

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

THIS THE 1ST DAY OF MAY, 2002

Original Application No.208 of 1998

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER (A)  
Km.Kamlesh Verma, D/o Shri L.N.Verma,  
R/o 78/241, Latoosh Road,Kanpur Nagar.

.... Applicant

(By Adv: Shri J.N.Singh)

Versus

1. Union of India through the Secretary  
Indian Postal Department, New Delhi.
2. Post Master General,  
Kanpur Division, Kanpur.
3. Senior Supdt. of Post Offices,  
Kanpur City, Kanpur.

.... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 applicant has challenged the order dated 14.1.1997 by which name of the applicant was removed from the list of approved candidates for appointment as Postal Assistant with immediate effect.

The facts of the case are that applicant Km.Kamlesh Verma passed her high school examination in 1988 from U.P. Board of High School and Intermediate. Then she passed intermediate examination of 1990 from Board of High School and Intermediate, U.P. with the subjects Literary Hindi, Economics Sociology, English and civics. The applicant could pass intermediate examination in III division. The applications were invited for appointment as Postal Assistants in 1995. The last date for submitting the applications were 30.6.95. The applicant also applied for selection for appointment as Postal Asstt. However, in this selection she relied on a mark-sheet of Madhyama(visharat) issued by Hindi Sahitya Sammelan, Allahabad. The marks secured by her were 658 out of 800 showing that she passed the examination in first class.

...p2

As no written examination was held, the selection was on the basis of the marks secured in Intermediate examination, applicant was selected. According to the notification the minimum academic qualification was 10+2 or intermediate or any other examination equivalent thereto. After selection the applicant was invited to file her original documents. On scrutiny of the documents it was found that applicant was not intermediate and ~~is~~ consequently her selection was cancelled by the impugned order dated 14.1.1997. The applicant was daughter of a Postal Asstt. She was well aware about the procedure and manner of selection. Though she had already passed intermediate in 1990, but in III division, this fact was concealed and applicant tried to secure appointment on the basis of the Madhyama(visharat) certificate. Inquiries were made from the Board and Board gave information vide letter dated 10.1.1997 that the Madhyama(visharat) examination conducted by Hindi Sahitya Sammelan Allahabad is equivalent to class VIII. The letter of the Secretary, Intermediate Education Board, U.P.Allahabad has been filed as (Annexure CA2). Alongwith counter the letter dated 5.2.96 of the Chief Post Master General has also been filed annexing therewith the decision of Govt of India of 5.5.1988 stating that the certificate issued by the institution like Hindi Sahitya Sammelan will not be treated as equivalent to the examinations conducted by the Central Govt. The certificate issued by such institutions can only be for the subject of Hindi and not <sup>or equivalent to it</sup> for complete degree or certificate issued by the University or the Board. The Madhyama certificate thus relied on by the applicant could not be of any use for selection as Postal Asstt.

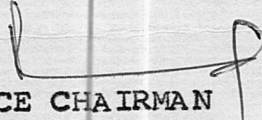
Shri J.N.Singh has assailed the order on the ground that no opportunity of hearing was given to the applicant, whereas, the respondents have stated in the counter that show cause notice was given. Be that as it may, considering the conduct of the applicant that she concealed the fact of passing her intermediate examination in 1990 and relying on a subsequent certificate of 1993 issued by Hindi Sahitya Sammelan, she did not act honestly and ~~is~~ fairly. The fair conduct of the applicant would have been to file both the certificates, <sup>in</sup> In such a selection where the marks secured in the qualifying examination ~~is~~ was the only criterion for selection. It appears that the applicant for taking advantage submitted the alleged certificate of Madhyama issued by Hindi Sahitya Sammelan. Shri J.N.Singh cited certain judgements on the point but as

the legal position is well settled, we do not think it  
<sup>it is necessary to mention</sup>  
~~proper to cite it~~ in the judgement.

In these ~~se~~ facts and circumstances, in our opinion  
applicant is not entitled for <sup>reliance on</sup> equitable consideration ~~that~~  
that order was passed without giving opportunity of hearing.  
The conduct of the applicant was not fair.

The OA has no merit and is accordingly dismissed.  
No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 1.5.2002

Uv/