

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 227/96

Monday, this the 25th day of May, 1998.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER  
HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

TP Nallakoya,  
Thayapura House,  
Androth Island,  
Union Territory of Lakshadweep. - Applicant

By Advocate Mr Shafik.M.A.

VS

1. Union of India represented by  
Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.
2. The Director of Education,  
Union Territory of Lakshadweep,  
Kavaratti.
3. The Director of Social Welfare,  
Union Territory of Lakshadweep,  
Kavaratti.
4. The Employment Officer,  
Employment Exchange,  
Kavaratti. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

The application having been heard on 25.5.98, the  
Tribunal on the same delivered the following:

O R D E R

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant is an exponent of the traditional 'Kolkali'  
and 'Parichakali' and composer of 'Mappilappattu' as well as  
Malayalam songs and has performed before dignitaries who visited  
the Lakshadweep Island. He is an aspirant for the post of

Dance-cum-Music Teacher and submits that recruitment rules prescribe only proficiency in Folk Dances. His grievance is that he was not being considered for the post as he was not possessing the educational qualification of VIIIth Standard. He had applied for the post, but while his application was still under consideration an interview was held and another person was selected to the post of Dance-cum-Music Teacher.

2. When the application came up before the Tribunal on 15.3.96, while admitting the application, the Tribunal noticed that the selection had been made but instructions have been issued not to permit the candidate to join if he has not already joined the post. Therefore the post of Dance-cum-Music Teacher which is in question is still open. The prayer of the applicant is that he may also be considered for the post of Dance-cum-Music Teacher and he seeks a direction to the respondents to appoint him to the post of Dance-cum-Music Teacher.

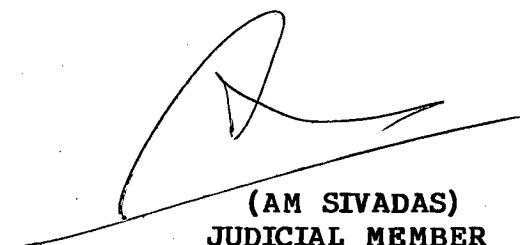
3. Learned counsel for applicant submitted that he is not pressing the second prayer. Learned counsel for respondents submitted that the respondents are willing to consider the applicant for the post of Dance-cum-Music Teacher in accordance with the recruitment rules in view of the decision in Excise Superintendent, Malkapatnam, Krishna District, A.P. Vs KBN Visweshwara Rao, (1996) 6 SCC 216. Learned counsel for applicant submitted that he is satisfied if he is considered by the respondents for the post of Dance-cum-Music Teacher in accordance with the rules.

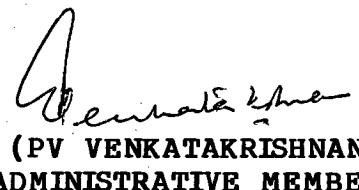
4. In the light of the submissions made by the counsel on both sides, we dispose of this application with a direction to the respondents to consider the applicant for the post of

Dance-cum-Music Teacher for which an interview was held on 5.2.96, in accordance with the Recruitment Rules. This shall be done within two months of today.

5. The application is disposed of as aforesaid. No costs.

Dated, the 25th May, 1998.

  
(AM SIVADAS)  
JUDICIAL MEMBER

  
(PV VENKATAKRISHNAN)  
ADMINISTRATIVE MEMBER

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