

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.35/09, O.A.No.18/09 & O.A.No.21/09

Monday this the 26th day of October 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

O.A.No.35/09

1. Sainul Abid M,
S/o.P V Attakoya,
Pentemvelly Pisa, Androth Island,
Union Territory of Lakshadweep.
2. Ershad E F,
S/o.Ibrahim OGR,
Ettarathegay, Bada Village, Minicoy Island,
Union Territory of Lakshadweep.
3. Salaludheen C K,
S/o.Koya K I,
Cheria Kummam Kulam (H), Kelpeni Island,
Union Territory of Lakshadweep.
4. Mohammed Yasin C G,
S/o.Muthukoya K I,
Cheriya Chammangath House, Kelpeni Island,
Union Territory of Lakshadweep.
5. Mohammed Musthafa P,
S/o.U P Kasmikoya,
Pathumada House, Androth Island,
Union Territory of Lakshadweep.

...Applicants

(By Advocate Mr.C R Reghunathan)

V e r s u s

1. Union Territory of Lakshadweep
represented by Administrator, Kavaratti.
2. Superintendent of Police,
Union Territory of Lakshadweep, Kavaratti.

...Respondents

(By Advocate Mr.S Radhakrishnan)

O.A.N

Sri. Mohammed Muslimkhan P P,
Pakkalana House, Kalpeni Island,
Union Territory of Lakshadweep.

...Applicant

(By Advocate Mr. John K George)

V e r s u s

1. Union Territory of Lakshadweep
represented by Administrator.
2. Superintendent of Police,
Kavaratti.
3. Ajmal Khan,
S/o. Nallakoya,
Valiyillam House, Agatti Island.
4. Abdul Gafoor,
S/o. L Mohammed Koya,
Kakada House, Agatti Island.
5. M I Mohammed Delshad,
S/o. K P Abdulla Koya,
Mapadaillam House, Agatti Island.
6. Abdul Shukoor K C,
S/o. C Kasmir,
Kariyam Chetta House, Agatti Island.
7. Ammer Bin Mohammed C N,
S/o. Pookutty Mohammed Koya,
Baithul Ameen House, Kavaratti Island.
8. K Shouk,
S/o. M Bamban,
Kunchdam House, Kavaratti Island.
9. Asif Shah Masood E P,
S/o. Kunhi Koya P,
Ekar Palli House, Kavaratti Island.
10. Mohammed Kaleel T P,
S/o. Ahammed P C,
Thrivayhapura House, Amini Island.
11. Mohammed Noushad K,
S/o. Dr. Cheriya Koya,
Kunnamgalam, Amini Island.

12. Mohammed Yasin K,
S/o.Muthukoya P,
Kunninamel House, Amini Island.
13. Naseer Sulthan Ali Khan,
S/o.late Mohammed Koya,
Panchilam, Amini Island.
14. Sayed Ali P,
S/o.Hassainar P,
Bythankakada House, Amini Island.
15. Kaleel P,
S/o.late Cheriyaakoya P,
Pathummathada House, Amini Island.
16. Mohammed Faisal C H P,
S/o.late Aboosalakoya K B,
Chenam Kottiyathapura House, Amini Island.
17. Manzoor B P,
S/o.late Sulaiman A C,
Belipura House, Kadmath Island.
18. Fathhu Rahman A C,
S/o.Koormel Fathahulla,
Mullachetta House,
Near J B School (South), Kadmath.
19. K K Hakeem,
S/o.Ibrahim,
Kottayakal House, Kadmath Island.
20. Irshad Khan K S,
S/o.Muhammed T,
Halima Manzil House, Kadmath Island.
21. Muhzin B P,
S/o.late Sulaiman A C,
Belipura House, Kadmath Island.
22. Ubaidulla T,
S/o.Migdad P,
Therakal House, Kadmath Island.
23. Sayyed Alavudheen P P,
S/o.P S M Fasal,
Pookoya Thagal,
P P Puthiya Veedu House, Androth Island.

24. P Mujeeb,
S/o.Davood K P,
Pura House, Koronath Island.
25. K Mohammed Musthafa,
S/o.N Kalid,
Kunshada House, Androth Island.
26. Saifudin Edayakal,
S/o.Shaikoya,
Edayakal House, Androth Island.
27. Ahamed Kabeer P A,
S/o.Ashraf S V,
Puthiya Azhikkakam House,
Androth Island.
28. Ramsheed Khan M P,
S/o.Kopya M K,
Mariyappada House, Kalpeni Island.
29. P Ifther,
S/o.K I Hamzakoya,
Pokkilakam House,
Kalpeni Island.
30. Younus Kohorathuge,
S/o.Mohammed Manikfan D F,
Kohrathuga House, Sedivalu Village,
Minicoy Island.
31. Mohammed Irshad Alloodigothi,
S/o.Moosa Manikfan,
Alloodigoth, Minicoy Island.
32. Aliyar Kunhi P P,
S/o.Mohammed S P,
Thara Chata House,
Kilthan Island.

