

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 97 of 2010**  
**Original Application No. 487 of 2011**

*Wednesday*, this the 21<sup>st</sup> day of September, 2011

**CORAM:**

**Hon'ble Mr. Justice P.R. Raman, Judicial Member**  
**Hon'ble Mr. K. George Joseph, Administrative Member**

**1. Original Application No. 97 of 2010 -**

1. Musafir Khan P.K., S/o. Aboo Sala, aged 27 years,  
Pandarath Kattapura House, Androth Islands PO.,  
UT of Lakshadweep – Pin 682 581.
2. Abdul Latheef T., Aged 30 years, Thaliath House,  
Androth Islands PO., UT of Lakshadweep  
Pin: 682 581.

..... **Applicants**

**(By Advocate – Mr. M.P. Krishnan Nair)**

**V e r s u s**

1. U.T. of Lakshadweep, rep., by Administrator, Kavaratti Island,  
Lakshadweep.
2. Director of Medical & Health Services, U.T. of Lakshadweep,  
Kavaratti.
3. Rusalath Begum C.E., Chamayath, Edayakkal House, Androth  
Islands, U.T. of Lakshadweep.
4. M. Halilulla, C/o. P.E. Pookunhi, Health Inspector, DMHS,  
Kavaratti, U.T. of Lakshadweep.
5. K. Abdul Gafoor, Komalam House, Androth, U.T. of  
Lakshadweep.
6. Vinayaka Mission University, Sankari Main Road,  
(NH-47), Ariyanoor, Salem, Tamil Nadu-636 308,  
Rep. by its Registrar.

..... **Respondents**



[By Advocate – Mr. S. Radhakrishnan (R1&2) &  
Mr. P.K. Ibrahim (R3-5) – Not present]

2. Original Application No. 487 of 2011 -

1. Musafir Khan P.K., S/o. Aboo Sala, aged 27 years, Pandarath Kattapura House, Androth Islands PO., UT of Lakshadweep – Pin 682 581.
2. Abdul Latheef T., Aged 30 years, Thaliath House, Androth Islands PO., UT of Lakshadweep  
Pin: 682 581.
3. Rahmath Beegum K.K., aged 32 years, D/o. Hamid T.K., Keelakunnikam, Kadamath Island, U.T. of Lakshadweep, Pin 682 553.

..... Applicants

(By Advocate – Mr. M.P. Krishnan Nair)

**V e r s u s**

1. U.T. of Lakshadweep, rep., by Administrator, Kavaratti Island, Lakshadweep-682 555.
2. Director of Medical & Health Services, U.T. of Lakshadweep, Kavaratti-682555.
3. K.P. Mohammed Kasim, Kunhipura House, Amini Island, Union Territory of Lakshadweep-682 556.
4. K. Abdul Gafoor, 1 PHW CHC, Androth Island, Union Territory of Lakshadweep-682 581.
5. H. M. Abdul Shukoor, Hyder Madam House, Chetlat Island, Union Territory of Lakshadweeep-682 562.
6. S.M. Nameera, Zuhara Manzil, Kiltan Island, Union Territory of Lakshadweep – 682 561.
7. T.A. Shahadathali, Thajul Athahiya, Kadmath Island, Union Territory of Lakshadweep – 682 553.
8. Vinayaka Mission University, Sankari Main Road, (NH-47), Ariyanoor, Salem, Tamil Nadu-636 308, Rep. by its Registrar.

..... Respondents



[By Advocate – Mr. S. Radhakrishnan (R1&2) &  
Mr. Venkatesh Kamath (R4-7) – Not present]

These applications having been heard on 12.09.2011, the Tribunal on  
21-09-11 delivered the following:

**ORDER**

**By Hon'ble Mr. K. George Joseph, Administrative Member -**

Having common facts and issues, these O.As were heard together and are disposed of by this common order.

2. O.A. No. 97/10 is filed mainly for a declaration that the Diploma Course Certificate by the Distant Education Scheme is not approved qualification for the post of Health Inspector/Sanitary Inspector/Multi Purpose Health Worker under the Lakshadweep Administration. O.A. No. 487/11 is filed mainly for quashing Annexures A-27, A-28, A-29, A-30 and A-31 to the extent of selecting candidates based on the Diploma Certificate issued by Vinayaka Mission University, Salem, Tamil Nadu.

