

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 181/00003/2017

Thursday, this the 30th day of August, 2018.

CORAM:

**HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr. ASHISH KALIA, JUDICIAL MEMBER**

Foushad K.C., 30 years,
S/o. Cheriya Koya,
R/o. Kannichetta House,
Post-Androth,
Union Territory of Lakshadweep. - Applicant

[By Advocate Mr. K.P.S. Suresh]

Versus

1. The Administrator,
U.T of Lakshadweep,
Post-Kavaratti via HPO Cochin,
Pin Code – 682 555.
2. The Director of Education,
U.T of Lakshadweep,
Post-Kavaratti, Via HPO Cochin,
Pin Code – 682 555. - Respondents

[By Advocate : Mr. S. Manu]

The application having been heard on 09.08.2018, the Tribunal on 30.08.2018 delivered the following:

ORDER

Per: E.K. Bharat Bhushan, Administrative Member

O.A No. 3 of 2017 is filed by Shri K.C. Foushad against the order dated 16.11.2016 issued by respondent No.2. It is indicated therein that the applicant is not qualified for the reason that PG and B.Ed mark list and certificates were not produced by him while applying for the post of PGT (Computer Science). The impugned order is at Annexure A-1.

2. The applicant is a permanent resident/native of Androth Island in Union Territory of Lakshadweep and had applied for the post of Post Graduate Teacher (Computer Science) for which applications had been called for by the Respondent No.2 as per notification dated 04.07.2016 at Annexure A-2. The applicant had completed his Master of Computer Applications Degree Course from Mahatma Gandhi University, Kerala wherein he had passed the final examinations with 65.5% marks. He contends that the Masters Degree in MCA is considered as eligibility qualification for appointment to the post of Post Graduate Teachers in Computer Science under various Government agencies/departments including Kendriya Vidyalaya Sanghatan.

3. He is aggrieved by the fact that the Union Territory of Lakshadweep Administration decided to make B.Ed with Computer Science as a necessary qualification for the post. It is argued that these two courses are not offered as a combination in the curriculum of B.Ed studies in Kerala and in most other States. He avers in the O.A that to the best of his knowledge, no such combination has been offered till 2015 anywhere else.

4. By putting up a non-existent combination and making it a necessary qualification, the applicant argues that his eligible claims for the post have been negated by the respondents.

5. As grounds, applicant argues that Union Territory of Lakshadweep, being an integral part of India, and is bound to follow the

common principles laid down by regulatory bodies such as CBSE and premium educational institutions like Kendriya Vidyalaya Sanghatan while determining qualifications for PGT. He has annexed conditions for eligibility in the Union Territory of Delhi for PGT (Computer Science) (Annexure A-3). Government of Kerala (Annexure A-4) and Kendriya Vidyalaya Sanghatan at Annexure A-5, wherein MCA in Computer Science alone was eligibility enough for applying for PGT Computer Science post. He seeks the following reliefs:-

“(a) The Hon'ble Tribunal is prayed to issue an appropriate order to quash the part of PGT recruitment rules that has made B.Ed in Computer Science as a mandatory qualification for recruitment of PGT (CS) to make it comparable with recruitment rule followed elsewhere in the country.

(b) That, the applicant shall be granted eligibility to appear in the test/interview for the selection of PGT (CS) to be conducted by the respondent No.2.

(c) Award costs of and incidental to this application.

(d) Grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

6. By way of reply, the respondents have filed a counsel statement. It is maintained in the said statement that the Recruitment Rules for the post of Post Graduate Teachers was notified by the Lakshadweep Administration on the basis of NCTE Notification and Recruitment Rules. B.Ed from NCTE recognized institutions is compulsory along with Post Graduate Degree in the relevant subject as per NCTE Notification. This being so, the Administration is expected to follow the same line while prescribing conditions and that is all that the respondents have done.

7. It is also maintained that the averment made by the applicant that such a combination is not offered by any University is incorrect. The University of Calicut for example, has been conducting B.Ed in Computer Science; so also Vivekananda College of Teacher Education, Palakkad affiliated to Kerala University is conducting the same course and it has been available since 2005. The applicant, because he does not possess the necessary qualification, has no right to claim for amendment to the eligibility norms prescribed in due accordance with precedents and regulations.

8. Shri K.P.S. Suresh, learned counsel for the applicant and the learned Standing Counsel for the Lakshadweep Administration were heard and all pleadings examined.

9. The matter lies in a narrow compass. The contention of the applicant is that the respondents were wrong in having prescribed a non-existent qualification in the form of a combined course such as B.Ed in Computer Science while prescribing eligibility for PGT (Computer Science). He contends that in various recruitments for the posts conducted by other bodies, such an impractical eligibility has not been prescribed and Masters in Computer Applications was adequate to apply for the same. The candidate has an MCA Degree wherein he has got more than 60% and according to him, this ought to have been considered.

10. However, we are of the view that deciding upon eligibility conditions for a post under a government entity like Lakshadweep

Administration falls entirely within the purview of that entity. Whether they should follow the eligibility prescribed by other sister organisations or whether they should plough a lonely furrow is entirely upto the decision makers of the respondent entity. On the basis of information provided about such courses being in existence in Kerala, we cannot but discount the contention of the applicant that the combination is not offered by any University. While ensuring that justice and fair play is ensured in the manner of selection, this Tribunal will be exceeding its brief, if it goes onto cancel or amend eligibility norms which are entirely within the domain of the respondents.

11. On the basis of the above, we are of the view that the O.A is devoid of merit and ought to be dismissed. We proceed to do so. No order as to costs.

(Dated, 30th August, 2018.)

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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Applicant's Annexures

- Annexure A1 - True copy of the order No. F. No. 18/03/2016-Edn/Estt/1169 dated 16.11.2016.
- Annexure A2 - True copy of Notification No. F. No. 18/3/2016-Edn/Estt(1) dated 04.07.2016.
- Annexure A3 - True copy of the notification F. DE 2(8)/144/E-II/2009/746 dated 03.03.2015.
- Annexure A4 - True relevant extract of Chapter XXXII of KER
- Annexure A5 - True copy of the Advertisement No. 11 issued by the Kendriya Vidyalaya Sangathan.

Annexures of Respondents

NIL
