

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.361/97

Tuesday, this the 18th day of March, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR K RAMAMOORTHY, ADMINISTRATIVE MEMBER

1. Mohammed Habeeb Rahman CK,  
Chekkikulam House,  
P.O.Andrott Island,  
Union Territory of Lakshadweep.
2. Davood MK,  
Muthamkakkda House,  
P.O.Agathy Island,  
Union Territory of Lakshadweep.
3. Anwer Sadique K,  
Kundari House,  
P.O.Kalpeni Island,  
Union Territory of Lakshadweep.
4. PS Kunhikoya,  
Puthiya Surambi House,  
Amini.P.O.  
Union Territory of Lakshadweep.
5. Mohammed A,  
Avoulodurege,  
P.O.Minicoy,  
Union Territory of Lakshadweep.
6. Mohammed Abdusalih TP,  
Thattampookkada House,  
Androth P.O.  
Union Territory of Lakshadweep.
7. Mohammed Khaleel NP,  
Neelathpura House,  
Androth P.O.  
Union Territory of Lakshadweep.
8. Shamsuddeen U.P.  
Ummayyapura House,  
Androth.P.O.  
Union Territory of Lakshadweep. - Applicants

By Advocate Mr P Santhoshkumar

Vs

1. Union of India represented by  
the Secretary,  
Ministry of Labour,  
New Delhi. - Respondents

2. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathi.
3. The Director of Education,  
Union Territory of Lakshadweep,  
Kavarathi.
4. M Hussain,  
Moothakada House,  
Androth Island,  
Union Territory of Lakshadweep.
5. N Shihabuddeen,  
Noormahal,  
Amini Island,  
Union Territory of Lakshadweep.
6. P Thangalkoya,  
Puthylliam House,  
Amini Island,  
Union Territory of Lakshadweep. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC (For R.1 to 3)

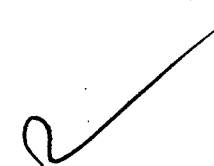
The application having been heard on 18.3.97 the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicants who have completed training in the  
Central Institute of Fisheries Nautical Engineering and  
Training in the category of Fishing Mate, have filed this  
application seeking to have the recruitment rules for the  
post of Fisheries Instructor notified on 13.5.94(A-1)  
quashed in so far as a qualification of training in Shore  
Mechanic has been included in it. According to applicants,  
the recruitment rules which stood prior to the amended  
recruitment rules prescribed the qualification of training  
in Central Institute of Fisheries Nautical Engineering and  
Training for Fishing Mate alone as the qualification for

...3...



recruitment to the post of Fisheries Instructor and the new qualification has been added only for the purpose of favouring the respondents 4&5 who did not possess the qualification prescribed as per the earlier recruitment rules. The amendment of the recruitment rules has affect their chances for appointment as Fisheries Instructor and therefore the applicants state that the impugned provision of the recruitment rules is irrational and unjustified.

2. Having perused the application and having heard the learned counsel for applicants, we do not find that the applicants are aggrieved persons to impugn the recruitment rules. The qualification for recruitment to a post in service or organisation is fixed by the competent authority concerned taking into account the requirement of service and not to suit the persons who would be prospective candidates for appointment. The right of a person to be considered for selection does not amount to foreclosure of right of other persons. If the competent authority in the organisation decide that in the absence of persons having the qualification of successful training as Fishing Mate at CIFNET, persons who have successful training in Shore Mechanic course at CIFNET could also be considered, the applicants have no right to say that it should not be done. Further, the chances of the applicants for being considered for

appointment is not taken away because the first preference even according to the amended recruitment rules goes to those who had successful training as Fisheries Mate at CIFNET. In the light of what is stated above, we do not find any legitimate grievance for the applicants to be redressed in this application and therefore we reject the same under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated, the 18th March, 1997.



K RAMAMOORTHY  
ADMINISTRATIVE MEMBER



AV HARIDASAN  
VICE CHAIRMAN

trs/183

LIST OF ANNEXURE

1. Annexure A1: True copy of the Recruitment Rules of Fisheries Instructor, Lakshadweep Administration (Education Department) issued by the 2nd respondent (Notification No.F.No.18/28/89-Edn. dated 13.5.1994)

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