

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.277/2003

Friday, this the 18th day of June, 2004.

CORAM;

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.C.Abdul Gafoor,
Puthiachetta House,
Agathy Island,
Union territory of Lakshadweep. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Union of India represented by Secretary,
Ministry of Home Affairs,
New Delhi.
2. Director of Fisheries,
Department of Fisheries,
Union Territory of Lakshadweep,
Kavaratti.
3. Administrator,
U.T. of Lakshadweep,
Kavaratti. - Respondents

By Advocate Mr Mr C.Rajendran, SCGSC(for R.1)

By Advocate Mr PR Ramachandra Menon(for R.2&3)

The application having been heard on 16.6.2004, the Tribunal
on 18.6.2004 delivered the following:

O R D E R

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

The applicant applied for the post of Mechanic Grade-B
for physically handicapped persons in response to the notice
dated 7.1.2002 of the Administration of U.T. of Lakshadweep
(respondent No.3). It was communicated by the order dated

22.3.2003(A-1) that no candidate was found suitable for the post of Mechanic Grade-B(Handicapped). Aggrieved, the applicant has filed this application for quashing A-1 to the extent it affects him with a direction to the respondents to consider him for appointment to the post of Mechanic Grade-B against the vacancy reserved for physically handicapped candidates.

2. The learned counsel for the applicant submitted as follows: The applicant who is fully qualified for the post of Mechanic Grade-B, applied for the post, in response to the notification of the 3rd respondent dated 7.11.2002. The applicant ~~is~~ qualified for the post. He did well in the written test as well as in interview. To his dismay, the applicant was not selected based on the result of interview. The interview cannot be the sole basis for selection of candidates. There is no condition in the recruitment rules stipulating minimum qualifying marks for selection. The selection board is required only to prepare rank list of candidates for the post and appointment is to be made by the competent authority as per the rank list. The contention for the respondents that the applicant did not secure the minimum 35% marks for selection is unsustainable.

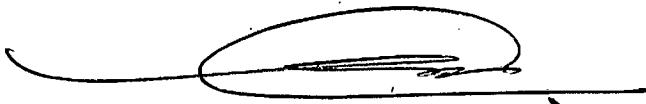
3. The learned counsel for the respondents submitted as follows: The total marks were 80, out of 50 marks were for written test 20 for practical and 10 for interview. The applicant who secured 6.5 marks out of 50 in the written test, 8 marks out of 20 for practical and 2.5 marks out of 10

for interview totalling 17 out of 80 marks was not found fit for selection. He could not secure minimum qualifying marks of 35%. The applicant has no vested right to be appointed to the post.

4. We heard both sides and perused the pleadings. The point for consideration is whether there is any ground for interference with the decision of the respondents that no candidate was found suitable for the post of Mechanic Grade-B(Handicapped). Admittedly the applicant who secured 17 out of 80 marks was not found suitable by the selection body for the post in question. The performance of the applicant in the test for selection including written examination, practical and interview was so poor applicant was not found suitable for the post. The mere fact that the applicant and another candidate was short listed for interview does not entitle him to be selected for appointment to the post. The contention of the applicant that the selection committee had no right to prescribe minimum qualifying marks is unacceptable. It is for the selection body to set minimum qualifying standard for selection in the absence of specific rule/administrative instruction. The O.A. which is without substance is liable to dismissed.

5. Accordingly the O.A. is dismissed. No costs.

Friday, the 18th June, 2004.


K.V. SACHIDANANDAN
JUDICIAL MEMBER


S.K. HAJRA
ADMINISTRATIVE MEMBER

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