

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

Original Application No. 310 of 2008

MONDAY, this the 9<sup>TH</sup> day of March, 2009

**C O R A M :**

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**  
**HON'BLE MS. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

Benazeer Beegum C.N.,  
Cheriyam Nallal House,  
Kalpeni Island, Lakshadweep

... Applicant.

(By Advocate Mr. N. Nagresh)

v e r s u s

1. Administrator,  
Union Territory of Lakshadweep,  
Kavaratti, Lakshadweep
2. Director of Education,  
Union Territory of Lakshadweep,  
Kavaratti, Lakshadweep
3. Abdul Gafoor S.M.,  
Gafoor Manzil, Kadmath
4. Kamaluddeen K.,  
Kunninammel House, Kalpeni
5. Sayyid Aboosalih P.P.,  
Puthiyaveedu, Andrott
6. Bismillah Khan M.P.,  
Meppali, Kalpeni
7. Zeenath P,  
Pandarath House, Andrott



8. Sayed Mohammed Hussain P.O,  
Puthiyaveedu, Zeenath Manzil, Andrott
9. Kamarbi A.K.,  
PST, SBS, Kalpeni
10. Sayed Sabique. T,  
Thalakada House, Agatti
11. Samad P.P.,  
Perumpally House, Andrott
12. Syed Fathuhulla P.P.,  
Puthiyapura Puthiyaveedu, Andrott
13. Latheefa A,  
C/o. K.P. Nallakoya,  
Maistry, DP, Kavaratti. ... Respondents.

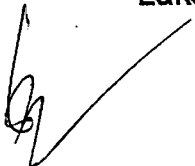
[By Advocates Mr. S. Radhakrishnan (R1-2), Mr. M.R. Hariraj  
(R3-6, 10 & 12) and Mr. R. Sreeraj R7-9, 11 & 13)]

(The Original Application having been heard on 19.02.09, this  
Tribunal on 9-3-09 delivered the following) :

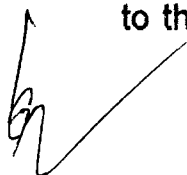
**ORDER**  
**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**

Challenge in this OA is Annexure A-9 notification calling for applications for the post of Language Teacher (Arabic) as well as Annexure A-11 order passed by the Official respondents, selecting the party respondents as Language Teacher (Arabic) in the Education Department of Lakshadweep.

2. According to the applicant, Annexure A-1, which is the Lakshadweep Administration, Education Department, Language



Teachers (Arabic) Grade II Posts Recruitment Rules, 2002 governs the recruitment to the post of Language Teacher (Arabic) and the requisite qualification for direct recruitment is "Afzal-UI-Ulama". And the applicant possesses the requisite qualification as aforesaid vide Annexure A-2. In 2003, when vacancy arose for the afore said post and the Employment Exchange sponsored the applicant, her candidature was not entertained by the 2<sup>nd</sup> respondent on the ground that the applicant has only the 2 year Afzal-UI-Ulama Preliminary Examination and not the 5 year Afzal-UI-Ulama Degree examination. According to the applicant under the Kerala Education Rules, the aforesaid two year Afzal-UI-Ulama Preliminary Examination is recognized as the requisite qualification. And, the 2002 Rules of the Lakshadweep Administration nowhere prescribes only the 5-year degree as the requisite qualification. OA No. 380/2003 filed by the applicant along with another OA No. 445/2003 was dismissed by this Tribunal on the ground that the prescription of qualification by the Kerala Government cannot dictate terms with the Lakshadweep Administration and the latter has fixed the qualifications taking into consideration of all the relevant factors and materials and the Tribunal cannot interfere in the matter. Of course, the first respondent has since taken up the matter for necessary amendment to the Recruitment Rules, 2002, as is evident from Annexure A-4. The applicant has hence, requested the respondents to expedite amendment to the Recruitment Rules instead of going ahead in connection with the



recruitment on the basis of unamended rules. Annexure A-5 refers. Meanwhile, the respondents 1 and 2 invited applications by notification dated 19<sup>th</sup> May 2007 for the afore said post of Arabic Teacher. The applicant had asked for certain information under the RTI Act, which was furnished by the respondents, vide Annexure A-6. As per the information, those who had applied did not possess the requisite qualifications. However, hoping that the amendment would be made to the Recruitment Rules, the applicant had made another representation, vide Annexure A-8. However, vide Annexure A-9, notification was issued inviting inter alia applications for two vacancies of Language Teacher (Arabic) stating that requisite qualification 'according to Recruitment Rules' is Graduate with B.Ed or its equivalent with a minimum of 40% marks in each Degree or Four years integrated B.Sc. ED course with a minimum of 40% of marks. According to the applicant, the prescribed qualification as aforesaid is not the one as per Recruitment Rules. Respondents have published a select list of 11 candidates for the post of Trained Graduate Teacher/Language Teacher (Arabic) vide Annexure A-11. Hence this OA challenging the notification and selection for the post of Language Teachers (Arabic).

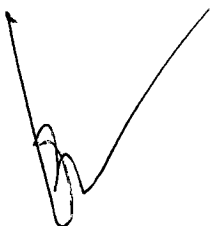
3. Some of the Private respondents have filed counter to the O.A. They have, vide Annexure R-3(A) attached a copy of the notification dated 4<sup>th</sup> September 2002 which is the Rules called the Lakshadweep



Administration Education Department Headmaster, J.B. Schools, Trained Graduate Teachers/Warden and Primary School Teachers (Class III posts) Recruitment Rules 2002. According to the respondents, the name of the post is Trained Graduate Teacher/Warden/Language Teacher and the education and other qualifications required for direct recruitment is Graduate with Bachelor of Education (B.Ed) or its equivalent with a minimum of 40% in each degree OR Four years integrated B.Sc. Ed Course with a minimum of 40% marks. The pay scale attached to the post is Rs 5500 – 175 – 9000. And according to the respondents, the Annexure A-1 notification dated 8<sup>th</sup> July 2002 relates to Language Teachers (Arabic) Grade II, which carries lower pay scale of Rs 4,500 – 125 – 7000 for which the Educational and other qualifications required for direct recruitment is Afzal-UI-Ulama. Counter of the official respondents received later, also echoed the above.

4. Counsel for the applicant argued that the qualification possessed by the applicant is the requisite qualification. However, when the respondents pointed out the difference between the two posts, one as per Annexure A-1 and the other as per Annexure R-3, the counsel for the applicant could not substantiate as to how Annexure A-1 would be applicable to the Annexure A-9 notification.

5. Thus, the applicant has been under a misconception that Annexure A-9 notification relates to the Language Teachers (Arabic)



Grade II post for which the pay scale is Rs 4,500 –125 – 7000, whereas actually, the post is as covered by Annexure R-3, and carries the pay scale of Rs 5,500 – 175- 9000.

6. In view of the above, the OA being devoid of merits, merits only dismissal, which we accordingly order. No costs.

(Dated, the 9<sup>TH</sup> March, 2009)

  
(K. NOORJEHAN)  
ADMINISTRATIVE MEMBER

  
(Dr. K B S RAJAN)  
JUDICIAL MEMBER

cvr.