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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated 28th day of February, 1996

Original Application No. 1342 of 1988

District : Basti

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Parashu Ram Verma, S/o Shri Jagram
R/o Village and Post Office KookNagar
Babhan, District Basti.
(By Sri Tewari, Advocate)

. Applicant

versus

1. Superintendent Post Offices
Basti Division, Basti.
2. Sub-Divisional Inspector
Post Offices, West Sub-Division,
Basti.
3. Badri Prasad Singh S/o Ram Nihore Singh
R/o Village & P.O. Kook Nagar Babhan
District-Basti.
4. Girish Chand Srivastava
S/o Shri Bhuneshwar Prasad
Retired Branch Post Master
R/o Village & P.O. Kook Nagar Babhan
Distt-Basti.
5. Radhey Shyam Verma S/o Sri Ram Narain
R/o Village & P.O. Kook Nagar Babhan
Distt-Basti.

(By Sri N.B. Singh, Advocate)

. Respondents

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By Hon'ble Mr. S. Das Gupta, A.M.

This application was filed under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to appoint the applicant on the post of Extra Departmental Branch Post Master and quashing the letter of appointment issued by respondent no. 1 to respondent no. 3.

2. The facts as set up by the applicant are that the applicant along with three others had applied for the post of Extra Departmental Branch Post Master (EDBP) for short) of Kook Nagar, District Basti. The appointing authority considered all the applications but finally selected respondent no. 3 and issued appointment letter. This has been challenged by the applicant on the ground that among all the candidates, he had the highest qualification having passed both B.A. and B.Ed. examinations. He has claimed that respondent nos. 3 and 4 were only Intermediate while respondent no. 5 was only 8th class pass. He has further claimed that he belongs to the backward community. It is, therefore, his case is that being the highest qualified and belonging to the backward community, he should have been selected for the post.

3. The respondents have filed counter reply in which it has been stated that initially the names of six candidates had been received from the Employment Exchange. The applicant was one of them. After processing the applications, these were sent to Sub-Divisional

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Inspector, Basti for verification and based on the verification report, Sri Badri, Respondent No.3 was found to be the best candidate and accordingly an appointment letter was issued to him.

4. The applicant has not filed any rejoinder affidavit. However, the learned counsel for the applicant was present and we heard his argument. We also heard the learned counsel for the respondents and perused the record.

5. The applicant's claim is based on two factors. In the first place he has argued that he has best qualification for the post having passed both, B. A. and B. Eds whereas respondent no.3 was only Intermediate pass. The rules regarding recruitment as E.D. Agents contained in Section III of the Service Rules for E.D. Staff clearly specifies that the minimum qualification for appointment to the post of EDBPM is Matriculation and it is the marks obtained in the Matriculation examination which will determine who is a better candidate. It has also been specified that no weightage will be given to higher qualification than that the minimum prescribed qualification. In view of this the first argument of the applicant has no force.

6. The second argument of the applicant is that he belongs to the backward community and, therefore, he should have been given preference. We have seen rules regarding recruitment of E.D. Agents contained in Section ~~II~~ ^{III} of the E.D. Conduct Rules. There is certain

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concessions to be given to the SC/ST community candidates but these rules do not indicate that such preference are also to be given to the candidates of backward community. In the absence of any rules, even this plea of the candidate also fails.

7. In view of the foregoing the application is devoid of merit and is dismissed accordingly. There shall, however, be no order as to costs.

J. Dube
Member (J)

W. C. M.
Member (A)

Dube/