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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A. No.350/00401 of 2020

**DOYEL MONDAL, daughter of
Hemanta Mondal, aged about 21
years, residing at Madhabpur,
Bighati, District Hooghly, West
Bengal, Pin-712124, by occupation
Unemployed.**

... APPLICANT

V E R S U S

**1. UNION OF INDIA, service
through the Secretary, Ministry of
Communication & IT, Department of
Tele Communication, Govt. of India,
having its office at Sanchar Bhawan,
20, Ashoka Road, New Delhi-110001.**

**2. CHIEF POSTMASTER
GENERAL, West Bengal Circle,
having office at Yogayog Bhawan,
Chittaranjan Avenue, Kolkata-
700012.**

3. **POSTMASTER GENERAL, West Bengal Circle, having office at Yogayog Bhawan, Chittaranjan Avenue, Kolkata-700012.**

4. **ASSISTANT DIRECTOR OF POSTAL SERVICES (Recruitment), West Bengal Circle, having office at Yogayog Bhawan, Chittaranjan Avenue, Kolkata-700012.**

5. **CIRCLE RECRUITMENT COMMITTEE, West Bengal Circle, having office at Yogayog Bhawan, Chittaranjan Avenue, Kolkata-700012.**

6. **SUPERINTENDENT OF POST OFFICES, Nadia North Division, Krishnagar, Pin-741101.**

7. **AISWARYA RAHA, daughter of Sankar Prasad Raha, residing at Village Ashoknagar, P.O. & P.S. Habrah, District North 24-Parganas, Pin-743333.**

8. **NILUFA MOLLA**, daughter of Rafik Ahamed Molla, residing at Village Mazilpur, P.S. Jaynagar, District South 24-Parganas, Pin-743372.

9. **MADHUMITA SANA**, daughter of Ashok Sana, residing at Village Khalna, P.O. Mahisdanga, P.S. Bagnan, District Howrah, Pin-711303.

... RESPONDENTS

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/401/2020

Date of Order: 19.06.2020



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

Doyel Mondal.....Applicant

Vrs.

Union of India & Ors.Respondents

For The Applicant(s): Mr. B.Chatterjee, Counsel

For The Respondent(s): Mr. S.Paul, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

1. Notice has been served on the respondents. Mr. B.Chatterjee, Ld. Counsel for the applicant and Mr. S.Paul, Ld. Counsel for the respondents are present and heard.
2. The applicant in this O.A. has sought for the following reliefs:

"8.(a) An order do issue directing the respondents to recall/rescind the Declaration of Result being No. Rectt/R-8/DQ (Sports)/2015-16 dated 18.02.2020 issued by Assistant Director of Postal Services (Rectt.) in the Discipline of Kabadi Category Female;

(b) An order do issue directing the official respondents to quash and set aside the appointment of the private respondent Nos. 6, 7 and 8 if any made on the basis of result of selection dated 18.02.2020;

(c) An order do issue directing the official respondents to review the entire selection process and to issue appointment letter in favour of the applicant in terms of the Notification dated 06.08.2018 for the post of Postal Assistant/Sorting Assistant in West Bengal Postal Circle against Outsider Quota of Vacancies under Sports Quota in the Discipline of Kabadi Female Category;

(d) An order do issue directing the respondents authority to produce all the relevant records in connection with the

Selection/Appointment before this Hon'ble Tribunal as well as the rules regarding assessment of merit of Sports person for recruitment against sports quota;

(e) Costs;

(f) *For any other appropriate order or orders as your Lordships may deem fit and proper;*"

