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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 685 OF 1993.

Cuttack, this the 3rd of September, 1999.

M.D. Sk. SIKANDER ALAM.

....

APPLICANT.

VRS.

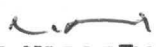
UNION OF INDIA & OTHERS.

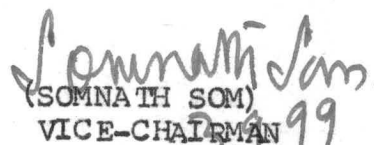
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RESPONDENTS.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? *Yes*.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*.

  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

  
(SOMNATH SOM)  
VICE-CHAIRMAN  
3.9.99

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CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 685 OF 1993.

Cuttack, this the 3rd day of September, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.)

...

M.D.SK. SIKANDAR ALAM,  
S/o. Sk. Insaf Uddin,  
Gr. No. H/III, Sector-15,  
PO: Rourkela-III,  
PIN CODE - 769 003.

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APPLICANT.

By legal practitioner : M/s. J.M. Mohanty, S.K. Mohanty,  
Advocates.

-Versus-

1. Union of India represented through its  
Secretary, Department of Communication,  
New Delhi-1.
2. Chief Postmaster General, Orissa Circle,  
Bhubaneswar, Dist. Khurda.
3. Sr. Supdt. of Post Offices, Balasore Division,  
Balasore.

... RESPONDENTS.

By legal Practitioner : Mr. U.B. Mohapatra, Additional Standing  
Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

*S. Som.*

In this Original Application under section 19  
of the Administrative Tribunals Act, 1985, the applicant  
has prayed for a direction to the Respondents 2 and 3 to  
recruit the applicant as Postal Sorting Assistant in view  
of the Circular dated 20.6.1983, at Annexure-2.

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2. Respondents have filed counter opposing the prayer of applicant. The controversy in this case falls within a small compass and for deciding this, it is not necessary to go into too many facts of this case.

3. The admitted position is that the Departmental Authorities called for applications for the posts of Postal Sorting Assistant in different postal Divisions. Applicant applied for the post in the Suddergharh Division. His grievance is that his candidature was not considered and he was not selected. Respondents have pointed out that in the advertisement at Annexure-3, it was specifically mentioned that the minimum educational qualification is <sup>as</sup> 10 + 2 and the applicant did not have the qualification. his case was not considered. On this ground, they have opposed the prayer of applicant.

4. We have heard Mr. J. M. Mohanty learned counsel for the applicant and Mr. U. B. Mohapatra, learned Additional Standing Counsel (Central) appearing for the Departmental Respondents and have perused the records.

5. The first submission made by learned counsel for the applicant is that the minimum educational qualification prescribed in the advertisement at Annexure-3 is that 10+2 standard or 12th class pass from a recognised university/ Board of school education/Board of secondary education of any state. It is stated by learned counsel for applicant that one of the minimum qualifications is 10+2 standard or 12th standard pass from recognised University. It is

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stated that reference to the Board of School Education and Board of Secondary Education must be understood to mean that the matriculation is also one of the prescribed minimum educational qualification. In support of the above contention, it is submitted by the learned counsel for the applicant that in the circular at Annexure-2 it has been specifically provided that the Matriculate EDDAs are also entitled to be considered for the post of Postman, and therefore, matriculates are not ruled out. Further it is claimed that at the time when the applicant joined service, he passed HSC Examin. of 11th class. At that time, there was no plus two stream and therefore, having joined as EDDA his case for promotion can not be blocked for all time to come by prescribing the minimum educational qualification for the post of Postal Assistant/Postal Sorting Assistant only as 10+2 or 12th class.

6. We have considered the above submission of learned counsel for applicant carefully. On a plain reading of the relevant para laying down the minimum educational qualification, it is clear to us that the qualification of 10+2 or 12th standard either from a recognised University or from Board of Secondary School Education or Board of School Education is required. Mere reference of Board of Secondary Education or Board School Education can not be interpreted to mean that the matriculation is also one of the minimum qualification. Moreover, minimum educational qualification in the same advertisement and for the same post can not be both matriculates and 10+2

J. Som.

standard. This contention, is therefore, held to be without any merit and is rejected.

7. As regards the matriculate EDDAs, it is submitted by the learned counsel for the petitioner that the concluding portion of para I of the circular at Annexure-2, provides that EDDAs who are matriculates or possesses equivalent qualification are eligible for recruitment to the post of Postal Sorting Assistant against outside quota of vacancies. In consideration of this it is submitted that the advertisement prescribing 10+2 as the minimum qualification is in violation of the circular dated 20.6.1983, at Annexure-2. Applicant has applied in response to the advertisement at Annexure-3 and in the advertisement the minimum qualification laid down as 10+2. Having applied for the post, he can not, now, claim about the violation of the earlier circular dated 20.6.1983. In any case for <sup>Recruitment to the</sup> the post of postal Assistant and postal Sorting Assistant also the minimum educational qualification is 10+2. In view of this, it can not be said that the selection should have been made taking into consideration matriculation as the minimum educational qualification. This contention is also held to be without any merit and is rejected.

8. The third contention of learned counsel for the applicant is that there are many ED Agents with matriculation as their qualification because at that time for their appointments, matriculation or less than matriculation was the minimum educational qualification for appointment as EDDA and there was no system of 10+2. If postal Assistant

posts are kept exclusively reserved for those EDDAS with 10+2 qualification, then the promotion chances of matriculate EDDAS will be reduced and this will be discriminatory for them. There is another channel of promotion to the post of regular ~~Mr.~~ D in the Department. For postal Assistant and Sorting Assistant, the Respondents have fixed 10+2 as the minimum educational qualification including for the direct recruits as also for the EDDAS. Those who are not matriculate, another promotional channel is available, as mentioned above. Therefore, for fixing the minimum educational qualification 10+2 for the post of postal Assistant/postal Sorting Assistant, can not be held to be discriminatory in any manner.

9. In the result, we hold that the applicant has not been able to make out a case for the reliefs sought for by him. The Original Application is therefore, rejected. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN