

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA 1158/87 OF .....

NAME OF THE PARTIES ..... Applicant

Versus

Asheep & Biron ..... Respondent

Part A.

NOT 9/7

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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

File B/C decided out / Distressed

Dated .....

Counter Signed.....

Section Officer/In charge

Signature of the  
Dealing Assistant

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW.

INDEX SHEET

CAUSE TITLE T.A. 1158/87 OF 199  
W.P. No. 2534/83

Name of the parties

Bhupendra Bisain

Applicant.

Versus.

Union of India & others.

Respondents.

Part A.E.C.

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Prakash

28/3/92

Bra  
Rs. 100/-  
Rs. 100/-

over 5, mandamus.  
D. H. Luckmanis

James  
11/5/83

12-5-83

Rec'd in Apis for ops 1 to 4.

James  
(D. S. RANDHAWA)  
Senior Standing Counsel  
Central Govt.  
11-5-83.

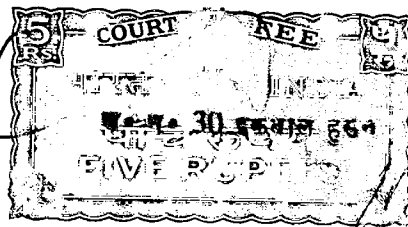
Hon. 12-5-83  
Hon. 10-5-83

Now it is necessary  
to pay to the  
Council of Union of  
India  
12-5-83

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
26.7.83	wait for orders  Hon. K. C. S. J. Hon. K. N. K. J.	
	In U.K. Dhanu asking for the Union of India States that the matter will be finalized within a week and that no fresh appointment will be made. Let us in the meantime commence from 8th August '83 by 26-7-83	
27.7.83	10-8-83 fixed for orders  Hon D. H. J. J. Hon K. S. J.	By court Bund
17.8.83	24-8-83 fixed for orders  Hon H. H. J. J. Hon K. S. J. Hon K. S. J. Put up tomorrow.	
5.9.83	Hon H. H. J. J. Hon K. S. J. Hon K. S. J.	
6.9.83	Hon H. H. J. J. Hon K. S. J.	

A24 3/1

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.  
\*\*\*



16453 10/11/33 11/10/33

C.M. Appln. No. 11105 ( ) of 1933.

In re:

Writ Petition No. 2534 of 1933.

Bhupendra Bisen s/o Sri Ranjit Singh, r/o 538/2  
Bahadurganj, Faizabad.

--- Petitioner  
Applicant.

Versus

Union of India and others.


--- Opp. Parties.

Kind Application for grant  
of Interim Relief.

The petitioner abovenamed begs to state as under:-

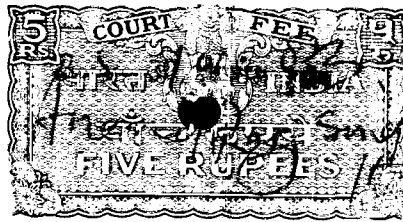
That for the reasons and circumstances stated in the accompanying affidavit, it is most respectfully prayed that during the pendency of the writ petition no appointment to the post of Telegraphists (Reserve Trained Pool) may be made either from the original Select List or from the contemplated Revised list.

Lucknow Dated  
Oct. 4, 1933.

  
(P.N. Srivastava) Advocate  
Counsel for the applicant  
Petitioner.

A27  
u/

IN THE HIGH COURT OF JUDICATURE, AT ALLAHABAD  
LUDHIANA, LUDHIANA.



C.M. application No. 12101 (w) of 1933

In re: writ petition No. 1934 of 1933

17494

Dhupendra Disen,  
S/o, Shri Ranjit Singh,  
S/o, 303/2 Bahadur Jagt  
Distt. Faizabad.

.....Petitioner-applicant.

Vs.

Union of India and others. ....opposite party

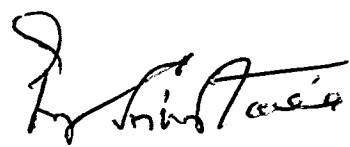
Application for for leave and for new parties and amendments in  
the writ petition.

.....

The petitioner sheweth and begs to submit as under:-

That for the reasons and circumstances stated in the  
accompanying affidavit, it is most respectfully, prayed that  
the petitioner may kindly be allowed to implead Nos. 5 to 12  
as new parties and make amendment in the writ petition as  
mentioned in para 10 of the affidavit.

Lucknow dated  
October 24, 1933.

  
( P.N. Privastava )

Counsel for the petitioner applicant

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2534 of 1983

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	cmr 12101 WPS	
27/10	12m UST 12m KPS	
	for 12th week	
	12m UST 12m KPS	
	3-11-83 fixation cmr 12101 WPS for order	By court Bail
	11-11-83 Hm filed in CMA 12101 CW 83 for Hm Jha S Hm ACD S S	
	The prayer for amendment is allowed. let the amendment be incorporated in the petition within a week. An amended copy of the petition shall be	

# ORDER SHEET

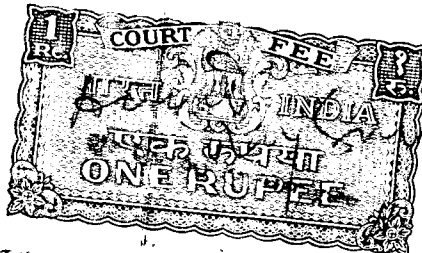
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

100 No. 2534 of 1983

25.

