory of Lakshadweep

... Applicants

(By Advocate Mr. K.K.Vivekanandan)

versus

1. Union Territory of Lakshadweep represented by
Administrator, Kavaratti Island
Lakshadweep
2. Director of Education & State Project Officer
Sarva Shiksha Abhiyan, State Mission Authority
Union Territory of Lakshadweep

... Respondents

(By Advocate Mr. S.Radhakrishnan)

2. O.A. NO. 543 OF 2010

1. Husainali M
Mukkriyoda Hosue
Agathi Island, U.T of Lakshadweep
2. Ferose A.C
Adhanaillam Chetta House
Agathi Island, U.T of Lakshadweep
3. Mohammed Rafi P.S.
Puthiya Sarambi House
Kavaratti, U.T.of Lakshadweep

Applicants

(By Advocate Mr. V.Rajendran)

versus

1. Union Territory of Lakshadweep represented by
Administrator, Lakshadweep Administration
Kavaratti, Union Territory of Lakshadweep
2. Director of Education & State Project Officer
Sarva Shiksha Abhiyan, State Mission Authority
Union Territory of Lakshadweep
3. P.K.Thahiyudheen
Puthiyathakkal House
Kiltan Island, U.T of Lakshadweep
4. Musand P.K.
Palamakada House
Kavaratti, Union Territory of Lakshadweep
5. Muhammed Naseemudheen N.M.
Nasema Manzil
Kadamath Island
Union Territory of Lakshadweep

Respondents

(By Advocate Mr. S.Radhakrishnan(R1&2)
Advocate Mr.Aniyankunju Varghese (R-3)
Advocate Mr.M.R.Hariraj (R-4)
Advocate Mr.M.P.Krishnan Nair(R 5)

3. O.A. NO. 535 OF 2010

P.P.Naziruddeen
Padippura Hosue
Androth Island
U.T.of Lakshadweep

Applicant

(By Advocate Mr. V.Rajendran)

versus

1. Union Territory of Lakshadweep represented by
Administrator, Lakshadweep Administration
Kavaratti, Union Territory of Lakshadweep
2. Director of Education & State Project Officer
Sarva Shiksha Abhiyan, State Mission Authority
Union Territory of Lakshadweep
3. P.K.Thahiyudheen
Puthiyathakkal House
Kiltan Island, U.T of Lakshadweep ... Respondents

(By Advocate Mr.S.Radhakrishnan(R1&2)
Advocate Mr.Aniyankunju Varghese (R-3)

The applications having been heard on 04.08.2011, the Tribunal on the same day delivered the following:

ORDER

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

Common question of law and facts arise for consideration in the above OAs, hence they are disposed of by this common order.

2. The applicants are aspirants for the post of Yoga Teacher for appointment in Lakshadweep Administration. They are aggrieved by the appointment given to some of the party respondents in preference to their claims on the allegation that they do not possess the requisite qualification. According to the applicants, the qualification prescribed as per notification issued vide Annexure A-3 produced along with OA 543/10 is as follows:-

" Educational & Professional Qualification – SSLC with Diploma in Yoga Education from a recognized Institution."

3. According to the applicants, in OA 543/10, the party respondents, except the 4th respondent do not possess a Diploma in Yoga from a recognized Institution as prescribed. They only possess some certificate issued by an Institution. There is also no power vested with the authority to accept equivalent qualification in the absence of any such

discretion given as per Annexure A-3. In other words, according to the applicants, SSLC with Diploma in Yoga Education from a recognized Institution is the qualification prescribed. "any another equivalent qualification" is specifically omitted, hence administration can't consider the qualification as possessed by the party respondents as equivalent to Diploma.

4. It is contended by the official respondents that certificate issued by the Institutions are reputed Institutions imparting learning in Yoga and they are considered to be the same as Diploma. Mr. Aniyankunju Varghese, the learned counsel for 3rd respondent would contend that Diploma is only a terminology used and what is the qualification as possessed by them is also Diploma though the word as such is not used in the certificate.

5. We have heard the contentions of either side. Admittedly, party respondents were appointed on contract basis and their term is over. Therefore, as at present the question becomes academic. Before fresh appointment or reappointment of the existing candidates, it is necessary that the vacancies are to be re notified prescribing the qualification to be possessed in clear terms. Since Diploma is to be awarded by Institutions recognized, the question as to whether it is to be recognized by Government, University or Lakshadweep Administration is not clear. If it is for the Lakshadweep Administration, to lay down the qualification and there should be a decision as to which are the institutions recognized and what is the course of study to be recognized and only after taking a decision to that effect, readvertisement be issued so that such disputes

can be averted. Therefore, we direct Lakshadweep Administration to consider and decide the Institutions which are recognized and the course of study to be recognized as sufficient qualification for the post of Teachers in Yoga in the Institutions run by Lakshadweep Administration. Only after such a decision is taken, further steps can be taken.

6. OA is disposed of as above. No costs.

Dated, the 4th August, 2011.

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K GEORGE JOSEPH
ADMINISTRATIVE MEMBER

JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS