

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No.133/97

Tuesday, this the 4th day of February, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

KI Nizamudhin,  
S/o KP Kidavu,  
Keelaillam, Kavarathi,  
Kavarathi Island,  
Union Territory of Lakshadweep. - Applicant

By Advocate Mr ESM Kabir

vs

1. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathi.
2. Director of Medical and  
Health Services,  
Union Territory of Lakshadweep,  
Kavarathi.
3. Deputy Director,  
Science and Technology,  
Kavarathi,  
Union Territory of Lakshadweep.
4. Muhammed Musthafa K  
Kadiyammada House,  
Kadamath Island. - Respondents

By Advocate Mr Sajeet for Mr PR Ramachandra Menon, Additional Central Government Standing Counsel (for R.1 to 3)

The application having been heard on 4.2.97 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The challenge in this O.A. is against the recruitment rules at A-2 wherein according to applicant, in column 8 in the schedule, preference is given to a lesser qualification than a higher qualification against the guidelines contained in model recruitment rules, and also against the award of a

sum of Rs.5000 for three months to one Mr Muhammed Musthafa by the department of Science and Technology. This Muhammed Musthafa has been impleaded as the 4th respondent. Taking the second limb of the prayer first, we find no nexus with the first prayer and the second one. We also find that by awarding Rs.5000 for three months to the said Muhammed Musthafa, none of the legal rights of the applicant has been violated. Therefore the applicant does not have a legitimate grievance against such award to the 4th respondent. Coming to the challenge of the applicant to the recruitment rules, we do not find even *prima facie* any case. The impugned provision in the recruitment rules against column 8 in the schedule reads as follows:

"Educational qualification : SSLC with successful prescribed for direct recruitment completion of Diploma/Certificate course in Computer Applications and a minimum of 2 years experience or Pre-degree with successful completion of course in computer application."

Learned counsel for applicant states that Pre-degree with successful completion of course in Computer Application is a qualification which is higher than SSLC with successful completion of Diploma/Certificate course in Computer Application and a minimum experience of two years. The counsel argued that instead of Pre-degree with successful completion of course in Computer Application being shown below the qualification of SSLC with successful completion of Diploma and experience, it should have been placed above that. We do not find any merit in this argument. Both these

qualifications are considered equal and nowhere it is stated that the first would be preferred to the second. Even if for argument's sake it is taken that the qualification first mentioned would be considered preferable to the second one, SSLC with successful completion of Diploma/Certificate course in Computer Application and a minimum of two years experience cannot be considered to be an inferior qualification to Pre-degree with successful completion of course in Computer Application. It is the prerogative of the competent authority to prescribe essential qualifications taking into account the nature of duties and responsibilities of the post and the requirement of service. We do not find any reason for judicial intervention in this matter.

2. On a careful consideration of the facts alleged in the application and after hearing the learned counsel appearing for the parties, we find no merit in this application. Hence we reject the application under Section 19(3) of the Administrative Tribunals Act, leaving parties to bear their costs.

Dated, the 4th February, 1997.

  
PV VENKATA KRISHNAN  
ADMINISTRATIVE MEMBER

  
AV HARIDASAN  
VICE CHAIRMAN

trs/4297

LIST OF ANNEXURE

1. Annexure AII: True copy of the Recruitment Rules, Notification F.No.21/8/93-DMHS, dated 23.11.1996  
Framed by the 1st respondent.

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