

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.626 OF 2013
Cuttack this the 12th day of September, 2013

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Afsar Mohammed
Aged about 27 years
S/o. Asan Mohammed
At/PO-Nuagopalpur
Via/PS-Balanaga
Dist-Puri

...Applicant

By the Advocate(s) Mr.S.Roy

-VERSUS-

Union of India represented through

1. The Director General of Posts,
Dak Bhawan
Sansad Marg
New Delhi
2. The Post Master General of Posts,
Odisha, Bhubaneswar
3. The Sr.Superintendent of Post Offices
Bhubaneswar Division
Bhubaneswar-751 009
Dist-Khurda
4. Inspector of Post Offices
Bhubaneswar South Sub Division
Bhubaneswar
5. Namrata Mohanty
Aged about 21 years
C/o. Purna Chandra Mohanty
At-Sadish Patna
PO-Birapratap Pur
Via-Chandanpur
Dist-Puri-752 012

...Respondents

By the Advocate(s)-Mr.D.K.Behera

ORDER(Oral)

HON'BLE SHRI A.K.PATNAIK, MEMBER(J):

Heard Mr.S.Roy, learned counsel for the applicant and Shri D.K.Behera, learned ACGSC, on whom a copy of the O.A. has been

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served, appearing for the Official Respondents and perused the materials on record.

2. The instant O.A. has been filed by the applicant for quashing Memo dated 2.7.2013 (Annexure-A/6) and for direction to Respondent No.3 to appoint him as Gramin Dak Sevak Post Master, Nuagopalpur Branch Post Office.

3. It reveals from the perusal of records that the order which is impugned herein and called in question has been passed by the Respondents in pursuance of the direction of this Tribunal in O.A.No.258/2013 wherein the applicant had sought for direction to Respondents to appointment him to the post of Gramin Dak Sevak Post Master, Nuagopalpur Branch Post Office. In the fitness of things, the relevant portion of the order reads as under.

“In adherence to the direction of the Hon’ble Tribunal, it is hereby intimated that Afsar Mohammed, one of the candidates for the above post, has secured 47.53% of marks in HSC Examination which is very less in comparison to the last (5th) candidate kept in the panel. As more meritorious candidates are available in the zone of selection, the case of Afsar Mohammed was considered along with the other candidates and it was considered that the selection would be made strictly in accordance with merit. Accordingly, the panel of most 5 meritorious candidates was prepared and appointment has already been offered to the candidate at No.1 of the panel.

4. On a reference being made to Notification dated 25.1.2012 inviting applications from the intending candidates for the post in question, it has been made conspicuous therein that **“the selection is made on the basis of marks secured by the candidates in the Matriculation or equivalent examination. No preference will be given to any higher education”.**

5. Apart from the above, it has been revealed in Memo dated 2.7.2013(Annexure-6) that a comparative check sheet was prepared



for the purpose to examine the inter se merit of the candidates in the fray.

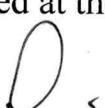
The panel consisting of five candidates who secured the highest percentage of marks in the HSC Examination was prepared and kept on record. It has further been revealed that the candidate securing higher percentage of marks has been offered appointment to the post in question subject to fulfillment of all the required prescribed conditions for the post.

6. It is not the case of the applicant that his candidature has not at all been considered by the Respondents nor having secured more marks than the candidate selected and appointed to the post in question, his candidature has been ignored. In the circumstances, we cannot but hold that the Respondents have not done any illegality in the matter of selection as they have selected and appointed the most meritorious candidates having secured the highest marks in the HSC or equivalent examination.

For the reasons discussed above, we are not inclined to admit this O.A. which is rejected at the very threshold. No costs.

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(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)