

## CENTRAL ADMINISTRATIVE TRIBUNAL

## ERNAKULAM BENCH

O.A. NO. 463 OF 1999.

Thursday this the 27th day of April 2000.

**CORAM:**

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M.D. Bindukumari,  
Bindu Bhavan,  
Kavadithalakkal,  
Karakulam P.O., Trivandrum. Applicant

(By Advocate Shri Thomas Mathew)

vs.

1. Senior Superintendent of Post Offices, Trivandrum North Division, Trivandrum.
2. Chief Postmaster General, Kerala Circle, Trivandrum.
3. Director General, Department of Posts, New Delhi.
4. M. Jayakumari, Chirayil, TC 9/92-1, Puthichakonam, Jawahar Nagar P.O., Trivandrum.

## Respondents

(By Advocate Shri M. Rajendra Kumar, ACGSC)

(The application having been heard on 27th April 2000,  
the Tribunal on the same day delivered the following:)

**O R D E R**

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to declare that selection and appointment of the 4th respondent to the post of Extra Departmental Branch Postmaster, (EDBPM for short) Beemapally

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is illegal and to quash the same and also to declare that the applicant is entitled to be appointed in preference to the 4th respondent taking into account the marks obtained in the SSLC examination.

2. The applicant says that the criteria for selection and appointment to the post of EDBPM is based on the marks obtained in the Metriculation or equivalent examination. The applicant secured 245 marks in the S.S.L.C. examination, whereas the 4th respondent had secured only 230 marks in the SSLC examination.

3. Respondents have stated in the reply statement that as per the letter of Director General of Posts New Delhi dated 9.9.94 a candidate who have passed the prescribed examination in the first attempt should be given preference over the candidates who have secured higher marks on 2nd and 3rd attempt , subject to the condition that the candidate satisfies all the other prescribed eligibility conditions. Accordingly, the 4th respondent who has secured 230 marks in the first chance was selected. The applicant though has secured 245 marks in the SSLC examination, has passed only in the 2nd attempt.

4. Annexure R-1(b) is the letter of the Director General of Posts, relied on by the respondents. It says that a person who has passed the examination which has made him eligible for appointment, as EDA in the first attempt should be placed above in the merit list than the person who has secured higher marks in the second or third attempt by appearing compartmentally in individual subjects.



5. Learned counsel appearing for the applicant submitted that annexure R-1(b) will apply only to individuals who have passed compartmentally and the applicant in this case passed the SSLC examination not by appearing compartmentally but by appearing for all subjects in one stretch.

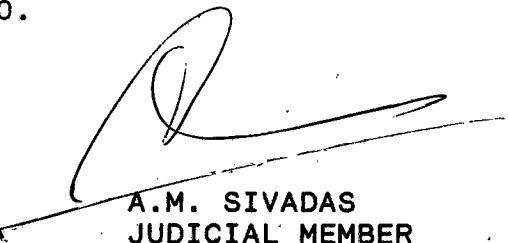
6. It is the undisputed position that selection should be based on the marks obtained in the SSLC examination. Then the question is, who is more meritorious in this case whether the applicant or the 4th respondent. The applicant who got 245 marks in the SSLC examination passed only in the 2nd attempt, while the 4th respondent though secured only 230 marks, passed in the first attempt. We are of the considered view that one who passes in the first attempt is definitely to be preferred to others who pass in the 2nd or subsequent attempt.

7. We agree with the stand of the respondents that the candidate who has passed the prescribed examination in the first attempt should be preferred to the candidates who have passed in the 2nd or 3rd attempt though they have secured higher marks. That being the position, we do not find any ground to grant the reliefs sought for in the O.A.

8. Accordingly, O.A. is dismissed. No costs.

Dated the 27th April 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.M. SIVADAS  
JUDICIAL MEMBER

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Annexure R-1(b): Photocopy of the letter No.19-48/94-ED&TRG dated 9/9/1994 issued by Director General, Posts, New Delhi.