

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.2/13

Thursday this the 3rd day of January 2013

C O R A M :

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. A.Narayana,
GDS BPM, Edneer BO,
Chengala, Kasaragod – 671 541.
Residing at Sri Bhoomika,
Kotekani House, Ramdas Nagar Post,
Kudlu Via, Kasargod – 671 124.
2. Bharathiya Postal Employees Union (Postmen & MTS),
represented by its Divisional Secretary, K.Surendra,
Postman, Kasaragod HPO – 671 121.
Residing at Paichal House,
Ramdas Nagar Post, Kudlu Via,
Kasaragod – 671 124.Applicants

(By Advocate Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
2. The Superintendent of Post Offices,
Kasaragod Division, Kasaragod – 671 121.
3. Union of India,
represented by its Secretary & Director General,
Department of Posts, Dak Bhavan,
New Delhi – 110 116.Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

This application having been heard on 3rd January 2013 this
Tribunal on the same day delivered the following :-

ML

.2.

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The first applicant is a candidate who has applied to participate in the Limited Departmental Competitive Examination to the cadre of Postman/Mail Guard scheduled to be held on 6.1.2013. According to him, a notification was published inviting applications for Limited Departmental Competitive Examination. The examination was common for GDS and department officials and it is to fill up the vacancies of 2011. The vacancies are in Kerala and the examination is also conducted in Kerala. The examination consisted of three parts, Part A, Part B and Part C. Part A consists of 25 marks with questions from General Knowledge, Reasoning and Analytical ability (multiple choice). Part B consists of 25 marks with 25 questions from Mathematics (multiple choice). Part C consisted of two segments of 25 marks each with segment 1 for 25 marks for English language and segment 2 for 25 marks for Regional language. Annexure A-1 is a copy of the notification along with copy of the application form issued. In the copy of the application form issued, column 7 requires the candidates to indicate the local language in which they desire to take Paper A, Paper B and Paper C(ii). The applicant want to take Paper A, Paper B and Paper C(ii) in Kannada language. As per Annexure A-2 dated 28.12.2012 it was notified that candidates of Palakkad/Kasaragod/Idduki Divisions have opted to write the examination in Tamil/Kannada language in respect of Part A, Part B and Part C(ii). In this connection the competent authority has ordered that under the revised pattern and syllabus of the above examination the translation of questions for Part A and Part B be



.3.

limited only to Malayalam language. For Part C (ii) segment, the question paper will be set and supplied in Malayalam, Tamil and Kannada languages. The applicant impugned Annexure A-2. According to him, after the notification, Annexure A-2 has virtually changed the method of conducting the examination, adversely affecting his right. He places reliance on decisions of the Apex Court in 2008 (3) SCC 512 and 2008 (7) SCC 11.

2. The respondents would contend that as per the new Recruitment Rules (Postman/Mail Guard Recruitment Rules, 2010) the examination is being held now, as per which, the candidates are permitted to opt for English and Regional language only and, therefore, the examination conducted in Kerala for vacancies in Kerala, the candidates are permitted to write Part A and Part B in Malayalam in addition to English whereas in Part C(ii) the candidates are permitted to write in English, Kannada, Tamil and Malayalam. According to them, this is not a change in the system brought down suddenly but as per the Recruitment Rules of 2010. It is also contended by the counsel for the respondents that the same examination was conducted in Karnataka Circle where candidates are allowed to participate in the Kannada language only and not in Malayalam language.

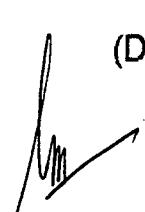
3. We have heard both sides. The notification is silent in respect of language in which the candidates are permitted to take part in the examination papers. However, in the application form there is a choice to be indicated regarding the language in which the candidates desire to take



.4.

part in the examination. Admittedly, Part C(ii) is permitted to be written in Kannada. If the Recruitment Rules does not provide for taking part in the examination in any language other than specified therein, one cannot insist that he should be allowed to participate in the examination in a particular language not governed by the specific rules. May be that in the past candidates are permitted to participate in the examination in Kannada language also, that does not mean that a right as such is created for all times to come in the absence of any specific rules in this regard in the Recruitment Rules governing the conduct of examination. This is not a change in the qualification. Therefore, the decisions cited by the counsel for the applicant has no application in the present case. There is no change in the system of examination as well. Admittedly, the vacancies are in Kerala, the examination is conducted in Kerala and the candidates who will appear in the examination are also from Kerala. If so, it cannot be insisted that Part A and Part B papers should also be provided in Kannada language. There is no discrimination attracting Article 14 to grant any relief. Hence, we find no reason to interfere with Annexure A-2 impugned order dated 28.12.2012. The O.A is, accordingly, dismissed. No costs.

(Dated this the 3rd day of January 2013)



K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

asp