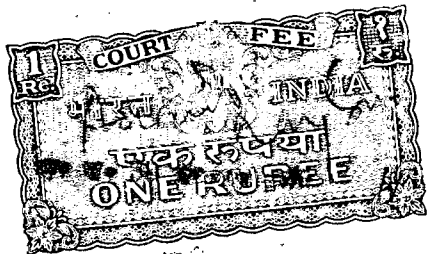
Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
4/1/84	<p>(Mr. D. N. Verma, J)</p> <p>(Mr. R. S. Verma, J)</p> <p>Connect with</p> <p>W.O. Nos 5328 of 83 and</p> <p>4290 of 83 and <del>4290</del></p> <p>list on 9-1-1984.</p> <p>KS L/H</p> <p>8/1/84</p>	
9.1.84	<p>Fixed</p> <p>Hear KNSS</p> <p>Hear RANF</p> <p>List on 12-1-84</p> <p>WJ</p>	
12/1/84	<p>Fixed for order</p> <p>Hear KMAR</p> <p>Hear SSOR</p> <p>Advt &amp; Connect</p> <p>with W.O. nos. 5238 &amp; 4290/83 &amp;</p> <p>others petitions.</p>	

12/1/84 19/1/84



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

\*\*\*\*



C.M. Application No. 14215 (v) of 1983.

In re : Writ No 2534 of 1983

Shripendra Bisen,  
Son of Shri Ranjit Singh,  
r/o 588/2, Bahadur Ganj,  
Distt. Faizabad. ....

Petitioner-applicant.

Vs.

Union of India & Others ..... Opp. parties.

Application for admission and grant of  
Interim Relief.

The petitioner begs to submit as under : -

That for the reasons and in the circumstances,  
stated in accompanying affidavit it is most  
respectfully prayed that the Writ Petition may kindly  
be admitted and the petitioner allowed to obtain  
training of Reserve Trained Pool- Telegraphist at  
his own cost and allowed to work in casual  
emergencies ~~like other candidates~~, if required, pending  
decision in the Writ Petition.

*P N Srivastwa*

(P N Srivastwa)

Advocate,

Counsel for the petitioner.

Lucknow Dated  
Dec. 17, '83.

for recruitment of Reserve ~~Pool~~<sup>Ar</sup> Trained ~~Pool~~ in the cadre of Telegraphist (hereinafter referred to as RTP-Tl) for the year 1982 for different Telegraph Traffic Divisions in Uttar Pradesh Telecom Circle was published in different news papers. Of~~t~~<sup>✓</sup> these, 22 vacancies were announced for Lucknow Telegraph Traffic Division, which were subsequently increased to ~~4~~<sup>0</sup> total of 47 with the following break-up:

Other Community (hereinafter referred to as OC)	- 30 ;
Physically handicapped	- 1 ;
Schedule Caste	- 8 ;
Schedule Tribe	- 3 ;
Exservicemen	- 5 .

A photostat copy of this advertisement is being attached as Annexure '1' to this Writ Petition.

2. That paragraph 2 of the said advertisement provided :

" Candidates selected and brought on the panel after training will be liable for regular absorption against the clear vacancies of telegraphists in the pay-scale of Rs. 260-8-300-EB-340-10-360-12-420-EB-12-480 plus usual allowances as admissible provided they work as short duty staff, as and when called for against unfilled vacancies, absenteeism, or extra work for a period of one year which can also be reduced, if so required in the interest of the Department."

3. That in accordance with the instructions contained in paragraph 9 of the said advertisement, the petitioner <sup>is intermediate and</sup> who fulfilled all the requisite qualifications, submitted an application as a OC-candidate in the prescribed



Annexure 1

- 13 - AI

AGB

- 12 -

24.

W

No.

2534

of 1987

**vs.**

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
17-02-04	Honn: S.C.M.J.	
	For orders see my	
	order of date passed in	
	W.P. No. 5325 of 03.	
	17-01-03	

- 13 - A1  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 11501 of 1987.(7)

APPELLANT  
APPLICANT

B. Buer

VERSUS

DEFENDANT  
RESPONDENT

004

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
17/10/89	<p>Hon' Mr. D.K. Agrawal, J.M.  <u>Hon' Mr. K. Obayya, A.M.</u>            Detailed orders passed on the ordersheet of T.A. No. 1214/87(T) dt. 17-10-89 separately.  <i>(Signature)</i>            A.M.            (sns) <i>J.M.</i></p>	<p><i>OK</i>            This case has been received from CAT. dtd. on 16. month of April.            Case is admitted.            No CA/RA filed            Notices were issued from Lko. on 0.0.89            No underlies repd. Cover has been return back to for submitted for order.</p>
19/12/89	<p>Hon' Mr. Justice Kamleshwar Nath, V.C.  <u>Obayya, A.M.</u>            The applicant is present in person.            Counter has been filed.            The applicant may file reply within 3 weeks hereof and list this for final hearing on 31-1-90.  <i>(Signature)</i>            A.M.            (sns) <i>V.C.</i></p>	<p><i>L</i>            16/12            No CA/RA filed            Submitted for order            Learn</p>

3:10

- 17 - (14)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

(1) T.A. No. 1214/87  
(W.P. No. 5325/83)

Smt. Indira Kumari

Petitioner.

vs.

