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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 557 OF 1994.
Cuttack, this the 28th day of March, 2000.

JYOTSNA RANI NAYAK.

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APPLICANT.

Vrs.

UNION OF INDIA AND OTHERS.

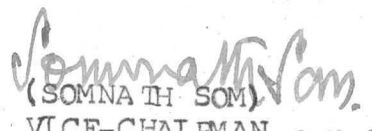
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RESPONDENTS.

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


(ASHOK AGARWAL)
CHAIRMAN


(SOMNATH SOM)
VICE-CHAIRMAN
28.3.2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 557 OF 1994.
Cuttack, this the 28th day of March, 2000.

CORAM:

THE HONOURABLE MR. JUSTICE. ASHOK AGARWAL, CHAIRMAN

AND

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

JYOTSNA RANI NAYAK
D/O. Baishnab Charan Nayak,
Qr.No.A/224, Sector-IV,
Rourkela-2,
Dist. Sundargarh.

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Applicant.

By legal practitioner : M/s. M. Mishra, U.C. Patnaik, D.K. Patnaik,
P. Das, Advocate.

-Versus

1. Union of India represented through the
Postmaster General, At/Po. Bhubaneswar,
Dist. Khurda.
2. Superintendent of Post Offices,
Cuttack North Division,
At/Po. Cuttack, Dist. Cuttack.

..... Respondents.

By legal practitioner: Mr. A.K. Bose, Sr. SC (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, applicant has prayed for a direction to the Respondents to declare the applicant eligible for selection to the post of Postal/Sorting Assistant. Second prayer is for a direction to the Respondents to award her the Bonus mark taking the percentage of marks secured in HSC examination under Annexure-2 and the Diploma course examination in Library science. The third prayer is for giving

a direction to the Respondents to appoint her to the post.

2. Admitted position is that in response to the Advertisement at Annexure-1, applicant applied for the post of Postal/Sorting Assistant in Cuttack North Division where there were four posts under general category, one under SC category and two ST category available. According to the Advertisement, the minimum educational qualification was 10+2 standard or 12th class pass from a recognised university. It was also mentioned in the advertisement that the method of selection is on the basis of percentage of marks obtained in the above examination or in the intermediate in Arts or Science or Commerce examination. It was further provided that bonus mark of 10% will be awarded for higher academic qualifications. It was also provided that after giving the bonus mark and with the Bonus mark whatever the higher percentage of marks in the higher qualification will be taken into consideration for fixing the position of the candidate in the merit list to determine his eligibility for appointment. Grievance of the applicant is that she has passed class 10 and thereafter has obtained two years ~~Diploma course in~~ Library Science conducted by the State Council of Technical Education and Training but this vocational course has not been taken into account and her candidature has been rejected on the ground of her not having the 10+2 qualification. Applicant has further stated that according to the circular at Annexure-5, for the post of Time Scale Clerks etc. the minimum educational qualification is matriculation or equivalent and therefore her candidature should have been considered. A similar matter came up before the Bangalore Bench of the CAT in OA Nos. 158, 171 & 178

and 473 of 1993 where the petitioners before the Bangalore Bench of the Tribunal prayed that 10+2 should not be taken as the Minimum educational qualification and in case the same is taken then vocational qualification like sericulture course, PUC Diploma in Building and Road Construction Tech. and Horticulture should be taken into consideration. In their decision in the above cases, the Tribunal had held that it is for the Departmental Authorities to lay down the qualification for the post and the Tribunal can not interfere in this matter.

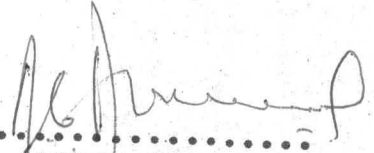
3. We have heard Mr. M. Mishra, learned counsel for the applicant and Mr. A. K. Bose, learned Senior Standing Counsel appearing for the Respondents and have also perused the records.

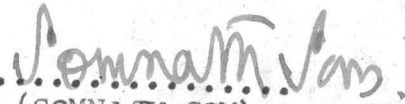
4. In this case in the advertisement at Annexure-1 it was clearly mentioned that the minimum educational qualification is 10+2 standard. Applicant's qualification as a Library Science can not be taken into consideration, as a similar prayer has been rejected by the Bangalore Bench of the Tribunal in the cases referred to earlier. Therefore, in view of this, it must be held that the applicant did not have the minimum educational qualification for being considered for the post.

5. Even if the applicant had been considered, she could not have been selected because in matriculation she has got only 51% marks whereas the last candidate under general category selected in that particular Division got 74.33% marks.

6. In view of this, we hold that the applicant has not been able to make out a case for any of the reliefs claimed by her in this Original Application and therefore, the

Original Application is rejected but in the circumstances
without any order as to costs.


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(ASHOK AGARWAL)
CHAIRMAN


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(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.