

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 222/2005**

WEDNESDAY THIS THE 24th DAY OF MAY, 2006.

**C O R A M**

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

Kosira Banu P. D/o K. Hamza Koya  
Pallath, Kalpeni, Lakshadweep.

**Applicant**

By Advocate Mr.K.P. Vijayan

**Vs**

1 The Education Officer  
Department of Education  
Union territory of Lakshadweep  
Kavarathi.

2 The Administrator,  
Union Territory of Lakshadweep.  
Kavarathi.

3 The Secretary  
Education Secretariat  
Kavarathi.

4 Union of India represented by the  
Secretary to Government  
Ministry of Education,  
New Delhi.

**Respondents**

By Advocate Mr.Shafik M.A. for R 1-3

By Advocate Mr. TPM Ibrahim Khan, SCGSC for R - 4

**ORDER****HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN**

The applicant is a permanent resident of the Kalpeni Island under the Union Territory of Lakshadweep Islands. Applications were invited by the Education Department to the post of Nursery Trained Teachers vide advertisement published in "Lakshadweep Times" dated 7.9.2004 and pursuant to that the 1<sup>st</sup> respondent had conducted a written test on 2.03.2005 to the said post as per the Recruitment Rules framed by the Department of Education, Union Territory of Lakshadawweep, Kavarathi. The applicant attended the written test on 2.3.2005 along with 43 other candidates at different centres. The main grievance of the applicant is that in the written examination the question paper was in English and Hindi which is against what is stipulated in the Recruitment Rules and is also inconsistent with the previous occasion when such written test was conducted only in Malayalam. Moreover no prior notification was given to the effect that the test would be conducted in English/ Hindi. According to the existing Recruitment Rules, those candidates who have passed Primary teachers' Training with the knowledge of Malayalam will be eligible for the post. It is also learnt that the 1<sup>st</sup> respondent is trying to appoint candidates who had attended the written examination having only six months training in Balawadi/ Balsevika which is against the prescribed rules. Hence this Original

2 The respondents have denied the contentions in the O.A. As per the existing Recruitment Rules for the post of Nursery Trained Teachers the educational qualifications required for direct recruitment is SSLC/Matriculation and training in nursery teaching and also knowledge of Malayalam. It does not mean that the candidate should know only Malayalam and he should not know Hindi or English. The rules do not state that the question papers will be set in Malayalam and not in English or Hindi. The objective type of questions prepared by reputed external agency and the written examination was conducted by a Board consisting of three members appointed by the Administrator. The question papers comprised questions on Indian Education, Educational Psychology, Methodology and basic knowledge of English will be enough to understand and put the mark against relevant answer code. In the year 2004 no interview was conducted. After the written test a short list of 49 candidates was prepared and the applicant was included at Sl. No. 20. Later an interview was conducted and a select list was prepared on the basis of merit. The petitioner did not figure in the list. The three candidates who were in the merit list passed Pre Primary Teachers Training and are outstanding in merit vis-a-vis the applicant. The English medium classes in KG have started and the trained teachers are required to possess knowledge of English or Hindi. In the Rules

Application has been filed.

it was not specified that the written test would be conducted in Malayalam only and hence the applicant was not entitled to any of the reliefs prayed for in this O.A. They also filed additional reply statement producing the general guidelines for conduct of the examination as Annexure R-3 and revised guidelines dated 5.9.05 as Annexure R-4. None of the rules/guidelines stipulate that the examination shall be conducted in Malayalam. The medium of examination for selection and the method of selection, etc. are policy matters and the applicant cannot insist that the examination be conducted in a particular manner convenient to her.

3 We have heard the learned counsel on either side and perused the records. The learned counsel for the applicant based his argument on the fact that the examination which was conducted in the year 2004 was in Malayalam and this was the first instance when the concerned authorities conducted the examination in English , without any prior intimation to the candidates. The learned counsel for the respondents drew our attention to the general guidelines and submitted that no language restriction has been stipulated in the written examination. The education system is being revamped for improving the quality of education and the contention of the petitioner has no merit.

4 We have gone through the records and there is no mention in

any of the notifications or guidelines or Recruitment Rules as to the language in which the written test or interview shall be conducted. It has been further averred by the respondents that generally these are being conducted in English. As we observe from the notification and the instructions on the written test produced, the only stipulation in the schedule to the Recruitment Rules that the candidate should possess training in nursery and should have knowledge of Malayalam, and this cannot be taken to imply that the knowledge of Malayalam will be tested through an interview. The knowledge of Malayalam is stated to be an additional requirement as it is the language of the Union Territory. The respondents have averred in the additional reply statement that though the records do not show that the selection in 2003 was conducted in Malayalam medium, the officials concerned in the Department all have confirmed that the examination was conducted in the Malayalam. But this cannot be a ground for contending that the examination should always be conducted in Malayalam language. On earlier occasions it has been conducted in English also. Moreover, we find that the applicant was short listed after the written test and her name appeared at Sl. No. 20 in the shortlist. This would mean that even though the test was held in English, the applicant had passed the test. Therefore the contention of the applicant that the holding of the examination in English language has seriously prejudiced her chances is not tenable. The applicant has lost out to other more meritorius

candidates at the time of interview and having participated in the entire process of selection and not selected the applicant cannot now canvas that the whole exercise was vitiated because the language of the test was in English or Malayalam. We do not find any merit in the contention of the applicant. The O.A. is dismissed. However, we observe that in future when notifications are issued for recruitment to the posts of Pre-Primary Teachers, the language to be used for the written examination, etc. may be published and made known to avoid any such unnecessary inconvenience to the candidates.

Dated 24.5.2006.

  
**GORGE PARACKEN**  
**JUDICIAL MEMBER**

  
**SATHI NAIR**  
**VICE CHAIRMAN**

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