

Central Administrative Tribunal
Allahabad Bench Allahabad.

Original Application No.1322 of 2002.

Allahabad this the 03rd day of February 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Prem Shanker Singh
son of Shri Janaradan Singh,
Resident of Village and Post Dandawal
Post Mehnajpur, Tehsil Lalganj, District
Azamgarh.

.....Applicant.

(By Advocate:Sri S.K. Singh)

Versus.

1. Union of India
through the Secretary,
Ministry of Communication,
Department of Post,
Government of India
New Delhi.
2. Chief Post Master General, U.P.
Lucknow.
3. Senior Superintendent of Post Offices,
Azamgarh.
4. Sub Post Master Mehnajpur,
District Azamgarh.
5. Jaspal Singh
son of Radheyshyam
Resident of Khajuri,
Tehsil Mehnagar, District Azamgarh.

.....Respondents.

(By Advocates: Shri N.C. Nishad/
Shri A.N. Singh)

O_R_D_E_R

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri S.K. Singh learned counsel for the
applicant. Dharmendra Tiwari holding brief of Sri N.C.
Nishad learned counsel representing the official
respondents and perused the pleadings. None has put in
appearance on behalf of party respondent No.5.



2. The applicant and others including the respondent No.5 were the applicants for appointment to the post of Extra Departmental Branch Post Master, Village Dandwal District Azamgarh. The challenge herein is to the validity of appointment of the respondent No.5.

3. Concededly appointment to the post of E.D.B.P.M. is made on merit to be judged on the basis of marks in Matriculation examination or any examination equivalent to Matriculation. The applicant passed High School Examination conducted by the Board of High School and Intermediate Education, U.P. with 316 out of 600 marks i.e. 63.2%.

4. The case of the applicant is that the 5th respondent had passed High School examination conducted by Board of High School and Intermediate Education, U.P. with Roll No.0978616 in third division having secured 250 out of 500 marks. In other words in the High School the 5th respondent could secure only third division whereas the applicant had secured first division. The 5th respondent, it appears did not file the marksheet of High School examination conducted by Board of High School and Intermediate Education U.P. and instead he seems to have relied on marksheet of Purwa Mandhyamic examination, 2000 conducted by Sampurnanand Sanskrit Vishwavidhyalaya, Varanasi according in which he had secured 350 out of 500 marks.

5. The case of the applicant is that the marksheet which purports to have been issued by Sampurnanand Sanskrit Vishwavidhyalaya, Varanasi in favour of the 5th respondent Sri Jaspal Singh is not a genuine marksheet inasmuch as the date of birth of respondent

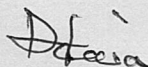


No.5 entered in the marksheet does not tally the date of birth noted in the report dated 12.02.2001 submitted by the Senior Superintendent, Azamgarh Mandal. It has been further submitted that if the applicant had already appeared in the High School examination conducted by Board of High School and Intermediate Education then marks obtained in the subsequent examination conducted by Sampurnanand Sanskrit Vishwavidhyalaya should not have been taken into consideration, inasmuch as the marks obtained in examination equivalent to the High School could be seen only a candidate had not passed the matriculation and had rather passed an equivalent examination. These questions in our opinion, require consideration by the Senior Superintendent of Post Offices, Azamgarh Mandal Azamgarh.

6. We are of the view that the ends of justice shall be best attained if the O.A. is disposed of with a direction that in case the applicant files representation within 3 weeks, the Senior Superintendent of Post Offices, Azamgarh Mandal Azamgarh shall look into the grievance of the applicant and take appropriate decision in the matter by passing a reasoned and speaking order after affording the opportunity of personal hearing to the applicant as well as respondent No.5. It is ordered accordingly.

7. The O.A. is disposed of in terms of the above direction.

No costs.


Member-A.


Vice-Chairman.

Manish/-