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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 253 OF 1995
Cuttack, this the 28th day of March, 2001

Sri Sudarsan JagdevApplicant

Vrs.

Union of India and 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
(SOMNATH SOM)
VICE-CHAIRMAN
28.3.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL,
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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Sri Sudarsan Jagdev, aged about 37 years, son of late
Laxmidhar Gumansingh, Vill/PO-Chhatrapada, Via-Siko,
District-Khurda...
Applicant

Advocate for applicant - Mr.Satchindranath Sahoo

Vrs.

1. Union of India, represented through the Secretary, Ministry of Communication, Department of Posts, Government of India, New Delhi.
2. Post Master General,Orissa, Bhubaneswar, At/PO-Bhubaneswar, District-Khurda.
3. Senior Superintendent of Post Offices, Puri Division, Puri.
4. Akshaya Kumar Champati, son of Gopinath Champati, Vill/PO-Chhatrapada, Via-Siko, Dist.Khurda

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Respondents

Advocates for respondents - Mr.B.Dash
ACGSC for
R 1 to 3
&
M/s P.V.Ramdas
P.V.B.Rao
for R-4.

S. Som
SOMNATH SOM, VICE-CHAIRMAN
O R D E R
(ORAL)

Being unsuccessful in the selection for the post of EDBPM, Chhatrapada B.O., the applicant has approached the Tribunal praying for quashing the selection and appointment of respondent no.4 to the post and for a direction to consider the candidature of the applicant on the grounds urged by him in this OA.

2. The departmental respondents have filed counter opposing the prayer of the applicant. Private respondent no.4 is represented, but no counter has been filed by him. He has filed a memo with copy to the other side. But as this memo has been filed by the learned counsel for respondent no.4 and has not been verified by respondent no.4, the same is not taken into consideration. Shri Satchindranath Sahoo, the learned counsel for the petitioner is absent. No request has also been made on his behalf seeking an adjournment. As this is a 1995 matter where pleadings have been completed long ago, it is not possible to drag on the matter indefinitely. We have, therefore, heard Shri B.Dash, the learned Additional Standing Counsel for the departmental respondents and Shri P.V.B.Rao, the learned counsel for respondent no.4 and have also perused the record. For the purpose of considering the petition it is not necessary to go into too many facts of this case.

3. The applicant has challenged the selection of respondent no.4 on the ground that respondent no.4 has no requisite qualification because he has not passed Matriculation and he has only passed Madhyama from a Sanskrit Tol which is not equivalent to Matriculation Examination. The second ground urged by him is that he has secured higher marks than the selected candidate respondent no.4. We have considered both the submissions carefully in the light of the averments made by the departmental respondents in their counter.

S. Jom.

4. Departmental respondents have pointed out that respondent no.4 has passed Madhyama from Jagannath Sanskrit Viswa Vidyalaya, Puri, and the certificate is at Annexure-R/6 and the marks obtained by him are at Annexure-R/6. It has been stated that this examination is equivalent to HSC Examination in accordance with the circular dated 5.7.1984 issued by the Secretary, Board of Secondary Education, Orissa, at Annexure-R/7. In view of this it is held that respondent no.4 has the minimum qualification for appointment to the post of EDBPM.

5. The second ground urged by the petitioner is that the applicant has got higher marks than the selected candidate respondent no.4. The departmental respondents have pointed out that the last date for receipt of applications was fixed as 24.2.1994 and an incomplete application of the petitioner was received only on 25.2.1994, i.e., after the last date. They have also pointed out that the petitioner had not signed the application. In support of this, at Annexure-R/3 the departmental respondents have enclosed a xerox copy of the application of the petitioner and from this we find that the petitioner had not signed his application for the post. A person who is applying for a public post must know how to fill up the application. As in this case the petitioner had not signed the application and again the application was received after the last date, the departmental authorities have been right in rejecting the candidature of the applicant.

6. In consideration of all the above, we

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hold that the Original Application is ~~now to be~~ without any merit and the same is rejected. No costs.

(G.NARASIMHAM)

MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
22-3-2001
VICE-CHAIRMAN

28th March, 2001/AN/PS