

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.294 OF 1998
Cuttack, this the 30th day of October, 2003


Abhiram Panda Applicant

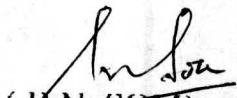
Vrs.

Union of India & Others Respondent

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? 77
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? 78 -


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

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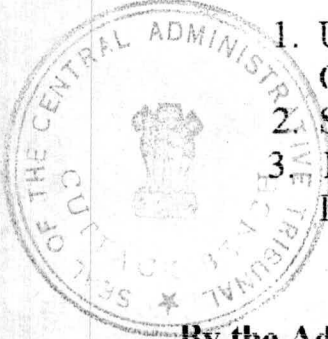
HON'BLE SHRI M.R. MOHANTY, MEMBER(J)

Abhiram Panda, aged 34 years, S/o-Pravakar Panda of Village- Bandhatia,
P.S- DhamnagarApplicant(s)

By the Advocate(s)

..... Mr. D.P.Dhalsamanta

-Vrs-

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1. Union of India, represented through Chief Postmaster General, Orissa Circle, Bhubaneswar-751001.
 2. Superintendent of Post Offices, Bhadrak Division, Bhadrak.
 3. Rajaniprava Sahu, W/o-Balaram Sahu, Village/P.O.-Bandhatia, Dist-Bhadrak.

.....Respondent(s)

By the Advocate(s)-

.....M/s. A.K. Bose,
M.K.Khuntia

O R D E R

SHRI B.N. SOM, VICE-CHAIRMAN:

This O.A. has been filed by Shri Abhiram Panda assailing the decision of the Respondents for not selecting him for the post of Extra Departmental Brnahe Post Master (in short EDBPM) Bandhatia.

2. The case of the applicant is that he had passed Annual H.S.C. Examination in the year 1980 when the total marks of the examination was
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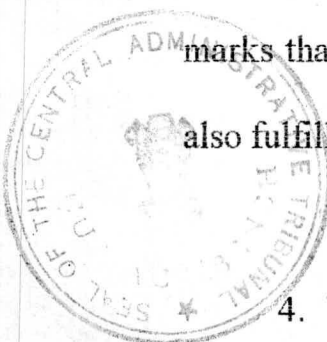
800 and that examination was taken after XI Class. On the other hand, the selected candidate, Respondent No.3, had passed the H.S.C. Examination in the year 1989 when the total marks of the examination was 700 and the examination was held after Class-X. His grievance therefore is that as he had passed in the matriculation after reading up to Class - XI the Respondent should have been given higher weightage to his performance in the H.S.C. Examination than the performance of the Respondent No.3 in H.S.C Examination. He has, therefore, approached this Tribunal to quash the order of appointment in favour of Respondent No.3.

3. The Respondents have contested the application on the ground that the change in Examination system carried out by Govt. of Orissa has got no connection with the selection process for appointment of EDBPM as the selection to this post is based on the percentage of marks secured by the candidates in the H.S.C. Examination. This procedure is in conformity with the provisions of instructions issued by the Respondents Department at Annexure-R-1. They have further averred that in the Recruitment Rules while prescribing matriculation as educational qualification of the candidates for appointment as ED Agents no distinction has been made between matriculation examination held after class XI standard and class X standard and that no provision for granting any weightage to the candidate who has

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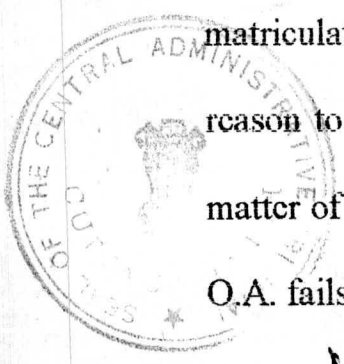

passed H.S.C. Examination after Class XI standard has been given in the said Rules. In the circumstances the issue raised by the applicant is not of any material consequence. They have further disclosed that the employment exchange had sponsored 21 candidates out of which 8 candidates responded to the call of recruiting authority within the stipulated date. From among these candidates only 4 candidates were short listed for final consideration on the basis of marks obtained by them in the matriculation examination. Two candidates did not have landed property in their own name leaving two other candidates including the applicant for final selection. Between these two candidates Smt. Rajaniprava Sahu, Respondent No.3 had scored higher marks than the applicant and therefore she was selected for the post as she also fulfilled all the eligibility conditions for recruitment to the post.

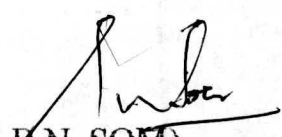


4. We have heard the Ld. Counsel for both the parties and have perused the records placed before us.

5. The only issue raised by the applicant is that he having passed the matriculation examination in the year 1980 after XI standard should have been given preference over Respondent No.3 who had cleared matriculation examination after passing Class X. We agree with the averments made by

the Respondents in the counter that no distinction having been made in the Recruitment Rules between matriculation examination held after class X and matriculation examination held after Class XI, we do not see any good reason to interfere with the selection made by the Respondents No.2 in the matter of appointment to the post of EDBPM, Bandhatia. Accordingly, this O.A. fails. No costs.



(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

CAT/CTC
Kalpeswar