

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 29 of 2005

Monday, this the 21st day of August, 2006

C O R A M :

**HON'BLE MR. KBS RAJAN, JUDICIAL MEMBER
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

K.P. Jalaluddeen,
Kutrtipura House,
Kadamath Island,
Lakshadweep.

... Applicant.

(By Advocate Mr.A.V.M. Salahuddeen)

v e r s u s

1. Union of India represented by the
Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
3. The Executive Engineer,
Department of Electricity,
Administrator of the
Union Territory of Lakshadweep,
Kavaratti.
4. P.P. Mohammed, Oilman,
Electrical Sub Division,
Amini, Lakshadweep.
5. Ahammed Koya, Oilman,
Electrical Sub Division, Andorth,
Lakshadweep. ... Respondents.

(By Advocate Mr. TPM Ibrahim Khan, SCGSC for R/1, Mr. Shafik M.A. for
R/2 & 3 and Mr. M.R. Hariraj for Mr. R/5).

b/w

ORDER
HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

The applicant was an aspirant for the post of oilman for which in the wake of a notification dated 07-06-2004 he had applied. The recruitment qualifications are as SSLC Pass and I.T.I. Certificate in Electrician/Wireman or Mechanic Diesel. The applicant does have the qualifications required for the post. Respondents Nos. 4 and 5 have higher qualifications of Degree and M.Tech. in the relevant subject and they were selected for the said post. Aggrieved by the above, the applicant has filed this O.A.

2. According to the applicant, when a particular qualifications have been specified for a particular post, without possessing those qualifications, any higher qualifications cannot be of any value. In this regard, the applicant has relied upon the following decisions:-

- (a) (2003) 3 SCC 548
- (b) 2000 (2) KLT 742

3. Respondents have contested the OA. According to them, higher qualifications cannot be held to be a disqualification. They have relied upon the decisions of the Apex Court as under:-

- (a) (2000) 2 SCC 606
- (b) 1999 (2) SCC 310

4. Reliance placed upon the Apex Court judgment reported in (2003) 3

SCC 548 was distinguished by the counsel for the private respondent, as in that case there has been a specific finding that B.Ed. is not a higher qualification to the Teacher Training Certificate.

5. To a pointed question whether the applicant was through in the selection at least to be kept in the waiting list, the counsel for the official respondents stated that the applicant was not selected and the waiting list contains the name of some other individual. Hence, the applicant cannot be said to be the aggrieved party as in any event, he cannot be appointed to the post of oilman. In that event, the OA has to be treated as only a Public Interest Litigation. In fact, the applicant could well agitate against selection of a candidate having higher qualifications as a precautionary method if he would be eligible to apply for the same post in the near future, in which case he may be treated as being aggrieved. However, the applicant is now overaged and he cannot apply for the post. Hence, if the OA, is considered on merit it would mean that the Tribunal is considering a P.I.L. which it has no jurisdiction to deal with. On this short ground, the OA is dismissed. No costs.

(Dated, the 21st August, 2006)

N. Ramakrishnan

**N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER**



**K B S RAJAN
JUDICIAL MEMBER**

cvr.