

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 323/2012

Friday, this the 24th day of July, 2015

CORAM:

Hon'ble Mr. Justice N.K. Balakrishnan, Judicial Member
Hon'ble Mrs.P. Gopinath, Administrative Member

Shanavas P.C
Pallechetta House
Amini Island, Lakshadweep **Applicant**

(By Advocate – Mr.Shafik M.A)

V e r s u s

1. **Administrator**
Union Territory of Lakshadweep
Kavaratti, Lakshadweep – 682 555
2. **Director of Fisheries**
Union Territory of Lakshadweep
Fisheries Department, Kavaratti – 682 555
3. **Saleem C.O**
Bosun, Fisheries Unit
Kavaratti, Lakshadweep – 682 555
4. **Noorul Ameen C.P**
Bosun, Fisheries Unit
Kavaratti, Lakshadweep – 682 555 **Respondents**

(By Advocate – Mr.S.Radhakrishnan R 1&2 and Mr.I.G.Manoharan R 3&4)

This Original Application having been heard on 24.7.2015, the Tribunal on the same day delivered the following:

ORDER

Hon'ble Ms.P.Gopinath, Administrative Member

Applicant in the Original Application has prayed for setting aside the order



appointing respondent nos.3 and 4 as Bosun and to appoint the applicant in one of the posts. Applicant has built his case around Annexure A-6 document titled as 'Rank List', wherein his name appears at Serial No.19. Learned counsel for respondents points out that the qualifications for these posts notified vide Annexure A-4 as per the Recruitment Rules are as follows:-

" Essential:- BFSc (Natural Science or equivalent from a recognized Institute failing which SSLC or equivalent with pass certificate of Vessel Navigator / Mate Fishing Vessel Course or equivalent from a recognised institute with one year experience in watch keeping or as Deck hand/Crew on board a vessel."

2. Heard the arguments and perused the records. Annexure A-10 produced by the applicant is a list detailing the name, address, date of birth, age, qualification and marks of all the 21 applicants who have applied for these posts. In the said list the marks obtained in the two above essential qualifications have been totalled up and the percentage marks worked out in column 10. In Annexure A-10 the applicant is at serial no.6 and respondent nos.3 and 4 are at serial no.4 & 5. The selection of the applicant has been not made on account of lack of merit. Annexure A-6 is a document wherein only marks of SSLC is recorded, whereas in Annexure A-10 the marks of SSLC and Mate Fishing Vessel Course/Vessel Navigator or equivalent have been added together to arrive at the mark percentage.

3. The whole case of the applicant is based on the assumption that Annexure A-6 is the rank list whereas it is noted that it is only a check list of applicants. It is submitted by learned counsel for respondent nos.3 and 4 that Annexure A-6 is actually a manipulated document. In support of the submission, he states that a word 'check' appearing in the left corner-top has been erased and replaced with word 'rank' in Annexure A-6. In Annexure R-3(1) wherein the word appearing is 'Check List' and not 'Rank List'. Hence these appears to be



Annexure A-4 as per the Recyclable Rules can be seen below:-

difference between Annexure A-6 and Annexure R-3(1). The learned counsel for respondent nos.1 and 2 supports the plea of learned counsel for respondent nos.3 and 4. We find it unable to accept the plea that Annexure A-6 is the rank list. It is only a check list. Annexure A-10 is the final rank list. It shows the marks obtained by each of the applicants. It is not disputed that the applicant at serial no.1 who secured the first rank was the only applicant who has B.FSc degree. Dispute is with regard to respondent nos.3 &4. The contention of applicant that Mr.Saleem C.O. (respondent no.3) had only 138 days of experience is countered by the learned counsel for respondent no.3 who points out that this experience is as Bosun, whereas in the very same column it was specifically noted that he has 2.7 years experience as Deck Hand in Coc Mate fishing vessel. Therefore, that contention also falls to the ground.

4. The learned counsel for the applicant pointed out that Mr.Mohammed Yasin, who appears at SI.No.11 in Annexure A-6 and at SI.No.1 in Annexure A-10 is the only candidate, whose marks do not appear different in the two documents. It was pointed out by the learned counsel for the respondents that this candidate has Bachelor Degree in Fisheries Science and hence, the SSLC marks/course certificate are not required to be considered. It is also pertinent to note that the applicant has participated in the selection process and only because he could not score the required rank, he has come up before this Tribunal challenging the selection process. There is no legal infirmity so as to upset the course of action taken by the respondents. The Original Application is dismissed.

(P.GOPINATH)
ADMINISTRATIVE MEMBER
Sv

(N.K. BALAKRISHNAN)
JUDICIAL MEMBER