

LIBRARY

1 o.a. 351.117.2019

LIBRARY

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 351/00117/AN/2019

Date of order: 5.2.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Surabala Sardar,
Daughter of Harendra Nath Sardar,
Residing at Subash Bazar,
P.O. – Diglipur,
District – North & Middle Andaman,
Pin – 744 202.

..... Applicant.

-Versus-

1. Union of India,
Service through the Secretary,
Ministry of Human Resource Development,
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi – 110 001.
2. The Lt. Governor,
Andaman & Nicobar Islands,
Raj Niwas,
Port Blair – 744 101.
3. The Secretary,
Education,
Andaman & Nicobar Administration,
Port Blair,
District – South Andaman,
Pin – 744 101.
4. The Director of Education,
Andaman & Nicobar Administration,
Port Blair,
District – South Andaman,
Pin – 744 101.
5. Manik Mandal,
Son of Manoranjan Mandal,
Port Blair,
District – South Andaman,
Pin – 744 101, A & N Island.

..... Respondents.

For the Applicant : Mr. B.K. Das, Counsel
Mr. A. Dutta, Counsel

For the Respondents : Mr. R. Halder, Counsel

[Signature]

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- "i. The impugned Provisional Merit List for the post of Craft Instructor (Music – Vocal/Instrumental) published on 27.04.2018 from the Office of the Director of Education (Respondent No.4) be declared illegal and hence set-aside;
- ii. The respondents concerned be directed to consider the applicant for selection for the post of Craft Instructor (Music – Vocal /Instrumental) considering the marks obtained by the applicant in the written test;
- iii. The respondents concerned be directed to dispose off the representation of the applicant dated 20.12.2018 (Annexure – A-5) at the earliest;
- iv. Such other/further Order/Orders as the Hon'ble Court may deem fit and proper."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage.

3. The case of the applicant, as submitted through her Ld. Counsel, is that the applicant had appeared in the selection test for the post of Craft Instructor (Music-Vocal/Instrument) and, although, she had obtained better marks in the general education than the private respondents, she was not considered for inclusion in the provisional merit list and that the private respondents were selected only on the basis of the trade test result. Accordingly, being aggrieved, the applicant has approached the Tribunal challenging the said provisional merit list and seeking consideration to be selected in the post of Craft Instructor (Music-Vocal/Instrument).

Ld. Counsel for the applicant further submits that although the applicant had preferred a representation on 20.12.2018 (Annexure A-5 to the O.A.), the said representation has not been considered till now and the grievance of the applicant would be more or less redressed if a specific order is issued directing the concerned authority, namely, the Chief Secretary, A&N Administration

Nandita

Secretariat, Port Blair to consider and dispose of the representation dated 20.12.2018 within a specific time frame .

Ld. Counsel for the applicant further submits that the respondents may be directed to consider the representation in terms of orders dated 5.6.2018 as issued by this Tribunal in O.A. No. 744 of 2018.

4. Ld. Counsel for the respondents does not object if such representation is directed to be considered in accordance with law.

5. Upon perusal of the aforementioned representation, however, it is seen that the applicant's representation is addressed to the Chief Secretary, A&N Administration, Port Blair, who, however, has not been impleaded as a respondent in the instant Original Application. Accordingly, the applicant is given liberty to prefer a representation to the competent respondent authority, as impleaded in the instant O.A., within a period of two weeks from the date of receipt of a copy of this order. Once such representation is received by the competent respondent authority, the same may be considered and disposed of in the form of a reasoned and speaking order and in accordance with law and in the light of this Tribunal's orders dated 5.6.2018 in O.A. 744 of 2018. The entire exercise should be completed within 4 weeks of the date of receipt of the representation from the applicant.

6. With the aforesaid observations and directions, the O.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP