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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A.No. 39/96.

Date of Order : 10.4.1996.

Gopal Singh

...

Applicant

VERSUS

Union of India & Others

...

Respondents.

Mr. K.K. Shah

...

Counsel for the Applicant.

CORAM :

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER.

O R D E R :

(By Hon'ble Mr.O.P.Sharma, Member(A) :

In this application under section 19 of the Administrative Tribunals Act, 1985, Shri Gopal Singh has prayed that the respondents may be directed to consider the case of the applicant for appointment to the post of of Postal/Sorting Assistant from the date when persons lower in merit than the applicant have been given appointment, with all consequential benefits.

2. The case of the applicant is that the respondent No. 2 i.e Post Master General, Western Region, Jodhpur Division, Jodhpur published an advertisement calling for applications from O.B.C. candidates for the post of Postal/Sorting Assistant in different Postal Zones vide Annexure A/1 dated 21.4.95. The educational qualification prescribed for recruitment to the post of Postal/

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Sorting Assistant was that a prospective candidate should have passed 10+2 Standard Examination or should have passed 12th Standard examination from a recognised University/Board of Education or Board of Secondary Education etc. The applicant had passed Visharad/Madhyama from Hindi Sahitya Sammelan, Prayag in the year 1986 with 83% marks. A copy of the certificate/Marks Sheet obtained by the applicant is at Annexure A/2. The Visharad examination as aforesaid has been recognised as equivalent to Intermediate/First Year T.D.C./12th Class pass by the University of Rajasthan vide their Ordinance No.251. Since the applicant possesses all the requisite qualifications for appointment to the post of Postal/Sorting Assistant, he applied for the said post in response to the advertisement referred to above. The copy of the application made by the applicant is at Annexure A/3 dated 28.9.95. However, the applicant's application evoked no response. On further enquiry, a staff member of the Department informed the applicant that the Visharad examination of Hindi Sahitya Sammelan, Prayag has not been recognised as equivalent to 10+2 or 12th standard pass. However, no reply has been received by the applicant to his application at Annexure A/3 dated 28.9.95, so far. The applicant's grievance is that since he possesses all requisite qualifications and is eligible for appointment in all other respects, also being an O.B.C. candidate, not providing appointment to him, though he is higher in merit, has caused hostile discrimination to the applicant and this action of the respondents is violative of Articles 14 and 16 of the Constitution of India.

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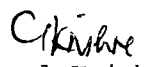
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3. We have heard the learned counsel for the applicant and have gone through the material on record. No evidence has been produced by the applicant to show that the examination passed by the applicant has been recognised by the Central Government as equivalent to 10+2 or 12th Standard examination conducted by any recognised University/Board of School Education of any State or any recognised Board of Secondary Education.

4. In these circumstances we cannot hold that the applicant possesses the requisite educational qualification for appointment to the post of Postal/Sorting Assistant as laid down in Annexure A/1 issued by the Postal Department. This application is, therefore, dismissed at the stage of admission.


(O.P. Sharma)
Member (A)


(Gopal Krishna)
Vice Chairman.

[CPM]

Part II and III destroyed
in my presence on... 4/6/46 ✓
under the supervision of
section officer (J) as per
order dated... 10/5/46 ✓

Section Officer (Record)
J

Copy of order dated 10.4.46
Sent to Acting Secy By Regd Post
Vide no. 152
date 1/5/46 } Copy of order
returned back by
1675736 on 1/5/46

Copy of order dated 10.4.46 signed by
Asst. Secy. Sent to R-1 to R-3 By Regd
Post Vide no. 152 to 155
dated 1/5/46

26.4.46