

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 365 of 2011

FRIDAY, this the 13th day of July, 2012

CORAM:

Hon'ble Mr. Justice P.R Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

1. Mujeeb Rahman M, S/o. C. Mohammed Koya,
 aged 23 years, Makkashikkada House, Agathi Island,
 Union Territory of Lakshadweep-682 553.
2. Rahmathulla M.C., S/o. K.P. Attakoya,
 Aged 24 years, Melachedam House,
 Kalpeni Island, Union Territory of Lakshadweep-
 682 557.
3. Ameenulla P.N., S/o. B.C. Cheriyakoya,
 Aged 21 years, Puthiyathanoda House,
 Kadamat Island, Union Territory of Lakshadweep-
 682 556. **Applicants**

(By Advocate – Mr. M.V. Thamban)

V e r s u s

1. The Administrator, Union Territory of Lakshadweep,
 Kavaratti-682 555.
2. The Superintendent of Police, Union Territory of Lakshadweep,
 Kavaratti Island-682 555.
3. Mohammed Siyad T., S/o. Mohammed B.,
 Bander Housse, Agathi Island, Union Territory of
 Lakshadweep-682 553.
4. Hameed T.M., S/o. Late Abusala M.I.,
 Thahiramanzil House, Agatti Island,
 Union Territory of Lakshadweep-682 553.
5. Niamathullah U., S/o. Sayed B.,
 Unnam House, Amini Island,
 Union Territory of Lakshadweep-682 552.



6. Abdul Salam S.C., S/o. Syed T.C.,
Sarechetta House, Amini Island,
Union Territory of Lakshadweep-682 552.
7. Tariq Anwar B.K., S/o. Sayed Koya N.C.,
Beliyakulam, Amini Island, Union Territory of
Lakshadweep-682 552.
8. Mohammed Sayed M.P., S/o. Nalla Koya T.T.,
Madapura House, Amini Island,
Union Territory of Lakshadweep-682 552.
9. Muneer, S/o. Hameed, Muneer Saleena Manzil House,
Minicoy Island, Union Territory of Lakshadweep-682 559.
10. Sadiquali C.H.P., S/o. Cheriyakoya K.P.,
Chenamkottiyathapura House, Amini Island,
Union Territory of Lakshadweep-682 552.
11. Hussain P.P., S/o. Yousuf K.K., residing at Puthya
Purathakal House, Amini Island, Union Territory of
Lakshadweep-682 552.
12. Muhammed Abdul Ofoor P.M.M., S/o. Abdul Kader
Naha K., Puthiya Veedu House, Androth Island,
Union Territory of Lakshadweep-682 551. **Respondents**

**[By Advocates – Mr. S. Radhakrishnan (R1&2) &
Mr. M.R. Hariraj (R3-6, 11&12)]**

This application having been heard on 03.07.2012, the Tribunal on
13-07-12 delivered the following:

ORDER

By Hon'ble Mr. K. George Joseph, Administrative Member -

The applicants are candidates for selection to the post of Police Constables under the Lakshadweep Police Department. As per Annexure A1 notification dated 31.12.2010 the minimum educational qualification was plus-II and the last date for submission of application was 1.2.2011. A corrigendum dated 18.1.2011 (Annexure A2) stated that holders of NCC certificates and sports certificates would be given bonus marks of 1% or 2%



and that attested copies of relevant certificates should be submitted on or before 1.2.2011. A short list containing 408 candidates was issued on 1.3.2011. A select list of 80 candidates and a waiting list of 16 candidates were issued on 28.3.2011. The 1st applicant is wait listed as No. 2. The 2nd and 3rd applicants are at serial Nos. 10 and 11 respectively in the waiting list. The respondents 3 to 12 are candidates who secured less marks in the qualifying examination than the applicants herein. Two of the party respondents had not submitted NCC/Sports certificates within the stipulated time.

2. This Original Application is filed for a declaration that selection procedure prescribed in Annexure A1 notification will be final and that no other certificates produced subsequent to the last date stipulated in Annexure A1 notification is to be entertained and also to declare that no bonus mark can be awarded on the basis of Annexure A2 corrigendum and for other consequential reliefs.

3. The applicants contended that they ought to have been included in the select list on the basis of their marks in the plus-II qualifying examination. There is no provision in the recruitment rules or in the notification at Annexure A1 to give bonus marks on the basis of NCC/sports certificates. Annexure A2 corrigendum notice is violative of recruitment rules and the notification Annexure A1 and the order at Annexure A9. Bonus marks were introduced to include the relatives or wards of some of the serving Police Officers. It is well settled that there cannot be any

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deviation from the recruitment rules in the notification inviting applications.

