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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 716 OF 195  
Cuttack, this the 23rd day of August, 2002

CORAM:

HON'BLE SHRI V.SRIKANTAN, MEMBER(ADMN.)  
AND  
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

.....

Hazari Naik, aged about 19 years, son of Tikira Naik, At/PO  
Barada, P.S-Badagada, District-Ganjam...

.....

...Applicant

Advocates for the applicant - M/s S.D.Das  
B.N.Udyata  
A.K.Nayak

Vrs.

1. Union of India, represented through the Secretary,  
Ministry of Communication, New Delhi.
2. Chief Post Master General, At/PO Bhubaneswar, District  
Khurda.
3. Post Master General, Berhampur Division, At/PO  
Berhampur, District Ganjam.
4. Superintendent of Post Offices, Aska Division, Aska,  
At/PO Berhampur, District- Ganjam.
5. Sarat Chandra Gouda, aged about 21 years, son of  
Udayanath Gouda, At/PO Dhanapur, P.O. Barada, Via  
Badagada, District Ganjam  
..... Respondents

Advocate for the respondents - Mr.A.K.Bose  
Sr.CGSC

.....  
O R D E R

V.SRIKANTAN, MEMBER(ADMN.)

Heard Shri S.D.Das, learned counsel for the  
applicant, and Shri A.K.Bose, learned Senior Standing  
Counsel, appearing for the official respondents, and  
perused the records.

2. Respondent no.4 issued a notification to the Employment Exchange to sponsor names for filling up the post of Extra-Departmental Branch Post Master (EDBPM), Baroda B.O., under Badagada Sub Post Office, in the district of Ganjam, in the year 1995. The Employment Exchange sponsored names of four persons who were then supplied with application forms, etc., and asked to apply for the post. However, only one application was received from Sarat Chandra Gouda (respondent no.5). Since only one application was received, in accordance with the departmental instructions, open notification was issued, and after taking into account the applications received in response to the open notification and the candidature of Sarat Chandra Gouda (respondent no.5) and after verification of the records, etc., respondent no.5 was found suitable and appointed to the post. Respondent no.5 joined the post on 6.12.1995. The applicant, who had made the application in response to the open notification, being aggrieved by the fact that he has not been selected, has filed this Original Application for a direction to the official respondents to issue order of appointment in favour of the applicant, after quashing the order of appointment in favour of private respondent no.5. The contention of the applicant is that he belongs to Scheduled Caste community, and as the notification clearly stated that preference would be given to candidates belonging to Scheduled Caste community, he should have been selected and appointed to the post.

3. The official respondents, in their reply, have stated that the application received from the applicant was scrutinized and it was found that he had not submitted income certificate or any documentary evidence in respect of his income, independent source of livelihood and landed property, although he stated to have an annual income of Rs.10,000/-. In view of the fact that the application of the applicant did not comply with the requirements laid down in the notification for filling up the post, his application was not considered. It is no doubt true that the notification stated that preference would be given to SC/ST candidates; but it was not indicated therein that such a reserved category candidate would be selected even when more meritorious candidates were available. In any case, the applicant not having been found eligible, this question does not arise. In view of the fact that the applicant was not found eligible, he had no right to challenge the selection and appointment of respondent no.5. The official respondents have produced the selection file showing the check-list. It is seen that the selected candidate, private respondent no.5 has secured the highest marks among all the candidates and has fulfilled all the conditions.

4. For the reasons stated above, we do not find any merit in this Original Application which is accordingly dismissed. No costs. Dismissal of this case

shall not stand as a bar for the applicant to offer his candidature for any future vacancy that would arise in E.D. Post Office. If the applicant offers his candidature for such selection, his case should be considered in accordance with law.

*23.08.2002*  
(M.R. MOHANTY)

MEMBER (JUDICIAL)

*V. Srikanth*  
(V. SRIKANTAN)

MEMBER (ADMN.)

AN/PS