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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 301 OF 1994.
Cuttack, this the 29th day of June, 2000.

FURNA CHANDRA NAIK.

....

APPLICANT.

Versus.

UNION OF INDIA & OTHERS.

....

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 301 OF 1994.
Cuttack, this the 29th day of June, 2000.

C O R A M:-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

..

SHRI PURNA CHANDRA NAIK,
S/o. Keshab Chandra Naik,
Qrs. No. B-9, Sector-5 (Golghar),
Rourkela-2, Dist: Sundergarh.

... APPLICANT.

By legal practitioner; Mr. J. M. Mohanty, Advocate.

-VRS.-

1. Union of India represented through its Secretary, Department of Communication, Dak Bhawan, New Delhi-1.
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, At/PO: Bhubaneswar, Dist: Khurda.
3. Senior Superintendent of Post Offices, Sundergarh Division, Sundergarh-1.
4. Nandita Mohanty, Postal Assistant, Rourkela Head Office, Rourkela-1, Dist. Sundergarh.
5. Sripati Bandia, Postal Assistant, Daily Market Post Office, Rourkela-1, Dist. Sundergarh.
6. Trilochan Panda, Postal Assistant, PO: Rourkela-11, Dist: Sundergarh.
7. Anitanjali Behera, Postal Assistant, Rourkela Head Post Office, Dist: Sundergarh.

... Respondents.

By legal practitioner; Mr. U. B. Mohanty, ASC (Central).

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application u/s.19 of the Administrative Tribunals Act,1985, the applicant has prayed for a direction to the Departmental Respondents to publish the result of the Postal Assistant in accordance with the instructions at Annexure-2 taking into account the candidature of the applicant. He has also prayed that the appointment of private Respondents 4 to 7 should be declared illegal and void. Departmental Respondents have filed counter opposing the prayers of the applicant. In order dated 9.2.2000 it was directed that copy of the counter filed by the Departmental Respondents should be served on the learned counsel for the petitioner by 30.3.2000. On 30.3.2000, it was ordered that as the counter has not been served by that date, the counter should be ignored. Learned Additional Standing Counsel filed the MA stating that the counter has been served on the other side by 30.3.2000 and receipt has also been filed. In view of this, counter filed by the Departmental Respondents is taken into consideration.

2. Private Respondents were issued with notice but they neither appeared nor filed counter.

3. We have heard Mr. J.M. Mohanty, learned counsel for the applicant and Mr. U.B. Mohapatra, learned Additional St. Counsel for the Respondents and have also perused the records.

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4. For the purpose of considering this original Application, it is not necessary to go into too many facts of this case. The admitted position is that for filling up of the post of Postal /Sorting Assistant, Office of the Chief Postmaster General, issued advertisement at Annexure-1/1 and the petitioner applied for the post of Postal Assistant in Sundergarh Postal Division. Applicant has stated that he has got first division in matriculation getting 65% of marks and his case should have been taken into consideration and he should have been selected. Other private Respondents, who have got much less mark than the applicant have been selected. It is to be noted that the method of selection is that the candidates to be adjudged on the basis of percentage of marks obtained by them in the qualifying examination. Departmental Respondents have pointed out that in the notice at Annexure-1, the minimum qualification was mentioned as 10+2 or 12th standard qualification and as the applicant did not have that qualification his candidature was not considered. It is submitted by Mr. J. Mohanty, learned counsel for the applicant that as per note on memo, the educational qualification mentioned in Annexure-1/1 is 10+2 standard or 12th class pass from a recognised University, Board of School Education or Board of Secondary Education of a State is required. It is submitted by learned counsel for the petitioner that as mentioned in the Advertisement Board of Secondary Education means Board examination upto HSC i.e. 10th standard and by necessary implication it must be held that the minimum qualification for the post is 10th pass. He has also relied on a circular dated 3.3.1979 at Annexure-2 which lays down that the post of Postal

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and Sorting Assistant the minimum qualification is 10th pass or matriculation. We are unable to accept this contention because Respondents have pointed out that the circular dated 3.3.1979 is no longer in force by virtue of a later circular at Annexure-R/1 in which the minimum qualification has been raised from matric to 10+2 or 12th standard. The contention of the counsel for the applicant that because of reference to Board of Secondary education class 10 pass should be taken as the minimum qualification and is also acceptable because earlier the Board of secondary education was holding the 12th class examination. As the notice specifically mentions that the minimum qualification is 10+2 or 12th pass from any recognised University, Board School of Education or Board of Secondary Education and as the applicant did not have the 10+2 qualification, his candidature has rightly been rejected.

5. In view of this, we hold that the applicant is not entitled to any of the reliefs claimed by him in this Original Application and the Original Application is accordingly rejected but in the circumstances, without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.