

Central Administrative Tribunal
Ernakulam Bench

Date of decision: 21-3-1990

Present

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

Original Application No.251/89

P.P.Punnoose - Applicant

v.

1. The Superintendent of Post Offices, Changanacherry Division, Changanacherry.
2. The Town Employment Officer, Town Employment Exchange, Changanacherry.
3. Smt.K.G.Remai, Kalarickal House, Puthenchantha, P.O.Vakathanam, Changanacherry-686 538. - Respondents

M/s KP Dandapani, Sumathi - Dandapani & K Jaju Babu - Counsel for the applicant

Mr PS Biju, ACGSC - Counsel for the respondent-1

Mr MR Rajendran Nair - Counsel for the respondent-2

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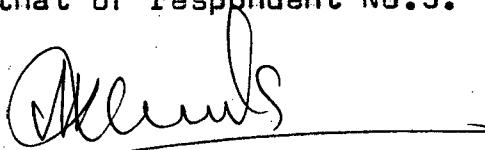
(Shri S.P.Mukerji, Vice Chairman)

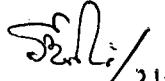
In this application filed under Section 19 of the Administrative Tribunals Act, the applicant has challenged the selection of respondent No.3 for the post of Extra Departmental Branch Postmaster, Puthenchantha.P.O, Kottayam. The main ground urged by the applicant is that the applicant was not called for interview for selection, even though he satisfies all the eligibility conditions.

It appears that for filling up ~~for~~ this post, the Employment Exchange did not sponsor any candidate within the time prescribed by the Postal authorities as a result of which the Postal Department invited applications direct by the notice at Exbt.P2 dated 16.3.1989. The applicant also applied for the post with all necessary documents regarding income, educational qualifications etc. and the first respondent selected respondent No.3, on the 'inter alia' basis of the highest marks obtained in the S.S.L.C. among the eligible candidates. Thereafter she was called for interview for verification of the documents regarding her and income educational/qualifications. The applicant was not selected as he did not produce any certificate of independent source of income and also because he had lesser marks in the S.S.L.C. than those of respondent No.3.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The learned counsel for the applicant vehemently argued that he was eligible for the post and he should have called for interview. He ~~further~~ conceded that the marks in the S.S.L.C. obtained by him was only 39.66% as indicated by the respondents 1&2 in the tabulation statement at Annexure-R1(b), whereas respondent No.3 had secured 44.33% marks. The applicant admittedly did not produce any certificate of independent income which had been produced by

respondent No.3. The learned counsel for the applicant further urged that candidates at Sl.No.6 at Annexure-R1(b) who obtained 52% marks and had independent source of income was not selected or called for interview in order to accommodate respondent No.3. The argument of the respondent is that the candidate at Sl.No.6 is residing 3 KMs away, whereas respondent No.3 was within 100 metres away from the Post Office. Respondent No.3 having highest marks in the S.S.L.C. examination is also a Degree holder and is way above the applicant in so far as educational qualification is concerned. We do not wish to go into the comparative assessment of the various candidates for selection because that is not amenable to judicial review, unless there has been gross favouritism or discrimination. The fact that respondent No.3 was ^{the} only ~~alone~~ called for interview does not vitiate the selection because the interview was ~~not~~ for the purpose of verifying the documents after the selection is made on the basis of the application and other documents produced by the various candidates. We are satisfied that the applicant was duly considered by the respondents for selection and we find that the applicant cannot have any claim for the post of E.O.B.P.M. over that of respondent No.3. The application is dismissed.


(A.V.HARIDASAN)
JUDICIAL MEMBER


21.3.90
(S.P.MUKERJI)
VICE CHAIRMAN

21-3-1990

trs