

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 692 OF 1995
Cuttack, this the 27th day of August, 2002.

ANAPURNA SARANGI AND OTHERS. APPLICANTS
VRS.
UNION OF INDIA AND OTHERS. RESPONDENTS.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? No.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

V. Srikantan
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)

Manohar
27/08/2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL).

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Series 319

(from NCT)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.**

**ORIGINAL APPLICATION NO. 692 OF 1995
Cuttack, this the 27th day of August, 2002.**

C O R A M:

THE HONOURABLE MR. V. SRIKANTAN, MEMBER (ADMINISTRATIVE)

AND

THE HONOURABLE MR. M ANORANJAN MOHANTY, MEMBER (JUDICIAL).

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1. Annaparna Sarangi, D/o. A. K. Sarangi,
At: Laing, PHC, PO: Laing, Via: Kansbahal,
Dist: Sundargarh (Orissa).
2. Rashmi Ranjan Swain, S/o. Bharat Chandra Swain,
At: Luhan, PO: Gopalpur, Via: Nalibar, Dist: Jagatsinghpur.
(Orissa).
3. Sanjay Kumari Naik, S/o. Madan Mohan Naik,
Aged about 25 years, At/PO: Gopalpur,
Via: Nalibar, District: Jagatsinghpur.

....APPLICANTS.

By legal practitioner: Smt. Mira Das, ^{Advocate} Mr. Maheswar Mohanty,
Advocates.

:Versus:

1. Union of India represented through its
Secretary, Department of Communication,
New Delhi-110 001.
2. Chief Postmaster General, Orissa Circle,
Bhubaneswar, Dist: Khurda.
3. The Senior Superintendent of post Offices,
Koraput Division, Jeyapore (K) - 764 001.
4. The Senior Superintendent of RMS (N)
Division, Cuttack - 753 001.

.... RESPONDENTS.

By legal practitioner : Mr. S. B. Jena,
Addl. Standing Counsel (Central).

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

Non-selection for the post of Postal Assistant in the District of Koraput and Cuttack Postal division, applied pursuant to Annexure-2, is the subject matter of challenge by the three Applicants, in this Original Application under section 19 of the Administrative Tribunals Act, 1985 with the prayer to direct the Respondents to publish the results for the post of Postal Assistant vide Annexure-2 in accordance with the instructions laid down vide Annexure-3, taking into consideration the requisite qualification for the post i.e. Matriculate and Board of Secondary Education, and the appointment, if any made may be declared illegal and invalid in law and shall be quashed.

2. Brief fact of the case is that all the three Applicants have obtained their Bachelors Degree from different Universities and pursuant to the Advt. made by the Respondents in daily 'Samaj' on 15-12-1994 inviting applications, under Annexure-2, for the posts of Postal Assistants/Sorting Assistants in various Postal/RMS Divisions of Orissa Postal Circle, all of them having the requisite qualifications, applied for the posts of Postal Assistant in the District of Koraput and Cuttack Postal Division. It is stated that since nothing was

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communicated/intimated to the Applicant, after waiting a long time, all of them submitted representation on 02-08-1995 requesting them ^{Respondents} to communicate the result of the selection, under Annexure-4. No heed having been paid to the request of the Applicants, they have come up in this Original Application with the prayers referred to above.

3. Respondents have filed their counter stating interalia that neither the application of the Applicant No.3 for the post of Sorting Assistant, pursuant to the Advertisement dated 15-12-1994 nor the representations of the applicants dated 2-8-1995, stated to have been sent, have been received by the Respondents. After considering the applications received from different candidates, through a duly constituted Departmental Selection Committee, of Koraput Division, as per the marks secured by different candidates, a select list was drawn on 21.1.1995 and published in the notice board of the Respondent No.3 under Annexure-R/3. It is further averred by the Respondents that the selection was based as per the rules embodied in the advertisement and since Applicant No.1(Annapurna Sarangi) secured 72.44% and Applicant No. 2(Rashmiranjan Swain) secured 52.55% marks including bonus marks, their name did not find place neither in the select list nor in the waiting list; because the first and last candidates in the select list have secured 90.80% and 80% of marks respectively and first

and last candidates in the waiting list have secured 79.77% and 74.9% of marks respectively. The Applicants 1 and 2 could not be selected as they did not come in the merit list for selection under Annexure-R/3.

4. No rejoinder has been filed controverting the stand taken by the Respondents in their counter. Having heard the learned counsel for the Applicant and Mr. S. B. Jena, learned Addl. Standing Counsel for the Union of India appearing for the Respondents, we have looked to the advertisement published in the daily 'Samaj' on 15.12.1994 under Annexure-2. In the Advertisement under Annexure-2 at Sl. No. 2(ii) the mode of selection (as has been prescribed) is that "the selection will be made on the basis of the percentage of marks obtained in the 10 + 2 examination (or the Intermediate in Arts/Science or Commerce examination) and that bonus marks for the higher educational qualification will be available to the candidates who possess more than the prescribed minimum educational qualification, i.e., Higher Secondary examination. The minimum educational qualification has been provided in the Advertisement as 10+2 Standard or 12th Class pass from a recognised University/Board of School Education/Board of Secondary Education. It has been specifically pointed out by the Respondents that percentage of marks have been reached with regard to Applicants 1 and 2, after giving them the bonus marks to their higher qualifications as per the advertisement. Neither the applicants have filed the marksheet of their +2 examination nor questioned the percentage of marks awarded in the process of selection/in anyway

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wrong.

5. In view of the discussions made above,
we find no merit in this Original Application which
is accordingly dismissed. No costs.

V. Mohanty

(V. SRIKANTAN)
MEMBER(ADMIN.)

Manoranjan Mohanty
27/08/2002
(MANORANJAN MOHANTY)
MEMBER(JUDICIAL)

KNM/CM.