

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

OP (CAT).No. 53 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 181/2015 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH**

PETITIONER(S):

**MUBARAKA BEEGAM, AGED 26 YEARS,
D/O ABDULKADER BALIYAKAM,
MUBARAKA BAD(H), ANDROTT ISLAND,
U.T OF LAKSHADWEEP, PIN - 682 556.**

**BY ADVS.SRI.R.ROHITH
SRI.SAYED MURTHALA THANGAL**

RESPONDENT(S):

- 1. ADMINISTRATOR,
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI - 682 555.**
- 2. DIRECTOR OF SERVICES,
UNION TERRITORY OF LAKSHADWEEP,**

R BY SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN

**THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 12-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

OP (CAT).No. 53 of 2015 (Z)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF THE ORIGINAL APPLICATION ALONG WITH ANNEXURES FILED BY THE PETITIONER AS ORIGINAL APPLICATION NO.181/26 OF 2015 BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXHIBIT P2: COPY OF THE ORDER DATED 27.2.2015 OF HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

O.P.(CAT).No.53 of 2015

Dated this the 12th day of January, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.We have heard the learned counsel for the petitioner. Under challenge is an order of the Central Administrative Tribunal, declining to grant any interim relief in an original application challenging proposed recruitment to the category of Assistant Public Prosecutor. The argument is that the advertisement shows that minimum three years' experience at the Bar is shown as essential, though the recruitment rule prescribes as follows:

“Educational and other qualifications for direct recruitment:

A degree in Law. Preference will be given to those who have experience in Criminal bar and/or Additional Public Prosecutor for at least three years”

2. In the ultimate analysis, what is projected is that while any person incompetent would not be recruited, the zone of consideration has been pegged at a level higher than what is specified as per RR. We recall for ourselves that there may be judicial opinions operating as precedents governing that plea, as raised. It will be a matter of varying views. But, the larger public interest is to get the best. Whether the prescription in the invitation amounts to hostile discrimination of a citizen, resulting in arbitrariness, cannot be stated superficially, in the facts of the case in hand. That is a matter which can be agitated at the ultimate hearing of the original application pending before the Tribunal. Hence, the Tribunal was well founded in not having granted an interim relief against the proposed recruitment. Not only that, if recruitment takes place, any candidate who is appointed will also have the opportunity to be brought on record and of being heard in opposition to the original application.

3. For the aforesaid reasons, we do not see that any ground is made out for interference under Article 227 of the Constitution

of India. This original petition fails.

In the result, this original petition is dismissed in limine, without prejudice to the contentions in the original application pending before the Tribunal.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

DG