4. The official respondents in their reply statement submitted that the applicants had not raised any objections to the corrigendum when it was circulated or at any stage of recruitment. The corrigendum was issued with the approval of the competent authority before the last date of receiving applications in order to give proper weight-age to sports/NCC. This was done with bona-fide intention to give due weight-age to sports personnel and NCC cadets as in other parts of the Country. The Lakshadweep Administrator is competent to do so as per the relevant recruitment rules. Considering the difficulties of some candidates in submitting sports/NCC certificates in time the recruitment board decided to accept these certificates at the time of verification of documents and physical measurement, in the interest of fair play and natural justice. There was no irregularity in the recruitment at any stage. The representations of the applicants were considered and rejected as they were devoid of any merits.

5. The party respondents in their reply statement submitted that due to lack of communication they were not able to submit the certificates within time. The jurisdiction of rule making authority to prescribe the criteria for selection is settled by the decision of the Hon'ble Supreme Court in Krushna Chandra Sahu & Ors. Vs. State of Orissa & Ors.

6. In the rejoinder statement the applicants submitted that the recruitment board has no power to take a decision to accept documents claiming weight-age of marks beyond the last date prescribed in Annexure



A2. The power of the Administrator to grant relaxation does not imply the power to grant bonus marks.

7. We have heard the learned counsel for the parties and perused the records.

8. The notification for selection issued on 31.12.2010 was amended by corrigendum dated 18.1.2011 before the closing date of receipt of applications on 1.2.2011. That bonus marks of 1% to 2% to candidates having NCC/sports certificates will be given was made known to all giving reasonable time for submitting the copies of certificates. The applicants were well aware of all the rules of the game before the game started. They had no complaint against the corrigendum till the selection was over. After participating in the selection they are now challenging the rules only because they could not find a place in the select list but only in the waiting list. The stand of the applicants is untenable.

9. The notification dated 31.12.2010 signals the starting of the selection process. Once the selection process started in order to maintain the purity of the selection process it is better not to effect any change in the rules notified. However, in the instant case before the closing date for receiving applications a corrigendum was issued to give bonus marks for those who have NCC/sports certificates. Corrigendum was issued before the starting of selection process ended on 1.2.2011. Amendment to the notification by the corrigendum was not late. It merges with the notification. It is not violative of the recruitment rules or the notification of 31.12.2010 or the order at

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Annexure A9 as it is issued by the competent authority to relax the provisions of the recruitment rules, well in time. It was not arbitrary. It gave equal opportunity to all the candidates. If the applicants were not having the required certificates for bonus marks it is not open to them to say that such certificate holders should not be given bonus marks.

10. In the facts and circumstances of the case the purity of the selection process is not compromised at all. The amendment to the notification for selection to the post of 84 Police Constables was issued by the competent authority. The purpose of the amendment was to encourage participation in NCC/sports as is being done in a number of States and Union Territories. There is no malafide on the part of the respondents in doing so. That it was introduced for the 1st time in Lakshadweep does not make it illegal. It is highly desirable to prefer candidates with NCC/sports for appointment in the Police Force. The allegation that it was done to favour the relatives or wards of Police Officers is not proved beyond doubt.

11. Considering the difficulties faced by the geographical conditions and lack of transport and communication facilities, some of the candidates were allowed to produce copies of NCC/sports certificates at the time of verification of documents and physical measurement stage in the interest of fair play and natural justice. They have obtained the original certificates well before the corrigendum. Their applications were received in time. In our considered view, there is no material irregularity in extending a little time for submission of the certificates in the special circumstances of the Islands. The applicants would not have been denied similar treatment if only

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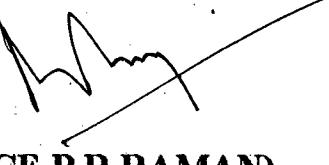
they had the certificates.

12. During the hearing of this Original Application it transpired that the 1st and 2nd applicants have already secured appointments as Police Constables in non-joining vacancies.
13. In the facts and circumstances of this Original Application and for the reasons stated above, we do not find any impropriety or irregularity or illegality in the selection process, warranting interference by this Tribunal. Accordingly, the Original Application is dismissed with no order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

“SA”



(JUSTICE P.R RAMAN)
JUDICIAL MEMBER