

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00482/2017

Wednesday, this the 12th day of December, 2018

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Asif N., aged 26 years, S/o. Mhisha P.,
 Nedum Thiru House, Kiltan Island,
 Union Territory of Lakshadweep,
 Pincode – 682 558.

..... **Applicant**

(By Advocate : Mr. C.A. Majeed)

V e r s u s

1. Union Territory of Lakshadweep, Kavaratti-682 555.
 represented by its Administrator.
2. The Secretary, Department of Animal Husbandry,
 Administration of Union Territory of Lakshadweep,
 Kavaratti – 682 555.
3. The Director, Department of Animal Husbandry,
 Administration of Union Territory of Lakshadweep,
 Kavaratti – 682 555.
4. The Director, LBS Centre for Science and Technology,
 Nandavanam, Palayam, Thiruvananthapuram, Kerala 695 033.
5. Althaf Ali Marzouk P., Puthiya Pattiniyoda House,
 Agatti Island, Union Territory of Lakshadweep,
 Pincode – 682 553.
6. Jamsheed Khan M.P., Melapura House, Kiltan Island,
 Union Territory of Lakshadweep, Pincode – 682 558.
7. Kaleela Farsana L, Lavanakkal House, Androth Island,
 Union Territory of Lakshadweep,
 Pincode – 682 551. **Respondents**

**[By Advocates : Mr. S. Manu (R1-3),
 Mrs. Shameena Salahudeen (R4) &
 Mr. Anand S.A. (R5&6)]**

This application having been heard on 07.12.2018 the Tribunal on 12.12.2018 delivered the following:

ORDER

Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicant are as under:

- “i) Call for records leading to Annexures A-1 to A-6 and set aside Annexure A-6 to the extent that it includes 5th and 6th respondents, who are ineligible to apply as per Annexure A-2 circular & Annexure A.5 notification, finding the same as illegal, arbitrary and malafide;
- ii) Declare that the appointment of the 5th and 6th respondent made by the 2nd and 3rd respondent is illegal and arbitrary and against all provisions of law and set aside the same;
- iii) Declare that the inclusion of 5th and 6th respondents in Annexure A-6, who are ineligible and unqualified candidates as per Annexure A-2 circular and Annexure A-4 notification, as illegal, unjust and arbitrary;
- iv) Declare that the placing of the 7th respondent above the applicant in Annexure A-6 as illegal, unjust and arbitrary;
- v) Direct the 2nd and 3rd respondent to modify Annexure A-6 rank list excluding 5th and 6th respondents and to place the applicant at appropriate place with due weightage to qualification and seniority as per age;
- vi) Pass such other order or direction as prayed for by the applicant in due course which shall be just and proper;

And

- vii) award the cost of the applicant.”

2. The brief facts of the case are that the applicant is a native of Union Territory of Lakshadweep and holder of Diploma in Livestock Assistant. He has applied for the post of Stockman/Stockman Compounder/Poultry Vaccinator for which the qualification prescribed is pass in plus two science group with Biology as one subject and pass in Livestock Inspectors Training certificate course from a recognized institution of State or Central Government having minimum duration of nine months or pass in vocational

higher secondary education course with animal husbandry and veterinary subjects and pass in Livestock Inspector Training certificate course from recognized Institution of State and Central Government having minimum duration of nine months. The recruitment criteria were written examination and personal interview. Later on a corrigendum dated 24.2.2016 was issued notifying that there shall be no interview for the selection to the said post. The third respondent published the list of eligible candidates to the said post on 7.11.2016 and also called objections, if any, to be submitted within a period of 15 days of publication of the said list. The applicant's name appeared at serial No. 24 and 5th, 6th and 7th respondents' names at serial Nos. 5, 30 and 25 respectively indicating that they are eligible. The applicant submitted that since respondents 5 & 6 had completed Livestock Inspector Training Certificate Course of duration of 6 months only, they are not qualified to be appointed to the said post but have been included as eligible candidates in Annexure A4. Aggrieved the applicant approached the 3rd respondent and requested for necessary action. However, no action was taken. Hence, this OA.