3. The Director of Medical & Health Services, Lakshadweep Administration had invited applications for the posts of Male Multi-Purpose Health Worker/Health Educator/HI Surveillance/Non Medical Supervisor on various dates. The applicants had applied for the post of Male Multi-Purpose Health Worker and for the post of Health Inspector. The O.A. No. 97/201 was filed by the applicants apprehending that they will not be selected for the post



of Health Inspectors notified on 03.10.2009. The party respondents were selected for the above posts on the basis of the Diploma Course Certificate from Vinayaka Mission University, Salem, Tamil Nadu. The 1<sup>st</sup> applicant in O.A. No. 97/10 had submitted a representation on 22.11.2009 to the Administrator and Chief Vigilance Officer regarding the appointment of unqualified persons to the post of Health Inspectors in violation of the Recruitment Rules. However, no action was taken on the representation. The 2<sup>nd</sup> respondent in OA No. 487/11 issued employment notices Annexures A-29, A-30 and A-31 check list. Aggrieved, the applicants have filed the above O.As.

4. The applicants contended that the Diploma Course Certificate from Vinayaka Mission University, Salem, is not recognized by the State Government, Central Government or Union Territories and the Universities throughout the country. The applicants are qualified for the post of Health Inspector as they have passed the Health Inspector's course from recognized institutions. Instead of appointing them, the respondents are appointing ineligible persons as Health Inspectors.

5. The respondents contested the O.As. It was submitted that they have not selected any candidate who does not possess the prescribed qualifications as alleged by the applicants. All recruitments are done strictly in accordance with the Recruitment Rules. Annexure A-21 reply from the Public Information



officer, Directorate of Medical Education, Chennai, relates only to certain queries and replies and has not stated that the Distance Education Scheme of para-medical education courses conducted by the Vinayaka Mission University are not recognized by the Central Government. Government of India, Ministry of Human Resource Development, Department of Higher Education, Delhi, vide their letter No. F.3-118/2009-U.3A dated 31.12.2009 has clarified that the Vinayaka Mission University, Salem, Tamil Nadu, is a deemed University. The Distance Education Council (DEC), Indira Gandhi National Open University (IGNOU) and wherever necessary by the All India Council for Technical Education (AICTE), New Delhi, have recognized the courses imparted through Distance Education by the Vinayaka Mission University. The letters issued by the State of Tamil Nadu and the State of Kerala pertain to the respective States and not to the Government of India. Neither the Administration nor the Director of Medical & Health Services, Lakshadweep has received any communication from any appropriate authority to show that the courses offered by the Vinayaka Mission University are not recognized except the correspondences produced by the applicants. On receiving the complaints regarding the certificates issued by the Vinayaka Mission University, the Administration sought clarification from the Government of India as well as from the IGNOU and it was clarified that the courses conducted by the Vinayaka Mission University, Salem, Tamil Nadu, have been recognized by the Government of India, Department of Higher Education and by the IGNOU. The matter relating to the recruitment to all the posts in



Lakshadweep are governed by the norms and instructions of the Central Government and the Administration and not by the method followed in any State.

6. We have heard Mr. M.P. Krishnan Nair, learned counsel for the applicants, Mr. S. Radhakrishnan, learned counsel for R1-2 and perused the records.

7. The short question to be decided is whether the Diploma Course Certificate issued by the Vinayaka Mission University is a recognized qualification prescribed for appointment as Health Inspector/ Health Educator/ HI Surveillance/ Non Medical Supervisor/ Male Multi-Purpose Health Worker under the Lakshadweep Administration or not. The qualification for the post of Male Multi-Purpose Health Worker as per the Recruitment Rules is as under:

“SSLC passed or its equivalent and successful completion of diploma of at least one year duration in Multi Purpose Health Worker/ Multi Purpose Health Assistant/ Health Inspector/ Sanitary Inspector of diploma in public health training course of one year from Central or State Government recognized institutions”.

The qualification for the post of Health Inspector reads as under :

“SSLC passed or its equivalent and successful completion of Health Inspector/ Sanitary Inspector's training course of one year in a recognized institution.”

8. The applicants contended that the Vinayaka Mission University is not a

*h*

recognized institution. They relied on the letter dated 31.12.09/07.01.10 from the Ministry of Human Resource Development, which is reproduced as under:

'No.F.3-118/2009-U.3-A  
Government of India  
Ministry of Human Resource Development  
Deptt. Of Higher Education

New, Delhi, Shastri Bhawan  
Dated 31<sup>st</sup> December, 2009  
07<sup>th</sup> January, 2010

To:

Dr. K.P. Hamzakoya.  
Director of Medical & Health Services,  
Administration of the  
Union Territory of Lakshadweep,  
Kavaratti Island – 682 555

Sub: Regarding the recognition of the course in diploma in Health & Sanitary Inspector conducted by the Vinayaka Missions University, Salem Tamil Nadu.

Sir,

I am directed to refer to your letter No.16-12007-DMHS/3898 dated 11.12.2009 (received by us on 30.12.2009) on the above noted subject and to say that ' The degrees/diplomas awarded by (i) Universities in India incorporated by an Act of the Central or State Legislature in India, (ii) Educational Institutions established by an Act of Parliament and (iii) Institutions deemed as Universities under Section (3) of the University Grants Commission's Act, 1956 stand automatically recognized by the Government of India for purposes of employment under the Central Government.'

