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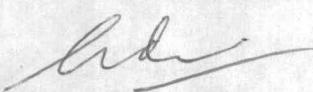
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 630 of 2005  
Cuttack, this the 8<sup>th</sup> day of December, 2006.

SOUMYA RANJAN MISHRA ..... APPLICANT.  
Versus  
UNION OF INDIA & ORS. ..... RESPONDENTS

FOR INSTRUCTIONS

1. WHETHER it be sent to reporters or not? *yes*
2. WHETHER it be circulated to all the Benches of the Tribunal or not? *yes*

  
(N.D.RAGHAVAN)  
VICE-CHAIRMAN

  
(B.B.MISHRA)  
MEMBER (A)

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## CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK.

### **ORIGINAL APPLICATION NO. 630 of 2005**

Cuttack, this the 8<sup>th</sup> day of December, 2006.

#### **C O R A M:**

THE HON'BLE MR.N.D.RAGHAVAN, VICE-CHAIRMAN  
&  
THE HON'BLE MR.B.B.MISHRA, MEMBER(A)

Shri Soumya Ranjan Mishra,  
Aged about 22 years,  
S/o. Shri Sukanta Ch. Mishra,  
Vill/Po:Kantapara Sasan, Dist. Cuttack.  
At present residing in Qrs.No.IV-B-3/1,  
Unit-1, Bhubaneswar-9, Dist. Khurda.

.... APPLICANT.

BY legal practitioner: M/s. K.C. Kanungo, C.Padhi, S.adhikary,  
Advocates.

#### **-VERSUS-**

1. Union of India, represented through the Secretary, Ministry of Communication-cum-Director General Posts, Dak Bhawan, New Delhi-1.
2. The Chief Postmaster General, Orissa, Postal Circle, Bhubaneswar-1, Dist. Khurda.
3. The Assistant Director (O.L.) and Secretary, Orissa Circle Sports Board, Office of the Chief Postmaster General, Orissa, Bhubaneswar-1, Dist. Khurda.
4. The Director, Postal Services (Head Qrs.) Office of CPMG, Orissa, Bhubaneswar-1, Dist. Khurda.

. RESPONDENTS

By legal practitioner .... **Mr. U.B.Mohapatra, SSC**

## ORDER

### MR. B.B.MISHRA, MEMBER(A):

Short facts of this case are that the Chief Postmaster General, Orissa Circle, Bhubaneswar/Respondent No.2 issued an advertisement on 14.08.2003, in the Oriya daily news paper the SAMAJ inviting applications for filling up of 7(seven) vacancies of Postal Assistants/Sorting Assistants under the sports quota. It was stipulated therein that sports persons (Male) who have outstanding achievement in 13(thirteen) sports/games like (i) Chess (ii) Carom etc, and who have (a) represented the State or the country in the National or Internal competitions (b) represented his University in the Inter-University tournaments conducted by the Inter University Sports Committee, (c) represented through the State School team in the national sports festival conducted by the all India Sports Federation for Schools during the preceding 5 years (from 1998 onwards), would be eligible for the posts and preference would be given to those who secured positions in the said sports/tournaments. Besides it was specified that the sports persons should have minimum educational qualification of a pass in +2 (barring vocational education) or equivalent examination conducted by a recognized University or

Board and be within the age from 18 to 25 by the last date of receipt of application i.e. 15.09.2003. The age was relaxable by 5 years for un-reserved community sports persons and by 10 years for reserved community. Attested copies of certificates and testimonials in respect of sports, education, age and community etc. were required in the advertisement to be attached to application. It is the case of the Applicant that he has read up to +2 pass and has earned certificates both from National and International Level in the sports "chess". He has applied for being considered for one of the posts of Postal/Sorting Assistant. The test was scheduled to commence from 2<sup>nd</sup> August, 2005 and though other candidates were asked to participate in the tests he having not received any such intimation, in his absence, his father represented to the Respondent No. 4 praying to permit his son to appear in the test. Since the test was going to be held shortly and no reply was received on the representation, the Applicant approached this Tribunal seeking judicial intervention in the matter. The matter was taken up for consideration on 02.08.2005 when while issuing notices to the Respondents, as an ad interim measure, the Respondents were directed to take the performance test and personal interview of applicant in course of recruitment process for the seven posts of Postal Assistant/Sorting Assistant in the Orissa Postal Circle, but the final

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result of the said recruitment should only be declared after obtaining leave from this Tribunal.