3. Notices were issued to the respondents. They entered appearance through Shri S. Manu for respondents Nos. 1-3, Ms. Shameena Salahudheen for respondent No. 4 and Mr. Anand S.A. for respondents Nos. 5 and 6. Respondents Nos. 1-3 filed a statement contending that a written competitive examination for the post of Stockman and similar grades was conducted by LBS centre, Trivandrum and thereafter the merit and rank list was published by the Department of Animal Husbandry. 15 days period was

stipulated for submitting complaints, if any, against the check list published by the Department. But no complaint was received from anybody on the check list within that stipulated period. The complaint from the applicant was received after the stipulated period. It is further submitted that the applicant in the present OA obtained his diploma from Vinayaka Mission Institution through correspondence course. The authenticity and acceptability of that particular diploma course is doubtful and therefore, the administration had sought clarification from the Government of Kerala as to whether this diploma course from Vinayaka Mission is acceptable and whether the same is being considered as sufficient qualification in Kerala for the post of Livestock Inspectors. As per the new Recruitment Rules Veterinary Stockman and other similar grades as per the courses for Para Veterinarians are available in Kerala only and Recruitment Rule include VHSC with animal husbandry and veterinary subjects and Livestock Inspector training certificate course having duration of not less than 9 months as the required qualifications. This was done in tune with the course available in Kerala at that time. Later, on introduction of 2 orders, the VHSE, Animal Husbandry and Veterinary subjects in Kerala, the period of Livestock Inspector Training certificate course was reduced to six months. The selected candidates had undergone 2 years VHSE plus 6 months training course of the Kerala Government and therefore are eligible for the post of Stockman. The department had already sought a clarification regarding the qualification of the applicant whether it is sufficient for the said post. However, no reply is received from the Directorate of Animal Husbandry at Trivandrum so far.

4. Heard Shri C.A. Mazeed, learned counsel appearing for the applicant and Shri S. Manu, learned counsel for respondents Nos. 1-3, Ms. Shameena Salahudheen for respondent No. 4 and Mr. Anand S.A. for respondents Nos. 5 and 6. Perused the records.

5. The short point raised by the applicant herein is whether the qualification prescribed i.e. pass in plus two science group with Biology as one subject and pass in Livestock Inspectors Training certificate course from a recognized institution of State or Central Government having minimum duration of nine months or pass in vocational higher secondary education course with animal husbandry and veterinary subjects and pass in Livestock Inspector Training certificate course from recognized Institution of State and Central Government having minimum duration of six months is sufficient for the said post. The applicant submitted that the party respondents have no training experience as envisaged in the Recruitment Rules and the candidates who have been selected by the Department are possessing only six months inspector training certificate course for six months. It was informed by the learned counsel for the Lakshadweep Administration that at present no University in Kerala is granting diploma for nine months. So the Department has later on reduced the training period from 9 months to six months which is possessed by the candidates who have been selected for the posts. The applicant who himself is not having the requisite experience cannot come to this Tribunal and question the selection when he was given an opportunity to object to it within the 15 days period. It is in fact the applicant has no *locus standi* to file this Original Application

whose diploma itself being a correspondence course from a private university and whose authenticity and acceptability is doubtful as per the Department's stand.

6. Thus, after detailed examination of the documents and appreciating the arguments we are of the view that the Original Application is devoid of merits and is liable to be dismissed. Hence, the OA is dismissed. There shall be no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

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APPLICANT'S ANNEXURES

Annexure A1 - Photocopy of the certificate proving the qualification of applicant.

Annexure A2 - Photocopy of the circular dated 23.7.2015 inviting application for the post in the 2nd respondent Department.

Annexure A3 - Photocopy of the corrigendum published by the 2nd respondent dated 24.2.2016.

Annexure A4 - Photocopy of the eligibility list published by the 3rd respondent on 7.11.2016.

Annexure A5 - Photocopy of the relevant extract of the notification to the post published in the gazette.

Annexure A6 - Photocopy of the circular No. F. No. 1/11/2010-AH dated 23.1.2017 publishing the rank list.

Annexure A7 - Photocopy of the office note showing the details of earlier recruitment to the post of Stockman.

Annexure A8 - Photocopy of the application preferred by the applicant before the competent authority under Right to Information Act.

Annexure A9 - Photocopy of the reply dated 21.7.2018 issued by the Public Information Officer, Livestock Management Training Centre.

RESPONDENTS' ANNEXURES

Annexure R1(a) - True copy of the letter F. No. 1/11/2010-AH (Estt) dated 19.5.2017.

Annexure R1(b) - True copy of the letter No. KVASU/DAR/Acad B2/12156/2017/L-Dis dated 19.6.2017.

Annexure R1(c) - True copy of the letter F. No. 1/11/2010-AH dated 25.8.2017.