

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.413/07

Wednesday this the 27<sup>th</sup> day of June 2007

**C O R A M :**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN  
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

1. Koya P,  
Primary School Teacher,  
Government Junior Basic School, Minicoy.
2. Muhammed Koya K,  
Primary School Teacher,  
Senior Basic School, Agathi. ...Applicants

(By Advocate Mr.S.Krishnamoorthy)

**Versus**

1. Administrator,  
Union Territory of Lakshadweep, Kavaratti.
2. Director, Department of Education,  
Union Territory of Lakshadweep Administration,  
Kavaratti.
3. Secretary, Department of Education,  
Administration of Union Territory of Lakshadweep,  
Kavaratti.
4. B.K.Sajitha, D/o.K.Ali Koya,  
Primary School Teacher,  
Government Senior Basic School, Agathi.
5. C.P.Fathahuddin,  
Primary School Teacher,  
Government Senior Basic School, Agathi. ...Respondents

(By Advocate Mr.Shafik M.A.)

This application having been heard on 27<sup>th</sup> June 2007 the Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

Applicants are Primary School Teachers in the Education Department of Lakshadweep Administration. They contend that when they were appointed in 1978 and 1989, the basic qualification required was only SSLC with TTC. Now by Annexure A-3 the Administration has amended

.2.

the Recruitment Rules and the amended Recruitment Rules dated 17.9.2002 provides that 50% of the vacancies would be filled up by Primary School Teachers having B.A., B.Ed or B.Sc, B.Sc.Ed. This stipulation in the Recruitment Rules would result in promotion of juniors in the category who have been recruited only two years back if they have a B.Ed degree. Hence they contend that all the vacancies of the Headmasters should be filled up on the basis of seniority only.

2. We have heard both the sides. We find that the applicants including similarly placed persons have given Annexure A-5 representation dated 8.4.2007 before the Administrator, Union Territory of Lakshadweep which has not been disposed of so far. Since the challenge is to the Recruitment Rules, being a policy decision, it is for the Administration to consider the grievance of the applicants in the light of the averments made in the representation. Therefore, we are of the view that the interest of justice will be met if a direction is given to the 1<sup>st</sup> respondent to consider the representation of the applicants at Annexure A-5 and take a decision thereon within a period of four weeks from the date of receipt of a copy of this order. Since it has been submitted that majority of the teachers who are in service now are without this qualification, it is also directed that the 1<sup>st</sup> respondent shall give a personal hearing to the applicants or any authorised representative on their behalf. The O.A is disposed of accordingly. No order as to costs.

(Dated the 27<sup>th</sup> day of June 2007)

  
**K.B.S.RAJAN**  
**JUDICIAL MEMBER**

  
**SATHI NAIR**  
**VICE CHAIRMAN**

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