

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO. 292/2006

MONDAY THIS THE 21ST DAY OF APRIL, 2008

C O R A M

HON'BLE DR. K.B. S. RAJAN, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

- 1 Hazeera D/o Seethi Koizya TP
Kunniyanmakkada, Kavarathi.
- 2 Naseema D/o Abdulkadar
Meppalli, Kavarathi.
- 3 Rajeena D/o Seethikozya T.P.
Kunniyanmakkada, Kavarathi
- 4 Anwar Sadiqu Khan A.P.
S/o Hamza Aishapura
Kavarathi.
- 5 Beebi S.V. D/o Attakoya K.
Shaikna Veedu House
Kavarathi. Applicants

By Advocate M/s P. Ganapathy and C. Moideenkutty

Vs.

- 1 Union of India represented by the Secretary
Ministry of Public Grievances
Department of Personnel & Training,
New Delhi.
- 2 The Administration
UT of Lakshadweep, Kavarathi.
- 3 The Director of Education
UT of Lakshadweep, Kavarathi.
- 4 Muhammed Haneefa B.S/o Shamsudin PM
Pakkir Moopanoda House, Agatti, Lakshadweep.
- 5 Sajid M.K. S/o Kunhikoya C.G.
Malinikakkadi House, Kalpeni, Lakshadweep.
- 6 Abdul Gafoor C.P. S/o Sandik S.
Keepat House, Chethlat, Lakshadweep.
- 7 Mirsha Mubarak S/o Attakidave
Zaboor House, Kadamat, Lakshadweep.

8 Mohammed Rafeek E.K. S/o Mohammed Koya
Edayakkal house, Kalpleni, Lakshadweep

9 Irshad Hussain M.K. S/o Shaikoya C.K.
Kalpeni, Lakshadweep.

10 Naseemabi P.K. D/o Ali Mohammed,
Purakkad Houe, Kadamath, Lakshadweep.

11 Thasiyabi M.K. D/o Abdurahiman NP
Kalpeni, Lakshadweep.

12 Sajitha N.P. D/o Pookoya P
Androftt, Lakshadweep

13 Jabir Hussain M.K. S/o Saidu Muhammed Koya P.
Kalpeni, Lakshadweep.

14 Mujida T. D/o Muhammed T.M.
Chethlath, Lakshadweep.

15 Thahira Beegum N. D/o Muthukoya E
Nallalakkal House, Kavarathi, Lakshadweep.

16 Abeedu Rahman CN S/o Kasmi Koya CP
Cheriyan Nallal, Kalpeni, Lakshadweep

17 Mussaffar Ali P. S/o Ahmed Kunhikoya,
Kiltan, Lakshadweep. Respondents

By Advocate Mr. S. Radhakrishnan for R 2 & 3
By advocate Mr. TPM Ibnrahim Khan, SCGSC for R 1
By Advocate N. Nagaresh f for R 4 to 17

ORDER

HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

The applicants in this O.A had responded to an advertisement issued by the third respondent inviting applications for engaging of Computer Operators at Community Information Centres (Vidya Vahini) at various schools of Lakshadweep on contract basis on a fixed remuneration of Rs. 5,000/- per month. The qualification prescribed was pass in PDC/10+2 with Science Group or DOEACC "O" level or other equivalent qualification. The age limit was 18 to 30 years as on the date of issue of the notification. The said notification was issued on 24.9.2005, the last

date for receipt of applications was fixed as 10.10.2005. Subsequently, the last date was extended upto 31.1.2006. The selection process consisted of only interview. No written test was held. After the selection process a list of 30 candidates were declared as selected. The applicants were not among the selected candidates. The applicants are aggrieved by their non selection and have prayed for declaring the selection process conducted by the respondents as illegal.

2 The main contention of the applicants is that the respondents ought to have conducted a written test for selected candidate. It is also contended on their behalf that two of the selected candidates namely Sl.No. 5 Mohamed Haneefa B. and Sl.No. 13 Sajeed M.K. are over thirty years and therefore they are not eligible as per the notification. It is also alleged that Shri Sajeed M.K. is the son of Superintendent of the Education department and therefore the respondents have indulged in favouritism in the selection process.

3 The respondents have contested the O.A and filed a reply statement. It is contended on behalf of the respondents that the Government of India Department of Information and Technology has entrusted to establish Community Information Centers in Lakshadweep Islands through an agency called ERNET. The expenditure on installation of Community Information Centres and payment of honorarium to the Computer Operators will be met by the ERNET. In accordance with the requirement of the Project, applications were called for from eligible candidates. The educational qualification and age limit were also prescribed. However, five years relaxation is admissible to SC/ST candidates. All the selected candidates belong to the ST community and

therefore they are eligible for relaxation in age upto 5 years. All of them also possess the required educational qualification. The selection was done by a Committee of five Senior Officers. None of the selected candidates are relatives of any of the members of the interview board. The candidates at Sl.No. 5 and 13 are not over aged on the basis of the relaxation of five years available to ST candidates.

4 Respondents 4 to 17 who were impleaded subsequently have also filed a reply. It is contended on their behalf that the Selection Committee consisted of senior officers of the Lakshadweep Administration. The Managing Director of the Lakshadweep Development Corporation was the Chairman of the Committee. After interviewing 80 candidates the Committee had selected 30 candidates on the basis of their performance in the interview, comparative merit and suitability for the post. All the selected candidates satisfied the required eligibility conditions.

5 We have heard the learned counsel for the applicants Shri R. Kochunni for Shri P. Ganapathy, the learned counsel for the respondents Smt. Jisha for Shri TPM Ibrahim Khan, SCGSC and Shri Kunjappan for Shri S. Radhakrishnan.

6 We have also perused the documents carefully. The issue for consideration in this O.A is whether the non selection of the applicants as Community Information Centre Computer Operators suffers from any illegality or arbitrariness. The applicants have specifically mentioned in the O.A that two persons who were selected namely one Mohammed Haneefa and Sajeed M.K. at Sl. Nos. 5 and 13 respectively are over aged. The respondents have however clarified that they have been given the

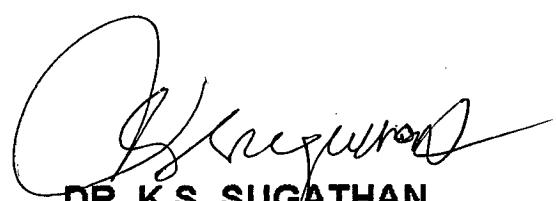
benefit of five years age relaxation available to ST candidates.

7 The next argument of the applicants is that no written test was conducted. It is not possible to accept this argument because it is upto the Union Territory Administration to decide what method is to be adopted for the purpose of selection. The notification inviting applications did not mention that there will be a written test. There are no Recruitment Rules governing the post for which vacancies have been notified. The respondents have therefore not violated any provisions of Recruitment Rules or any conditions stipulated in the notification by not holding a written test.

8 The third objection raised by the applicants is that a relative of an employee have been taken. The respondents have clarified that none of the selected candidates are relatives of the members of the Interview Board. We accept this explanation as satisfactory. Neither the documents on record or arguments during the hearing have been able to support the contention of the applicants that there has been any illegality or arbitrariness in the selection process.

9 For the reasons stated above, we do not see any merit in this O.A. The O.A is therefore dismissed. No costs.

Dated 21st April, 2008



DR. K.S. SUGATHAN
ADMINISTRATIVE MEMBER



DR. K.B.S. RAJAN
JUDICIAL MEMBER

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