...Respondents

(By Advocate Mr.S Radhakrishnan)

O.A.No.21/09

Khaleel P,
S/o.late Cheriyaakoya,
Pathumathala, Amini Island,
Union Territory of Lakshadweep – 682 522.

...Applicant

(By Advocate Mr.P Sanjay)

V e r s u s

1. Union Territory of Lakshadweep
represented by the Administrator,
Kavaratti, Union Territory of Lakshadweep.
2. Secretary General Administration and Services,
Union Territory of Lakshadweep Secretariat,
Kavaratti.
3. Superintendent of Police,
O/o. Superintendent of Police,
Kavaratti.

...Respondents

(By Advocate Mr.S Radhakrishnan)

These applications having been heard on 26th October 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

All these three cases are identical in nature. Therefore, they are disposed of by this common order.

2. The brief facts of the case are that the respondents have published the Annexure A-1 notification dated 27.1.2007 in Lakshadweep Times inviting applications from eligible candidates to fill up the four vacancies in the rank of Sub Inspector (Executive) under Lakshadweep Police Department. However, the recruitment process could not be further proceeded due to some administrative inconvenience. Later, those vacancies were re-notified by Annexure A-1(a) notification dated 15.3.2008 with detailed information regarding physical measurements, age, educational qualification etc. which are to be fulfilled by the candidates. The last date for receipt of the application was 15.4.2008 and a total of 203 applications were received till that date. In both the notifications, it was

specifically stipulated that the application should be in the specified form with attested copies of 1st and last page of SSLC Book, Degree Certificate and other qualifications. Subsequently, by another notification dated 21.5.2008 published in Lakshadweep Times on 23.5.2008, all the candidates who had submitted their applications for the post of Sub Inspectors were asked to furnish attested copies of their mark list for the B.A, B.Sc or B.Com degree on or before 5.7.2008. A committee consisting of five officers was nominated by the Administrator to complete the recruitment process and they have scrutinized and examined all the applications thus received in the light of provisions contained in the relevant Recruitment Rules.

3. According to the applicants, they satisfied all the physical conditions and educational qualifications as required by the Annexure A-1 notification and they have duly submitted their applications before the 2nd respondent. Their allegation is that the respondents have not followed a fair and transparent selection process. According to them, the 2nd respondent has arbitrarily eliminated about 115 candidates without even screening them and other 90 persons favoured by the authority were hand picked. Further, even without a proper notification or public announcement, the short listed candidates were selectively informed through Police Stations. The physical test followed by written test and interview were rushed through from 14.1.2009 to 16.1.2009. According to them, there was undue haste in conducting the test and the mode of service of notice through the Police Stations was with mala fide intention to select only the favoured ones on extraneous considerations. They have, therefore, sought a direction to

issue a writ of mandamus commanding the 2nd respondent to conduct a fair selection to the post of Sub Inspectors, pursuant to Annexure A-3 after affording opportunity to all the eligible applicants to the post including the applicants herein by calling them for a fair and proper physical verification followed by test and interview.

4. The respondents have filed separate reply statements in these O.As. They have submitted that the applicants in O.A.35/09 Shri.Sainul Abid, Shri.Ershad, Shri.Mohammed Yasin and Shri.Mohammed Musthafa did not submit their mark list of 1st and 2nd language along with their application and Shri.Salahudeen did not submit any of the mark lists with his application. Therefore, their cases have been rejected for non submission of the required documents. As regards applicant in O.A.18/09 is concerned, he did not forward the mark list along with his application even after the notification dated 21.5.2008 and, therefore, he was not included in the short list. As regards applicant in O.A.21/09 is concerned, the respondents have submitted that he did not attend the endurance test conducted on 14th, 15th and 16th January 2009.

5. We have heard Shri.S Radhakrishnan, counsel for the respondents. We have also perused the entire documents available on record. It is seen that the cases of the applicants were rejected by the respondents for non submission of the required documents along with their applications and for not attending the endurance test. In our considered opinion, applicants were expected to submit their applications with all the necessary documents. Otherwise, they will be treated as incomplete applications

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liable to be rejected. The respondents have considered all the applications which were complete in all respects and selection was held from among them. It is also seen that there were only four vacancies and the respondents have received total 203 applications altogether. Out of them the respondents have short listed 91 candidates who have fulfilled all the requirements of the notification and the Recruitment Rules, out of which 49 appeared in the endurance test. From among them, those four persons who have secured the highest marks have been selected. We, therefore, do not find any infirmity in the procedure of selection adopted by the respondents. Accordingly, the O.A is dismissed. There shall be no order as to costs.

(Dated this the 26th day of October 2009)

K.NOORJEHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER