

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH :: CALCUTTA

No. OA/105/1996

dt. 25th 6.2001

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

1) Vijay Singh, son of Shri Gupteshwar Singh,
residing at C/o Shri Ashwini Kumar Roy,
Ram Krishna Dangal, Asansol-2

2) Subodh Kumar Singh, son of Shri Ram Prasad Singh,
residing at C/O Shri Shiv Shankar Singh, House
of Ram Narayan Shaw, Ram Krishna Dangal, Asansol-2

...Applicants

-vs-

1) The Union of India, service through the Secretary,
Ministry of Communication, Postal Board, Dak Bhawan,
New Delhi-1

2) The Chief Postmaster General, West Bengal Circle,
working for gains at the premises No.P-36, Chittaranjan
Avenue, Yogayog Bhawan, Calcutta-700 012

3) The Postmaster General, South Bengal Region, working
for gains at the premises No.P-36, Chittaranjan Avenue,
Calcutta-700 012

4) The Senior Superintendent of Post Offices, Howrah
Division, Howrah-711 101

Present for the applicant : Dr.R.C.Ram

Present for the respondent : Mrs.K.Banerjee

Heard on : 12-6-2001 & 14-6-2001

ORDER

25. 06. 01

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

This application has been filed by two applicants
seeking following reliefs :

- a) for quashing the method by which the candidature of the applicants have been rejected.
- b) to direct the respondents to consider the case of the applicants for selection to the post of Postal Assistants by setting aside and/or quashing the wrongs done in this behalf by the respondents and in case of vacancies have already been filled in two supernumerary posts of Postal Assistants be created and the petitioners should be posted on the same post with consequential benefits.

2. We have heard the learned counsel for the parties and perused the materials on the record. At the outset, the learned counsel for the applicant has stated that Shri Vijay Singh, applicant No.1 has already been appointed somewhere else. So, he is not pressing this particular case. Therefore the consideration should be confined to the case of Shri Subodh Kumar Singh, Applicant No.2, only.

3. Vide Advertisement dated 16-7-95 published in Sunday Statesman, applications were invited for filling up certain posts which included the post of Postal Assistant. It appears from the said advertisement that for Howrah Division the number of posts were 12, out of which 7 were to be filled up by OC, 2 by S.C., 1 by ST and 2 by OBC. In response to the advertisement, the applicants applied for the said post and also submitted relevant documents before the concerned authorities. As the applicant No.1 has already been appointed elsewhere subsequently and as such the learned counsel for the applicant has already stated that he is not pressing the case of applicant No.1, we have confined our examination to the case of applicant No.2.

3. In response to the above advertisement, 2018 applications were received upto 31-7-95. These applications were placed before a selection board which met on 15-10-95. The said selection board was composed of Sr. Supdt. of Post Offices, Howrah Division, Superintendent of RMS, SB Division, Howrah-1 and Asstt. Postmaster General, South Bengal Region. After due examination of the applications received for the post of Time Scale Postal Assistants against the vacancies stated above, the Selection Board made necessary recommendations. The applicants were not included in the panel recommended by the selection board. It was pointed out that in case of Applicant No.1 total marks shown to have been obtained in Intermediate Exam (basis of selection)

do not tally with marks shown to have been obtained in individual subject. In view of the aforesaid position the marks shown in Intermediate examination submitted by applicant No.1 was not accepted as genuine by the selection committee. As such ~~his~~ application was rejected. On a scrutiny of educational qualification of the applicant No.2, the selection committee observed that the applicant No.2 as per his application had declared that he passed 10+2 examination in 1993 but in the Asansol Employment Exchange Card, which he had submitted along with application form issued on 19-7-95 indicated that he is Madhyamik pass ~~(M)~~. As such ~~his~~ application was also rejected after due consideration by selection board. The selection board had also examined other applications in terms of the conditions as laid down in the advertisement dated 16-7-95 (Annexure-A), according to which minimum educational qualification prescribed for the post is as follows :

10+2 standard or 12th Class pass of a recognised University/Board of School Exam/Board of Secondary Exam (excluding vocational stream).

