



**Central Administrative Tribunal
Cuttack Bench, Cuttack**

**RA No. 26/2020 in
OA No. 390/2020
MA No. 10/2021**

This the 11th day of January, 2021

(Through Video Conferencing)

**HON'BLE MR. PRADEEP KUMAR, MEMBER (A)
HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER (J)**

1. Union of India,
Represented through its Secretary
Its Secretary of Posts,
Dak Bhawan, Sansad Marg,
New Delhi – 110001.
2. Chief Post Master General,
Odisha Circle, At/PO Bhubaneswar,
Odisha, Pin- 751001.
3. Senior Superintendent of Post Offices,
Bhubaneswar Division,
Bhubaneswar, Pin – 751009.
4. Senior Superintendent of Post Offices,
Cuttack City Division,
Cuttack – 753001.
5. Superintendent of Post Offices,
Cuttack South Division,
Cuttack – 753001.Applicants (Respondents in OA)

(By Advocate: Sh C P Sahni)

VERSUS

Sri Satyabrat Mallick,
Aged about 28 years,



S/o – Gobardhan Mallick,
R/o- Plot No. C/83,
State Bank Colony, Sector-9,
CDA, PO-Abhinav Bidanasi,
Cuttack, Dist-Cuttack,
Odisha, Pin: 753014Respondent(Applicant in OA)

(By Advocate: Sh. A K Mohapatra)

ORDER (ORAL)

Hon'ble Pradeep Kumar Member (A)

1. The applicant had passed 10th standard from CBSE in the State of Odisha. He applied for the post of GDS against advertisement Dt. 10.03.2019. The respondents disqualified the candidate on the plea that he has not studied Odiya as a local language upto class 10th.

Feeling aggrieved, the applicant approached the Tribunal by filing this OA. Applicant pleaded that he is a native of Odisha and has studied Odiya language up to class 8th and thereafter he appeared in class 10th examination conducted by CBSE which does not have Odiya as a language in class 10th. However, the applicant appeared in class 10th exam in Odiya language, conducted by Board of Secondary Education, Odisha, wherein he passed Odiya language also.

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2. The respondents opposed the OA pleading that applicant does not possess the requisite qualification as prescribed in recruitment notification.

3. The Tribunal considered the rival contentions and allowed the OA by orders dated 13.11.2020. The respondents in OA, have now preferred this RA and since there has been certain delay in filing RA, they have preferred MA seeking condonation of delay. The delay appears to be around 10-15 days in filing the RA.

4. The respondent in MA (applicant in OA) opposes the RA pleading that no error apparent on the face of record, has been brought out by the applicants in RA (respondents in OA). The applicant's counsel (respondents in OA) pleaded that they do not know how to amalgamate and work out the percentage of marks for class 10th, since the applicant in the instant case has studied Odiya as a separate examination and not as part of his class 10th in CBSE pattern.

5. The Tribunal has heard the matter. The point raised by the respondents is an administrative issue which is

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required to be resolved by the administrative department at their end.

6. There is no merit in the MA and in the plea made by the applicant in RA. Accordingly, MA stands dismissed. The points raised by the applicant in RA (Respondent in OA) do not come within the purview of judicial adjudication as they do not relate to any error apparent on the face of record. In keeping with this, there is no merit in RA also.

7. The MA as well as RA stand dismissed.

(Swarup Kumar Mishra)
Member (J)


(Pradeep Kumar)
Member (A)

/sunita/neetu/