

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * *

Allahabad : Dated this 8th day of May, 1997

Original Application No. 191 of 1994

District : Allahabad

CORAM :-

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

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

Prabhu Nath Dwivedi Son of Sri Onkar Nath Dwivedi
Resident of Village Bomapur Tahsil-Phoolpur,
District Allahabad.

(By Sri KK Tripathi, Advocate)

..... Applicant

Versus

1. The Union of India through its Ministry of Post & Telegraph.
2. Senior Superintendent of Post Offices, Allahabad.
3. Krishna Ram Mishra, Son of Sri Ram Sewak Mishra, Resident of Village & Post Bomapur, Allahabad.
4. The Sub-Divisional Inspector (P), North Sub Division, Allahabad.

(By Sri SC Tripathi, Advocate)

..... Respondents

ORDER (Oral)

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

Through this application the applicant has challenged the appointment of respondent no. 3 on the post of Extra Departmental Branch Post Master of Bomapur Branch Post Office. The admitted position in this case is that the vacancy for the post of Extra Departmental Branch Post Master (EDBPM for short) was advertised on 28-5-1992, There were five candidates including the applicant.

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However, respondent no.3 was selected for the post and was appointed. The applicant has challenged this appointment on the ground that respondent no.3 does not fulfil the qualifications prescribed under Clause 4, 6 & 7 of the notification. The respondents, however, have stated in their counter affidavit that respondent no.3 was judged as the best amongst all the candidates and he had in fact obtained the highest marks in the Matriculation Examination, which is the qualifying examination for the post. They have also denied the allegation that respondent no.3 does not possess requisite qualifications indicated in Clauses 4, 6 & 7.

2. We have heard learned counsel for both the parties and perused the pleadings on record carefully.

3. There is no denial that respondent no.3 obtained the highest marks in the qualifying examination. The applicant, however, points out that he possessed higher qualification of Intermediate and he should have been given preference. The rule is clear on the subject. The minimum qualification is Matriculation for determining the merit of the candidate. Since the respondent no.3 has obtained the highest marks in this examination, he is the ~~only~~ best amongst all the candidates. In so far as other qualifications are concerned, there is only a bald allegation that he does not possess certain qualifications specified in the advertisement including the qualification of possession of accomodation for operating the post office. This allegation has been denied by the respondents in the counter affidavit. These are the qualifications which are required to be verified by the respondents themselves and since they have specified that these qualifications are

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possessed by the candidate, selected/appointed, we see no reason to interfere in the matter.

4. In view of the foregoing, there is no merit in the case. We dismiss the OA accordingly, leaving the parties to bear their own costs.

J. Johnson
Member (J)

W. E. L.
Member (A)

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