

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00685/2016**

Date of order: 03.03.2020

C O R A M

**HON'BLE MR. JAYESH V. BHAIKARIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Ganesh Jha, S/o Sri Ramjee Jha, resident of Village- Bhairo, P.S.- Sitamarhi, District- Sitamarhi.

.... **Applicant.**

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the Chief Postmaster General Bihar Circle, Patna.
2. The Postmaster General, Northern Region, Muzaffar.
3. The Director, Postal Services (N), O/o the Postmaster General, Northern Region, Muzaffarpur.
4. The Superintendent of Post Offices, Sitamarhi Division, Sitamarhi.
5. The Inspector of Posts, Central Sub Division, Sitamarhi.
6. Shri Harendra Rai, S/o Sri Mehi Lal Rai, at present working as GDSMD/MC at Parsauni Branch Post Office in account with Sitamarhi Bazar Sub Post Office, District- Sitamarhi.

.... **Respondents.**

By Advocate: - Mr. Bindhyachal Rai

**O R D E R
[ORAL]**

Per Dinesh Sharma, A.M:- In the instant OA, the applicant has prayed for quashing the engagement of respondent no. 6 on the post of GDSMD/MC at Parsauni Branch Post Office in a/c with Sitamarhi bazar Sub Post Office in February, 2015 by showing the applicant absent erroneously on extraneous considerations. He has also prayed for directing the respondents to consider the candidature of the applicant



for engagement on the said post. The applicant has alleged that though he had more marks than the candidate (respondent no. 6) selected he has not been appointed to the said post on extraneous considerations. When he enquired about this matter, he was informed vide letter dated 19.06.2015 that he did not appear on 17.11.2014 for verification of educational certificates and therefore his candidature was cancelled. The applicant alleges that he was approached by some persons pressurising him to withdraw his candidature. The rejection of his candidature on the ground of his alleged absence is wrong and therefore the appointment of respondent no. 6 who secured less marks than him in the qualifying examination should be cancelled and the applicant should be appointed in his place.

2. The respondents have denied this claim of the applicant in their written statement. They have stated that following the advertisement of vacancy dated 23.09.2014, 72 applications were received. All these candidates were asked through registered post to appear at Athari SO on 17.11.2014 for verification of documents. Since the applicant did not appear for the verification of documents, his documents could not be verified. The written statement also encloses a copy of the attendance sheet and the proforma report merit list of the candidates for the above-mentioned post. In both these lists, the applicant has been shown to be absent.



3. We have gone through the pleadings and heard the arguments of the learned counsels of the parties. While learned counsel for the applicant reiterated the claim about extraneous considerations, the learned counsel for the respondents denied those claims. The learned counsel for the applicant also produced a decision of this Tribunal in OA 680 of 2012 in which this Tribunal had ordered a wrongly made appointment to be cancelled.



4. After going through the pleadings and hearing the arguments, it is clear that the decision in this matter hinges on the fact about whether the applicant was present for verification of documents on the date fixed for such verification. The documents produced by the respondents (which were also incidentally enclosed with the OA by the applicant as received in reply under a request under RTI) very clearly show the applicant to be absent in both the attendance sheet and also in the merit list. The attendance sheet shows signatures of the candidates present and there is no signature of the applicant in this sheet. In the absence of any other evidence, it is difficult to believe that out of 72 candidates the number of candidates shown absent are all due to involvement of extraneous forces. We also find that there is a candidate higher in the merit list than the applicant who is marked as absent and another candidate above the selected candidate, though present, was rejected because of his certificate being from an unauthorized Board. The tabulation of the candidates in the merit list thus *prima facie*

appears to be made on objective considerations. The decisions cited by the learned counsel for the respondents is on totally different facts and the rejection of the candidature in that case was based on a bogus communication (and not because of absence of the candidate). Since the applicant has not been able to produce any evidence of any fraud or any obvious irregularity in the selection process and has also not given any supporting evidence to prove his claim about his having been present for verification of documents, there is no merit in the case of the applicant.

The OA is, therefore, dismissed. No order as to costs.



[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member