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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, AT CALCUTTA

O.A.NO. 351/757/ 2018

IN THE MATTER OF:

Mrs. Rita Mary W/o Shri Vijay Victor James, aged about 34 years R/o Middle Point, Port Blair, South Andaman District, presently working as Craft Instructor (Music) Part Time at Government Middle School, Aberdeen, Port Blair, South Andaman District.

.....Applicant

-Versus-

1. Union of India through the Secretary, Ministry of Human Resource Development (Education Department), Govt. of India, Shastri Bhavan, New Delhi-110001.
2. The Lt. Governor, Andaman & Nicobar Islands, Raj Niwas, Port Blair-744101.
3. The Chief Secretary, A & N Administration, Secretariat Building, Port Blair-744101.
4. The Secretary-cum-Director (Education), Andaman & Nicobar Administration, Secretariat Building, Port Blair-744101.
5. The Deputy Director of Education (Perl.), Directorate of Education, Port Blair.

.....Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

No.O.A.351/757/2018

Date of order : 07.06.2018

**Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**

For the applicant : Mr. B. Bhusan, counsel  
Mr. R. Singh, counsel

For the respondents : Mr. S.K. Ghosh, counsel

**ORDER (ORAL)**

**A.K. Patnaik, Judicial Member**

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- "(a) An order do issue declaring that prescription of minimum 10 marks out of 20 in Skill/trade test after the selection process is over as bad in law for the reason that criteria for selection cannot be changed after the commencement of selection process;
- (b) An order do issue setting aside the provisional merit list dated 27.04.2018 for the post of Craft Instructor (Music Vocal/Instrumental) prepared by prescribing minimum qualifying marks 10 to be obtained out of 20 in skill test/trade test and by adding them to marks calculated for academic and educational qualification;
- (c) An order do issue directing the respondent authorities to prepare a fresh provisional merit list by adding the marks obtained in skill/trade test to the marks in academic and professional qualification for all candidates who qualified the trade/ skill test by scoring minimum pass marks;
- (d) An order do issue directing the respondent No. 5 to produce the records of selection process before this Hon'ble Tribunal so that concessionable justice may be done;
- (e) Any such order or orders be passed and or direction or directions be given as this Hon'ble Tribunal may deem fit and proper.
- (f) Cost and incidentals to this application."

2. Heard Id. counsel Mr. B. Bhusan and Mr. R. Singh, Id. counsel for the applicant. Mr. S.K. Ghosh, Id. counsel for the official respondents is also present and heard.

3. Mr. B Bhusan, Id. counsel for the applicant submitted that the applicant has made a representation dated 23.05.2018(Annexure A/9) to the Respondent No.4 ventilating his grievances therein, but received no response to the same till date. Mr. Bhusan further submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.4 to consider and dispose of the representation of the applicant dated 23.05.2018(Annexure A/9) as per rules and regulations in force within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties if such prayer of the Id. counsel for the applicant is allowed.

4. Accordingly the respondent No.4 i.e. the Secretary(Education), Andaman & Nicobar Administration, Port Blair is directed to consider and dispose of the representation of the applicant dated 23.05.2018(Annexure A/9) as per rules and guidelines in force and communicate the result to him by way of a well reasoned order within a period of six weeks from the date of receipt of a copy of this order. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, the respondent authorities shall grant such benefits to him within a further period of six weeks from the date of taking decision in the matter.

5. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.
6. With the above observations and directions, the O.A. is disposed of
7. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to Respondent No.4 by speed post by the Registry for which the Id. counsel for the applicant shall deposit the cost within one week.

( A.K. Patnaik)  
Judicial Member

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