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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD  
\* \* \* \*

Allahabad : Dated this 6th day of November, 2001.

Original Application No. 1289 of 1997.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. SKI Naqvi, J.M.

Sri Jitendra Singh S/o Sri Gulab Singh,  
Resident of Village & Post-Suva Wala,  
District Bijnore.

(Sri OP Gupta, Advocate)

. . . . . Applicant

Versus

1. Assistant Superintendent of Post Offices,  
Dhampur, Sub Division Dhampur, District  
Bijnore.
2. Post Master General, Dehradun.
3. Union of India through Secretary,  
Ministry of Communication Government of  
India, New Delhi.
4. Chit Ranajan, son of Dharam Pal Singh,  
Working as E.D. Runner, Post Office  
Suva Wala, Sub Division Dhampur,  
Distt-Bijnore.

(Em. Sadhna Srivastava, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed for declaring the appointment of respondent no.4 illegal and directing respondent nos.1 and 2 to make fresh selection in view of notification sent to Employment Exchange on 24-10-1996 amongst the candidates who were already sponsored by the Employment Exchange for the aforesaid selection. The applicant prays that he should be given appointment as ED Runner, if he is found most suitable candidate.

2. The applicant claims that he was also sponsored alongwith respondent no.4 by the Employment Exchange for the post of ED Runner, Suwala Branch Post Office.

He claims to have obtained higher marks than respondent no.4 who was appointed as ED Runner. He claims that the marks sheet filed by respondent no.4 was forged and that respondent no.4 obtained only 387 marks while the applicant obtained 439 marks.

3. We have heard Sri OP Gupta, counsel for the applicant and Km. Sadhna Srivastava, counsel for the respondents.

3. Learned counsel for the applicant has mentioned that the marks sheet filed by respondent no.4 is annexed as Annexure-CA-5 to the counter filed by the official respondents, which shows 458 marks but there are some over-writings which show that the mark sheet has been manipulated. The applicant states that he has filed marksheets of candidates who were having Roll Nos. 13465 and 13461 which have a different format. The marks sheet of respondent no.4 filed by the applicant as Annexure-5 is in the same format which shows that respondent no.4 has obtained 387 marks. We have been shown by the learned respondents' counsel for the ~~applicant~~ the efforts made by the respondents to verify the allegation of the applicant. Annexure-CA-5, which is the marks sheet of respondent no.4 was sent to the Headmaster of Uttar Prathmik Vidyalaya, Suwa Wala could not be verified by him because the record prior to 1980 has been stolen and was not available with the Uttar Prathmik Vidyalaya. The marks sheet of the applicant was also sent to the said institution which was also returned with the remarks that the Headmaster of Uttar Prathmik Vidyalay has not been given record of 1984 in order to verify marks sheet of the applicant. In the present situation thus, ~~neither marks of the applicant nor marks sheet can be verified.~~ <sup>of respondent no 4</sup> neither marks of the applicant nor marks sheet can be verified. The official respondents had referred the matter to the District Basic Education Officer, Bijnore,

- 3 -

who replied to the respondents that the marksheets of respondent no.4 had been received and record was called from the Headmaster of the School to verify the same. Thus, we find that the marks sheet now cannot be verified. In the circumstances, we find that the allegation of the applicant has become unverifiable. We, therefore, dismiss the OA. There shall be no order as to costs.

*SAC Magu*  
Member (J) *Magu*  
Member (A)

Dube/