2. Since Vinayaka Missions University (Formerly Vinayaka Mission's Research Foundation), Sankari Mani Road, NH-47, Ariyanoor, Salem, Tamil Nadu-636308 has been declared by the Central Government as an Institution 'deemed-to-be-university' under Section 3 of the UGC Act, 1956, vide Notification No. F.9-17/93-U.3 dated 01.03.2001, the degrees/diplomas awarded by it stand automatically recognized by the Government of India for purposes of employment under the Central Government.



3. Further as per the Gazette Notification No. 44 dated 1.3.1995 issued by this Department, all the qualifications awarded through Distance Education by the Universities established by an Act of Parliament or State Legislature, Institutions "Deemed-to-be-Universities" under Section 3 of the UGC Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central Government, provided it has been approved by the Distance Education Council (DEC), Indira Gandhi National Open University (IGNOU) and wherever necessary by the All India Council for Technical Education (AICTE), New Delhi.

Yours faithfully,

Sd/-

(Upamani Basu)

Director & Central Public Information Officer"

The applicants submit that although the Vinayaka Mission University, Salem, Tamil Nadu, is a deemed University, the degrees and diploma awarded by it stand automatically recognized by the Government of India for the purpose of employment under the Central Government only if the same has been approved by the DEC, IGNOU and wherever necessary by the AICTE, New Delhi.

9. The respondents relied on the very same letter in support of their stand. They also relied on the letter No. DEC/G-303/09/5118 dated 7<sup>th</sup> January, 2010, from the Director of IGNOU, Distance Education Council, New Delhi, which is reproduced as under :

"INDIRA GANDHI NATIONAL OPEN UNIVERSITY  
Maidan Garhi, New Delhi -110 068

DISTANCE EDUCATION COUNCIL

No.DEC/G.303/09/5118  
7<sup>th</sup> January, 2010





Prof. Manjulika Srivastava  
Director

Sub: Recognition status of Vinayaka Mission Deemed  
University, Salem, through Distance Mode - reg.

Dear Sir,

This has reference to your letter No. 16/1/2007 0 DMHS/3899 dated 11<sup>th</sup> December, 2009 on the subject cited above. In this connection, you may please note that as per then policy the DEC had accorded institutional recognition and not any specific programme like Diploma in Health & Sanitary Inspector, B.Sc., BE/B.Tech etc. to Vinayaka Mission University. It is for the statutory bodies of the University concerned to decide the programmes to be offered through distance mode. It is also the responsibility of the institution/university to follow the norms prescribed by the concerned apex body or seek its recognition for any technical/professional programme offered by the university/ institution as per the requirements.

You may note that the Distance Education Council has accorded post-facto approval to VMU, Salem for admission till year 2005 to run the programme, which are approved by the statutory bodies of the University through distance mode. VMU was accorded post facto approval on the recommendation of the Joint Committee of UGC-AICTE-DEC as per the decision taken at its third meeting held on 7<sup>th</sup> August, 2007. VMU, Salem, has also been granted recognition for five years w.e.f. 28<sup>th</sup> February, 2007 to 27<sup>th</sup> February, 2012 by the DEC.

Thanking you,

Yours sincerely,  
Sd/-

Manjulika Srivastava

To:

The Director,  
Directorate of Medical & health Services,  
Union Territory of Lakshadweep,  
Kavaratti Island : 682 555 "



It clearly states that the DEC had accorded institutional recognition to the Vinayaka Mission University. It further states that the Vinayaka Mission University has been accorded post facto approval of the Diploma in Health and Sanitary Inspector to the Vinayaka Mission University on the recommendation of the Joint Committee of the UGC-AICTE-DEC as per the decision taken in its third meeting held on 7<sup>th</sup> August, 2007. It means that the specific programmes like Diploma in Health & Sanitary Inspector, conducted by the Vinayaka Mission University has been approved by the DEC, IGNOU and wherever necessary by the AICTE, New Delhi. The communications received by the applicants from Tamil Nadu and Kerala in regard to Vinayaka Mission University pertain to the concerned State Government. They are not relevant for consideration when the Central Government itself has recognized the courses on Health Inspector/Sanitary Inspector's training etc. by the Vinayaka Mission University. It would mean that the respondents have conducted recruitment to the aforementioned posts as per rules. They have not committed any illegality as alleged by the applicants. Hence the O.As fail.

10. Devoid of merit, both the O.As are dismissed with no order as to costs.

(Dated, the 2/<sup>st</sup> September, 2011)



(K. GEORGE JOSEPH)  
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)  
JUDICIAL MEMBER