

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 66/2011**

**Dated this the 14<sup>th</sup> day of March, 2011**

**C O R A M**

**HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER  
HON'BLE DR.K.B. SURESH, JUDICIAL MEMBER**

1. P.V. Thousif, S/o. Hamzakoya  
Pendavelly House  
Kalpeni Island, Lakshadweep  
Pin - 682 557.
  2. Yahiya Khan M.I  
S/o. P.K. Sayed Asharaf  
Melaillam House, Kilthan Island  
Union Territory of Lakshadweep  
Pin - 682 558.
  3. Nasrulla. D, S/o. Ummerkoya  
Darussalam House, Agatti Island  
Union Territory of Lakshadweep  
Pin - 682 553.
  4. Azadulla. P  
S/o. Ummerkoya  
Puthiyapattiniyoda House  
Agatti Island, Lakshadweep  
Pin - 682 553.
  5. Abdul Razak P.M  
S/o. P. Azhar  
Pallimuttam House,  
Chetlat Island  
Union Territory of Lakshadweep  
Pin - 682 554.
- ..... Applicants

(By Advocate Mr. M.V. Thamban)

Vs

1. The Administrator  
Union Territory of Lakshadweep  
Kavaratti - 682 555.
2. The Director (Planning and Statistics)  
Directorate of Planning and Statistics  
Union Territory of Lakshadweep  
Kavaratti, Pin - 682 555.
3. Shameena M.K  
D/o. E.P. Kasimkoya  
Malmikakkada, Kalpeni  
Union Territory of Lakshadweep - 682 557
4. Salmathbi P.M  
D/o. Koyakidave. B  
Poomalika House, Kadamath  
Union Territory of Lakshadweep - 682 556
5. Shameena Beegum C.N  
D/o. Koya C.G  
Cheriyam Nallal House, Kalpeni  
Union Territory of Lakshadweep - 682 557
6. Thajunnisa C.N  
D/o. Koya  
Cheriyanam Nallal House, Kalpeni  
Union Territory of Lakshadweep - 682 557
7. Mohammed Thasleem P.K  
S/o. Ismail. H  
Faburikage, Faunbilol Village  
Minicoy Island  
Union Territory of Lakshadweep - 682 559
8. Hakeema V.K  
D/o. B. Abdul Shukoor  
Vadakku Koodam House  
Agatti Island  
Union Territory of Lakshadweep - 682 553

9. Nazreena Massodikagothi  
D/o. Mohammed K  
Aoumangu Village, Minicoy Island  
Union Territory of Lakshadweep - 682 559.
10. Hussaiba H.M  
D/o. Anzar K  
Hubaida Manzil, (Hira Mahal)  
Kavaratti Island  
Union Territory of Lakshadweep - 682 555.
11. Sulfeekar Ali. K.M  
S/o. Pookoya P.T  
Kannathimmada House, Androth Island  
Union Territory of Lakshadweep - 682 551
12. Hazeena H.M  
D/o. Abdulrahiman C.K  
Hazeena Manzil, Agathi Island  
Union Territory of Lakshadweep - 682 553 .... Respondents

(By Advocate Mr. S. Radhakrishnan R1&2)

The Application having been heard on 14.2.2011, the Tribunal delivered the following:

### ORDER

#### HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The grievance of the applicants who were aspirants to the posts of Statistical Assistant under the 2nd respondent, is that, despite their being Post Graduates, the respondents have not selected them in preference to graduates.

2 The facts in brief are that the 2<sup>nd</sup> respondent invited application for filling up of 10 posts of Statistical Assistant (A2). The education qualification prescribed was second class Master's Degree in Statistics or Mathematics /

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Economic/Commerce with papers in Statistics. The applicants applied for the posts. The 2<sup>nd</sup> respondent has issued the select list (A-3) containing 10 selected candidates with a waiting list of 5 candidates. The applicants are challenging the select list as unsustainable as it is in violation of recruitment rules at A-1 and A2 contending that only in the absence of 2<sup>nd</sup> class, the Degree holders can be considered, the selection of Degree holders while candidates possessing 2nd Class Post Graduate Degree in the subject required is available is vitiated by malafide, the manipulations are evident from the fact that A-4 offer of appointments is issued on the very same day on which they have issued the select list. Hence they have filed this O.A to quash A-3 and A-4 and for a direction to the respondents 1 & 2 to select them to the post.

2        The learned counsel for the respondents 1 & 2 filed reply statement. They stated that 214 candidates applied for the post out of which only 26 possessed PG qualification. They submitted that the Recruitment Rules for the post of Statistical Assistants stipulates that Statistics is to be one of the papers in PG and/or in Graduation. In the notification it was clearly stated that the candidates should submit documents to prove their educational qualification. Thus out of 214 candidates, only 149 candidates were eligible for consideration. The Recruitment Committee has considered the marks of Graduation in the case of Graduates and in the case of PG candidates their highest marks in the Degree or PG which ever is advantageous to the candidate. They stated that the applicants have not produced documents to show that they have studied Statistics in the Post Graduation. Accordingly, Committee drew up the comparative merit list and recommended the selection of the ten top scorers and placed the next below five candidates in the waiting list.

3        We have heard learned counsel for the parties and perused the documents.



4 The select list at Annexure A-3 shows that all the selected and wait listed candidates have taken Statistics as one of the papers as enjoined in A-3 Recruitment Rules. Two of the selected candidates are Post Graduates while others are Graduates, with marks ranging from 73.5% to 85.7%. All the applicants are Post Graduates in Economics with Second Class. Their marks in Degree are between 39.88% to 55.25%. The second applicant did not produce his mark list of Graduation. The learned counsel for the applicants strenuously argued to establish that one of the papers they have done is Quantitative Technique which is equivalent to Statistics. It can be a subject in macroeconomics also. The applicants failed to produce any equivalence certificate from the University in support of their claim.

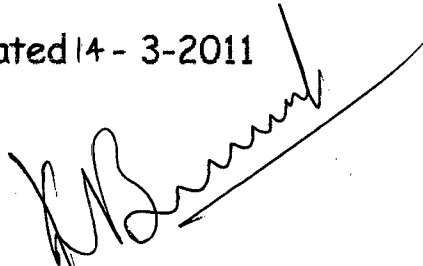
5 The main contention of the applicants in short is that as per the Recruitment Rules and the notification at A-2 the educational qualification for the post of Statistical Assistant is second class Masters Degree in Statistics or in Mathematics /Economics with Statistics as one of the paper or Graduate in Statistics or in Mathematics /Economics / Commerce with papers in Statistics. Being Post Graduates with Second class, they should have got the first preference as compared to Graduates. However, they did not produce any document to show that they have studied Statistics or equivalent subject. In the circumstances, we do not find any infirmity with the action of the respondents in selecting the respondents who had studied Statistics in the Degree level and have got comparatively high marks than the applicants. However, we observe that normally the Recruitment Rules are framed in such a way that Graduate and Post Graduate qualifications are not placed on the same footing. The essential qualification for the post of Statistical Assistant in Group-C would be Degree in Statistics or

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Mathematics/Economics with Statistics and PG in Statistics or Mathematics/Economics/Commerce with Statistics will be a desirable qualification which will carry bonus marks. We also find that the selection and offer of appointments were made on the same day which though admirable is not the usual practice noticed in UT Administration.

5 Be that it may be so, we do not find any merit in the O.A, it is accordingly dismissed. No costs.

Dated 14 - 3-2011



**DR. K.B. SURESH**  
**JUDICIAL MEMBER**



**K. NOORJEHAN**  
**ADMINISTRATIVE MEMBER**

Kmn