

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH :: CALCUTTA

OA/1476/96

Date : 27.6.01

Present : Hon'ble Mr. Justice S. Narayan, Vice-Chairman
: Hon'ble Mr. L.R.K. Prasad, Member (Admin)

Madan Mohan Mondal, Son of Late Tarani Chandra Mondal,
candidate for appointment to the post of EDMC, Dingalpot P.O.
South 24 Parganas

...Applicant

-Vs-

1) Union of India service through the Secretary, Ministry of
Communications, Department of Posts, Dak Bhawan, New Delhi

2) Chief Postmaster General, West Bengal Circle, Yogayog Bhawan,
Calcutta - 12

3) Superintendent of Post Offices, South Presidency Division,
P.O. Baruipur, Dist. South 24 Parganas

4) Shri Pranab Kumar Pramanik, Son of Shri Jitendra
Nath Pramanik, Village Raghunathpur, PO Dingalpot, Dist. South 24 Parganas.

...Respondents

Present for the applicant : Mr. N. Bhattacharjee
Present for the respondent : Mr. S. K. Dutta

Heard on : 19-6-2001 & 21-6-2001

ORDER

Mr. L.R.K. Prasad, Member (A) :

The applicant candidate sponsored by local Employment Exchange for the
post of EDMC, Dingalpot has sought for following reliefs :

- a) The appointment of respondent No.4 to the post of EDMC Dingalpot Branch Office be quashed.
- b) The respondent be directed to appoint the applicant to the post of EDMC from the date respondent No.4 has been appointed, if the applicant is otherwise found fit and suitable.

2. The background of the case is that to fill up the post of EDMC, Dingalpot BO in account with Dakshin Jagaddal Sub Post Office, the Employment

Exchange was requested to sponsor suitable candidates for the said post. 19 candidates including the candidature of the applicant were sponsored by the Sonarpur Employment Exchange. Eighteen candidates appeared for verification test on 17-10-96 along with relevant documents. So far as the applicant is concerned, some anomalies were found in respect of his date of birth. While in Madhyamik Admit Card as well as in his application 10-9-67 has been mentioned as date of birth of the applicant, but in the Employment Exchange Card his date of birth recorded as 10-10-67. After necessary verification of all the applications and their due examination, the respondent concerned found respondent No.4 as the most suitable candidate for the post in question. Accordingly, he was given provisional appointment to the post. The applicant asserted that as he fulfilled all the required conditions, he was the most suitable candidate for the post of EDMC in question, especially as he had secured the highest marks in the Secondary Examination amongst the candidates who had been interviewed for the post. While he had secured 410 marks out of 900 in the Secondary Examination, the respondent No.4 had secured only 345 out of 900. In view of the aforesaid position he has challenged the appointment of Respondent No.4 with the prayer that the appointment of Respondent No.4 be quashed and in case the applicant is found suitable and fit he should be appointed to the said post. Against the non-selection he had made representation on 4-12-96 addressed to the Superintendent of Post Offices, South Presidency Division, Baruipur (Annexure A5), but he did not get any response. He has also claimed the post on the ground that he is a Scheduled caste candidate and minimum fixed percentage for SC are required to be filled up. It is further the contention of the applicant that as he had fulfilled all the required conditions, the weightage should have been given on the basis of marks obtained in the Secondary School Examination as per prescribed rule, but the same was not done and the Respondent No.4 was appointed against prescribed rules.

3. We have examined the matter in the light of submissions made by the parties and materials on record. We have also perused the relevant selection file which was shown to us by the learned counsel for the respondent during the hearing. It is observed from record that in the Admit Card as well as in the application, the date of birth of the applicant is mentioned as 10-9-67, whereas in the Employment Exchange Identity Card which was issued in 1988, his date of birth has been shown 10-10-67. Here is thus definitely 2 dates of birth with regard to the applicant have

been recorded. It appears that the applicant passed Higher Secondary examination in 1986, whereas the Employment Exchange Card was issued on 2-6-1988. It is not understood as to why he got his date of birth recorded as 10-10-67 in the Employment Exchange. The educational qualification prescribed for appointment to EDDA, ED Stamp Vendor and all other categories of EDAs are as under :

VIII Standard. Preference may be given to the candidates with Matriculation qualifications. No weightage should be given for any qualification higher than Matriculation. Should have sufficient working knowledge of the regional language and simple arithmetic so as to be able to discharge their duties satisfactorily. Categories such as ED Messengers should also have enough working knowledge of English.

The method of recruitment [(17) Swamy's Compilation of Service Rules for Extra-Departmental Staff, 6th Edition - 1995] prescribes that working ED Agent should be given priority over all other categories excepting retrenched E.D. Agent. It may be stated that the marks obtained in the Matriculation Examination becomes very relevant if a candidate fulfills all other basic qualification prescribed for the purpose. In such a situation, a person having higher marks in Matriculation examination is given weightage in the appointment to the post in question. However, in the instant case, we find that there was a dispute with regard to date of birth of the applicant. As such the concerned respondent authorities exercised their discretion in rejecting the application of the applicant. If there was no dispute regarding the date of birth of the applicant, the situation would have been different and the case of the applicant would to have been ⁱⁿ better. ^{booklet} However, as the respondent were not satisfied with regard to the date of birth of the applicant, they decided in their own wisdom not to consider the application of the applicant for the post in question. The satisfaction of the Appointing Authority in such cases are very relevant. We find further from records that on overall consideration the respondents decided to offer the post in question to Respondent No.4. Even though the applicant has alleged malafide against the respondent in the whole exercise, but he has failed to substantiate his allegation. As such we do not find any malafide in the decision of the respondent.

4. In the circumstances as stated above, we find that this OA is devoid of merit and the same is dismissed with no order as to cost.