

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 577 of 2001

Friday, this the 6th day of June, 2003

CORAM

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

1. Manchu V,
"Sivodayam", Near Circle Office,
Kazhakuttom, Thiruvananthapuram.Applicant

[By Advocate Mr. P.C. Haridas]

Versus

1. Union of India represented by its Secretary,
Ministry of Labour and Rehabilitation,
New Delhi.
2. The Director of Training, Women's Occupational
Training-Director General of Employment & Training,
Ministry of Labour, Shramasakthi Bhavan, New Delhi.
3. Regional Director,
Regional Director of Apprenticeship Training,
Guinday-Govt: of India, Madras-32
4. Principal, Regional Vocational Training
Institute for Women, Kazhakuttam,
Thiruvananthapuram.
5. Leena NR, Junior Technical Assistant (Temporary),
Regional Vocational Training Institute for Women,
Kazhakuttam, Thiruvananthapuram.Respondents

[By Advocate Mr. C. Rajendran, SCGSC (R1 to R4)]
[By Advocate Mr. Siby J Monippally (R5)]

O R D E R

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

The applicant, while working as a Guest Lecturer in Secretarial Practice under the 4th respondent, applied for the post of Junior Technical Assistant in the pay scale of Rs.5000-8000 in the Regional Training Institute for Women Kazhakuttam, under the 4th respondent, in pursuance of Annexure A1 notification. As per Annexure A1 notification, the qualifications required for the post of Junior Technical Assistant are as follows:-

9.

"Essential Qualification: Academic: 10th class pass under 10+2 system or equivalent.

Technical: National Trade Certificate or equivalent in the trade Computer or Secretariat Practice with word processing OR National Apprenticeship Certificate or equivalent in appropriate trade OR Regular advance skill Certificate awarded by NVTI/RVTI upto 1980 and NCVT thereafter, with National Craft Instructor Certificate awarded by NCVT OR Diploma or Recognised Board or Institute in appropriate branch of Engineering/Technology/field.

Desirable: a) Ability to organise training and maintain discipline; b) Teaching Experience; c) Experience in preparation of Syllabi, teaching aids and Instructional materials.

Experience: Five years experience i.e. training period for acquiring the qualification mentioned at Item 2 and experience acquired after the said qualification(s)."

2. The applicant claimed to possess the required qualification. She was also sponsored by the Employment Exchange. The applicant went through the selection process like interview etc. According to the applicant, the 5th respondent is favourably considered in preference to the applicant who is fully qualified. In fact, the applicant's claim is that she is the only candidate who satisfies the qualification norms as per Annexure A1 and that, as such, she ought to have been considered. Her objection is that participation of non-qualified persons including the 5th respondent has vitiated the interview, thereby making the interview a meaningless exercise.

3. Although time for filing a reply statement was given to respondents 1 to 4, the right to file the reply statement was forfeited due to the continued failure of respondents 1 to 4 to file reply statement within the permitted time. The 5th respondent has, however, filed a reply statement stating that she is fully eligible and competent to be appointed to the post of Junior Technical Assistant in the Regional Training

2.

Institute for Women Kazhakuttam, that she has the necessary experience, that since the post of Junior Technical Assistant was a selection post, the over all merit position had also to be considered and that, accordingly, the 5th respondent being eligible for appointment, the applicant could have no legitimate right to object to it.

4. When the matter came up for hearing, Shri C Rajendran, learned SCGSC appearing for respondents 1 to 4 has filed a statement to the effect that the examination for appointment to the post of Junior Technical Assistant conducted on 29-6-2001 in pursuance of Annexure A1 notification has itself been cancelled. Learned SCGSC has also stated that this Tribunal by order dated 20-12-2001 in OA No.653/2001 directed the respondents to give effect to the undertaking given by them to conduct the examination afresh. Learned SCGSC has made a further disclosure to the effect that the applicant in the present OA, Ms.V.Manchu, is also one of the twelve candidates who were called for the test/interview and that she was one of the five candidates who could not produce the proof of experience. In the light of the preliminary statements made by the learned SCGSC, learned counsel for the applicant submitted that since the question of inclusion of ineligible persons was never considered in OA No.653/2001, that fact also should be considered while disposing of the present OA after taking due note of the statement made by the learned SCGSC. Counsel on either side agree that the present OA can be disposed of in the light of the information available to the effect that the basis of the present grievance has been substantially taken away because of the cancellation of the examination for selection to the post of Junior Technical Assistant and consequential decision to hold the whole examination afresh. On going through this Tribunal's decision in OA No.653/2001 filed by one

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Sri.R. Sugathan, we find that the Tribunal came to the following conclusion after consideration of all the relevant facts:-

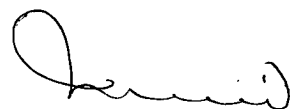
"...In view of the fact that the respondents themselves have decided to cancel the examination already held and to conduct a fresh selection affording an opportunity to the applicant, the reliefs sought for in this application has now been granted. Therefore, we dispose of this application noting the undertaking contained in the letter and directing the respondents to give effect to the same without any order as to costs."

5. We are satisfied that the very foundation of the grievance raised in this OA has been taken away by the cancellation of the examination and the decision of the respondents to conduct the whole test/examination afresh. Needless to say, the respondents shall hold the test/examination in pursuance of the terms and conditions spelt out in Annexure A1 and in any case, in accordance with the relevant rules, instructions and orders on the subject. We therefore dispose of this application by directing respondents 1 to 4 to give effect to the undertaking given by them to conduct the whole test/examination afresh in pursuance of Annexure A1 and in any case in accordance with the relevant rules, instructions and orders on the subject, which will, ofcourse, afford the applicant herein the opportunity to take part in the process of selection provided she fulfils all the eligibility criteria. No order as to costs.

Friday, this the 6th day of June, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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