

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos.157/2002 & 158/2002

Monday this the 11th day of March, 2002

coram

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Abdul Razak P.M. aged 35,
S/o Ahamed, Trained Graduate Teacher,
Government High School,
Androth,
UT of Lakshadweep. ..Applicant in OA 157/2002

C.N. Zubaidabi, aged 49 years
W/o Mulla Koya,
Trained Graduate Teacher,
Govt. High School,
Kavarathy. ..Applicant in OA 158/2002

(By Advocate Mr. K.M. Muhammed Kunhi)

v.

1. The Secretary,
Ministry of Human Resources Development,
New Delhi.
2. The Administrator,
UT of Lakshadweep, Kavarathy.
3. Union of India, represented by
its Secretary,
Ministry of Personnel, Public Grievances
and Pension, Department of Education,
New Delhi.
4. P.Nadakumaran, Headmaster,
SB School, Kavarathi.
5. B.Amanulla, Asst. HM
GHS, Kiltan.
6. K.K.Buhari,
Asst.H.M. GHS Amini.
7. M.Fathahulla,
Asst.Headmaster,
GHS, Androth.
8. M.G.Thulasidas,
Asst.Headmaster,GHS
Kadamath.
9. Yousaf Pali, Asst.Headmaster,
GHS,Minicoy.
10. P.K.Sayed Ashraf,
Asst.Head Master,
GHS, Agathi. ..Respondents in both cases

(By Advocate Mr. C. Rajendran, SCGSC(for R1&3)

(By Advocate Mr. S. Radhakrishnan(for R2)

contd....

These applications having been heard on 11.3.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The facts and questions of law raised in both these applications are identical. The applicants who are Trained Graduate Teachers in the High Schools under the Lakshadweep Administration have filed this application challenging the legality of the notification dated 25.1.96 (A2 in both the cases) by which the Recruitment Rules for promotion to the post of Headmaster has been amended incorporating a provision that in addition to five years regular service in the grade of Trained Graduate Teacher an incumbent should have Post Graduate qualification. It is alleged in both these applications that incorporation of such an additional qualification for the post of Headmaster would take away the promotional avenue of the applicants and as the applicants while they were recruited the qualification for promotion to the post of Headmaster was only five years regular service in the grade of Trained Graduate Teacher, the amendment taking away their right to be considered for promotion is arbitrary, irrational and opposed to Articles 14 and 16 of the Constitution of India.

2. We have gone through the application and have heard Shri C.Rajendran, learned SCGSC for Respondents 1&3 and Shri S.Radhakrishnan for Respondent No.2. An identical notification as in this case was challenged earlier before this Tribunal by several persons similarly circumstanced. A batch of cases OA 232/96, 275/96 and OA 830/97 were heard by a Bench of this Tribunal and holding that it is the prerogative of the Government to prescribe

Contd....

6

qualification for various posts and that the amendment in these cases was made to give effect to the recommendations of the Chadhopadhyaya Commission, it was found that no judicial intervention was called for in the matter. The applications were dismissed. The above judgment was followed in a still later case OA 585/2000. Since the issue involved is the same, we do not find any reason to deviate from the view taken in the abovesaid judgments and therefore, we do not find any reason for entertaining these applications. The applications are, therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 11th day of March, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

O.A 157/2002 & O.A 158/2002

Applicants' Annexures:

1. A-1 : True copy of the circular dated 9.10.95.
2. A-2 : True copy of the amendment issued by notification F.No.18/30/89-Edn. dated 25.1.1996 by the 2nd respondent.
3. A-3 : True copy of the relevant portion of the recruitment rules of Headmaster.
4. A-4 : True copy of the final order dated 13.10.99 in O.A.No.1138/99.
5. A-5 : True copy of the order dated 9.2.2000 of the 1st respondent

npp
19.3.02