2. Respondents have filed their counter stating therein that within last date (15.09.2003) fixed in the advertisement dated 13<sup>th</sup> August, 2003 for filling up of 7 posts of Postal/Sorting Assistant from amongst sports quota, on various events including chess, number of applications were received. In the advertisement it was clearly pointed out that applications received in complete and/or beyond the last date fixed shall be rejected summarily. On receipt of applications, they were scrutinized and accordingly a check list was prepared. It has been submitted that only the candidates whose applications were complete in all respects, having fulfilled the required conditions stipulated in the advertisement were asked to face the interview. As the Applicant did not submit any certificate/HSC in support of his date of birth mentioned in the application form, along with some others having similar deficiencies his candidature was rejected. The Respondents, have, therefore, submitted that there being no illegality in not calling the applicant to participate in the interview, needs no judicial interference in the matter.

3. Heard Mr. Kanungo, Learned Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Learned Senior Standing

Counsel appearing for the Respondents and perused the materials placed on record. We have also gone through the check list produced by the Learned Senior Standing Counsel appearing for the Respondents.

4. During hearing, Mr. Kanungo, Learned Counsel appearing for the Applicant has submitted that the applicant has submitted his Matriculation certificate along with application form. He has also made all endeavour to persuade us that rejection of the candidature of the applicant was illegal. Likewise, the Learned Counsel appearing for the Respondents by giving the example of various recruiting agencies like SSC, UPSC & OPSC stated that even if the applications were received, complete in all respect, yet the Authorities have the power to short-list the applications. But in the instant case, since the application of the applicant was not complete in all respect, the same was rightly rejected.

5. The eligibility of the applicant is not in dispute. It is also not in dispute that the applications of applicant has been received within the last date fixed in the advertisement. The only question that has to be seen as to whether the Applicant has submitted his Matriculation certificate while applying for the post and as to whether non-submission of the Matriculate certificate or any proof in support

of his date of birth along with the application would disqualify him to appear in the interview scheduled to be conducted by the Respondents. In this connection, it may be recorded that Rulings of the Apex Court are no more *res integra* that the conditions stipulated in the advertisement are binding on all the parties. Keeping in view the law laid down by the Apex Court, we proceed to examine as to whether the Applicant has submitted his matriculation certificate along with the application form. On perusal of the application form under Annexure-R/2, it is found that against the Col. No.6 the Applicant has mentioned his qualification +2 pass (Xerox copy attached) and against Col. N.8 "chess" (Separate Sheet attached); whereas against the Col. No.4 pertaining to date of birth it has only been written as "02.06.1984". From this it is clear that the applicant did not submit any certificate in support of his date of birth.

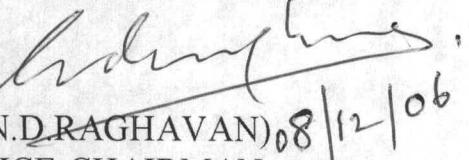
6. Similarly, the Respondents have mentioned in the advertisement that candidates are required to submit necessary certificates in support of their age, qualification, sports etc. along with application form. It was also made clear to them that incomplete applications would summarily be rejected. From the check list, produced by the Respondents, it is also evident that not only the candidature of applicant, the candidatures of many candidates have

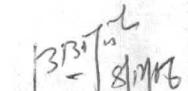
been rejected due to non-submission of requisite certificates etc.

Therefore, we find no fault on the action of the Respondents in not calling him to appear in the test.

7. As we find no substantial ground to interfere in the matter, the Respondents are free to declare the result of the test ignoring the candidature of the applicant.

8. In the result, this OA stands dismissed by leaving the parties to bear their own costs.

  
(N.D. RAGHAVAN) 08/12/06  
VICE-CHAIRMAN

  
(B.B. MISHRA)  
MEMBER (A)