3. The case of the applicant in a nutshell is as under:

That the applicant is a renowned Kabadi Player and as such she participated in 5th Jr. Federation Cup-Girls, 44 Junior National Kabaddi Championship-Girls, 65th Senior National Kabaddi Championship-Women, East Zone Inter-University Kabaddi (women) Tournament as well as All India Inter-University Kabaddi (Women) Tournament. That the Department of Posts, West Bengal Circle published one Employment Notification dated 06.08.2018 for Recruitment in Postal Department, West Bengal Circle against Sports Quota in the Discipline of Kabadi for the post of Postal Assistant/Sorting Assistant. The applicant applied for the post on 23.08.2018 being an eligible Sports Personnel as she possesses all the requisite Certificates as per the said Notification as well as fulfills the educational qualification criteria. Surprisingly, on 18.02.2020 the Postal Authority published a result for the said post selecting the private respondent, a less meritorious sports person, by adopting a pick and choose method, which according to the applicant is in utter violation of Article 14 of the Constitution of India in Public Employment. Hence this Original Application.

4. The applicant's counsel would vociferously plead, drawing our attention to para 5 of Department of Posts' Application form at (Annexure A-5) that the authorities while choosing the private respondents have violated the instruction inasmuch as less meritorious has been selected ignoring the rightful claim of the



more meritorious applicant. Therefore, discrimination has been arbitrarily meted out. The instructions are as under:-

5) ORDER OF PREFERENCE FOR APPOINTMENT OF MERITORIOUS SPORTS PERSON IN RELAXATION OF RECRUITMENT RULES :

In order to facilitate proper selection of sports persons who fulfill the eligibility conditions laid down in Para. 4 above shall be considered in the following order of preference :

- i. First preference to those candidates who have represented the country in an international competition with the clearance of the Department of Youth Affairs and Sports.
- ii. Next preference may be given to those who have represented a State/ UT in the Senior or Junior Level National Championship organized by the National Sports Federations recognized by Department of Youth Affairs and Sports or National Games organized by Indian Olympics Association and have won medals or positions up to 3rd place. Between the candidates participating in Senior and Junior National Championships/ Games, the candidates having participated and won medal in Senior National Championship should be given preference.
- iii. Next preference may be given to those who have represented a University in an Inter-University competition conducted by Association of Indian Universities / Inter-University Sports Board and have won medals or positions up to 3rd place in finals.
- iv. Next preference may be given to those who have represented the State Schools in the National Sport/ Games for Schools conducted by the All India School Games Federation and have won medals or positions upto 3rd place.
- v. Next preference may be given to those who have been awarded National Award in physical efficiency under the National Physical Efficiency Drive.
- vi. Next preference may be given to those, who represented a State/ UT/University/ State School Teams at the level mentioned in categories ii. to iv. but could not win a medal or position, in the same order of preference.

Notes :

- a) In the event of tie, those who have secured a higher position or won more than one medal may be given the preference.
- b) Participation in individual and team event/ item may be given the same preference.
- c) No preference may be given for winning more than one medal/position.
- d) In case of any doubt about the status of a tournament, the matter will be decided by the Department of Personnel and Training in consultation with Department of Sports and Youth Affairs.

5. The respondents would vehemently oppose the prayer made in the O.A.
6. On perusal of records we find that the applicant has approached this Tribunal without preferring any representation to the authorities/without exhausting the remedies available under the rules.
7. Ld. counsel for the applicant prayed for liberty to the applicant to file a comprehensive representation to the authorities ventilating her grievance, to be considered by the respondents within a specific time frame.

8. We are of the considered opinion that no prejudice will be caused to the parties if the prayer of the applicant is allowed.

9. Accordingly for the ends of justice we direct the applicant to prefer a comprehensive representation to the competent authority stating her grievance within a period of 15 days from the date of receipt of this order. If such a representation is made within 15 days, the respondents shall duly consider the representation as per rules and shall issue a reasoned and speaking order specifically dealing with the issue of discrimination alleged to be meted out to the applicant vis a vis the selected candidate (private respondent) in the light of instructions at Para 5, supra and communicate the decision to the applicant within 2 months from the date of receipt of the representation. Interim relief in terms of prayers at Para 9(a) and (b) is granted and shall continue till disposal of the representation.

10. Accordingly the present O.A. stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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