4. The selection was to be made on the basis of the following formula :

Marks obtained in 10+2 standard (12th class) Examination conducted by the recognised University/Board (as mentioned in Col.3) excluding the marks obtained in additional subject will be the basis. In addition, bonus marks will be awarded for any one of the following higher academic qualifications. In that case, the percentage of marks obtained in the base examination (10+2) will be raised by 10(ten) only. No bonus marks will be awarded for higher educational qualifications like Graduation, Diploma etc. obtained from Vocational/Professional stream (i)Part-I of Three Year Degree Course honours in BA, B.Sc & B.Com conducted by the University. (ii)BA,BSc, B.Com,MA,M.Sc & M.Com etc.

MS

If the percentage of marks of any higher examination is more than the total of the percentage of marks of the base examination and bonus marks, the marks obtained in the higher examination will be taken into consideration for selection for the candidate.

5. The other conditions prescribed is that the applicant must have registered with any one of the Employment Exchanges situated in the State where the Unit of recruitment is located.

6. After examination of the applications received with reference to notification dated 16-7-95, the selection board submitted its recommendations. The list of the successful candidates were notified in the office Notice Board (annexure C attached with the W/S), from which it appears that 12 candidates were selected for the post of Time Scale Postal Assistant against the vacancies of the outsider quota for the 1st and 2nd half of 1994. Out of 12 successful candidates 7 were from other community, 2 from Scheduled Caste community, 1 from Scheduled Tribe community and 2 from Other Backward Community. During the course of hearing we were informed that as per the recommendations of the selection committee, necessary appointments have already been given to the successful candidates as listed at Annexure-C attached with written statement. The applicants are aggrieved of rejection of their cases by the respondent in spite of the fact that they had submitted necessary documents regarding their educational qualification along with the applications but the same was not considered in proper perspective. The counsel on behalf of the applicant No.2 submitted that he had passed 10+2 examination from Bihar Intermediate Education Council, Patna in 1993 securing 82.3% marks (Annexure B). As he had received higher marks than some of the selected candidates, his case should have been considered favourably on the basis of marks sheet of 10+2 submitted by him along with application which is at Annexure-B. However, in the Employment Exchange Registration Card, which was issued in 1995 his qualification has been mentioned as Madhyamik pass. To a query, as to why he did not get his 10+2 qualification recorded in the said card, which was issued in 1995 whereas he claims

7. During the hearing we have been shown by the learned counsel for the respondents relevant papers including the minutes of the meeting of the Selection Board held on 13-10-95 for considering the recruitment to the post of Postal Assistant with reference to advertisement dated 16-7-95 (Annexure-A) and the observation of the Selection Committee recorded in the Checking Slip of Applicant No.1 and 2. It is gathered from the said Checking Slip that the Applicant No.2 had secured 82.3% marks in 10+2 examination. However, the Selection Committee took note of the fact that while the Applicant No.2 has claimed to have been passed 10+2 examination in 1993, the same had not been got recorded in the Employment Exchange Card which was issued on 19-7-95. As such, the Committee only took note of the educational qualification of the applicant (MP) No.2 as recorded in the Employment Exchange Identity Card. As such his application was rejected. After examining/scrutiny the other applications, the Selection Committee recommended the case of 7 candidates belonging to other community, 2 belonging to S.C. community, 1 belonging to ST community and 2 belonging to OBC candidate. Based on the recommendation of the Selection Board, the names of the selected candidates for appointment of Time Scale Postal Assistant in Howrah Postal Division against the vacancies of outside quota for 1st and 2nd half of 1994 was put on the Notice Board of the Office. The said panel, Annexure-C is attached with written statement.

8. It is settled principles of law that the Selection Board/DPC/Selection Committee is an Expert Body which is required to make necessary comparative assessment of the concerned candidates in accordance with the prescribed rules/conditions before making any recommendation for selection to a prescribed post. There should be least interference with the Findings/Recommendation/Assessment made by such Committee unless it can be established that the recommendation/assessment have been made by the said Committee in violation of statutory provisions of law or the same was done with malafide intention. In the instant case, we do not find any such things. The Committee had scrutinised 2018

dated 16-7-95 (Annexure-A) and upon due examination of these applications with reference to prescribed conditions, the Committee made certain recommendations which were implemented by the respondents. As such, we do not find any lacunae in the assessment made by the said Committee and recommendations made thereof for the post in question.

9. In view of above discussion, we find that this OA has no force and the same is accordingly rejected with no order as to the costs.

L.R.K.Prasad
(L.R.K.Prasad)
Member(A)

25.6.01

S.Narayan
25-6-01
(S. Narayan)
V.C.