

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 114/2011

Dated this the 29th 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. Naseebabi P.K
Purakkad House, Kadamath Island
U.T. of Lakshadweep, Pin - 682 556.
2. Rasiya Beegum K.K
Kunhanakkal House, Kalpeni Island
UT of Lakshadweep, Pin - 682 557 **Applicants**

(By Advocate Mr. Arun Raj. S)

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 C.G, Cheriyam 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, U.T.of Lakshadweep - 682 555.

11. Sulfeekar Ali
 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
 ondelivered the following:

ORDERHON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants who are Posts Graduates in Mathematics are aggrieved by their non selection to the post of Statistical Assistant in the Directorate of Planning and Statistics, Lakshadweep Administration.

2. The brief facts are that the Department of Planning and Statistics in UT of Lakshadweep invited applications for the post of Statistical Assistant (A-4). The Recruitment Rules and the notification specifically prescribed Second Class Masters degree in Statistics or in Mathematics/Economics with Statistics as one of the paper or Graduation in Statistics or in Mathematics/Economics/Commerce with paper in Statistics. The result of the selection was published with 10 candidates in the select list and 5 candidates in the waiting list and offer of appointment issued to the 10 selected candidates (A-8). The grievance of the applicants is that they were not selected despite possessing high marks in Post Graduation and studied subject equivalent to Statistics and that most of the selected candidates are only Graduates. Hence they filed this O.A mainly to quash A-7 and A-8, to declare that the applicants are fully eligible and qualified to be appointed to the post of Statistical Assistant and to direct the respondents 1 to 2 to issue a fresh select list pursuant to A-4.

3. When this O.A came up for admission on 9.2.2011, it was noted that similar case O.A 66/2011 was admitted. Therefore, this O.A was admitted and listed along with O.A. 66/2011. The Tribunal by its interim order dated 9.2.2011 stayed appointment pursuant to Annexure A-7 list and A-8 office order, if appointment is not already made.



4. The applicants have scored 60.7% and 57.83% in their P.G. Degree. They have not produced any equivalence certificate from the University to show that one of the subjects they did in UG or PG deals with statistics.

5. O.A. 66/2011 in which the very same list of select list was challenged, was heard and final orders pronounced on 14.3.2011. The relevant portion is extracted below:

"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 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."

5. Following the orders of this Tribunal in O.A. 66/2011 supra, we dismiss this O.A. No costs.

(Dated 29th March, 2011)

DR. K.B.SURESH
JUDICIAL MEMBER

kmn

K. NOORJEHAN
ADMINISTRATIVE MEMBER