Union of India & others

Respondents.

(2) T.A. No. 1179/87  
(W.P. No. 4298/83)

R.B. Pandey

Petitioner.

vs.

Union of India & cts.

Respondents.

(3) T.A. 1158/87  
(W.P. No. 2534/83)

Bhupendra Bisen

Petitioner.

vs.

Union of India & others

Respondents.

(4) T.A. No. 1216/87  
(W.P. No. 229/84)

Ram Tej

Petitioner.

vs.

Union of India & cts.

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C.S., V.C.)

In this bunch of cases common questions of law and facts arise and the petitioners are the employees of the same Department, the case is being decided by one common judgment.

2. The dispute is in respect of recruitment of Telegraphist in various offices under the respondents. For filling up the posts, an advertisement was issued on 22.10.82 in the Employment notice. Thus, the applicants offered themselves for the same. On the basis of marks as provided in the

advertisement, they were allowed to appear in the examination. The qualifying test in the English dictation and type was held on 25.12.82. The selection was to be made on the basis of marks obtained in the High School plus bonus marks for higher qualification and preference being given to those having typing speed of 40 words per minute. Some 200 candidates appeared in the same. Thereafter, a list of successful candidates was prepared and the name of applicants perhaps appeared. After inclusion of their names in the list they were served with a letter mentioning therein requiring that their names have been included in the select list. It appears that the applicants produced the documents and also deposited the security amount. After completion of the formalities, when they were waiting for job, a notice was issued requiring the 200 candidates to appear on 10.10.83 for a dictation/handwriting test. According to the applicants, they were candidates who had acquired lesser marks earlier. After holding qualifying test the candidates found suitable in selection and reserved for 1982, But vide letter dated 24.9.83 their panel was cancelled. The writ petition was filed by one Shri Bhupinder Singh whose case is one before us. The said Bhupinder Singh secured only 40% marks but his name was not included, the petitioners name could not also find place and they have filed the writ petition which has now, by virtue of operation of law, has come to this Tribunal on transfer.

3. According to the respondents the examination of the applicants was cancelled because of a complaint

received and re-evaluation was done and the re-evaluation of all the applicants <sup>were</sup> not found upto the mark and they were not appointed. There is no denial of the applicants' contention that before cancelling the panel a notice should have been issued. Applicants were not given any notice and their version was not taken. After receipt of the complaint a direction was issued on the following words:

"As will be seen only 12 candidates have qualified keeping in view the minimum speed of 40 W.P.M., subject to maximum of 5% mistakes. In this connection I would like to remark that both the passages of English and Hindi contained less than 400 words to be typed in 10 minutes. In absence of any written instructions to re-type the passage, after completing once, and in the absence of any indication of the total number of words at the end of the passage there may have been some misunderstanding in the minds of the candidates whether they have to retype the passage to attain, at least the minimum speed of 40 W.P.M. I would like to point out that where as some candidates have retyped it only once, within the permissible number of mistakes, but have 'failed' because of the minimum speed of 40 W.P.M. In all fairness, the passage should have contained words much more than 400 words and the number of words should have been indicated at the end. In the circumstances, it is for consideration whether the candidates should be re-examined in this paper."

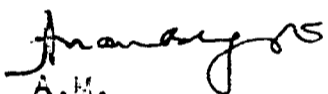
4. The result was cancelled and no examination took place, in pursuance of the interim order passed by this Court. Some of the applicants, not all, got appointment. The contention is that if there was any fault in the examination or instructions which were issued, the instructions/terms ~~which were~~ of the advertisement were

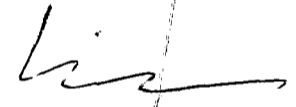
complete and when all the passages were typed out there was no machinery to judge the speeds per minute and the applicants cannot be penalised for any shortcomings or lacuna in the advertisement and instructions in this behalf. Even otherwise when once their name was included and they were apprised of the same, they were called to complete formalities, they cannot claim any right to the post as such but that cancellation could not have taken place without giving them any opportunity. Moreover, if the justification was for re-examination, but instead of re-examination, re-evaluation took place. How this re-evaluation has been done and on what basis, this mystery has not been clarified in the counter. Cancellation and then re-evaluation was not legal and not justified by any principle of justice.

5. Accordingly it deserves to be cancelled. The applicants undoubtedly having been given posting obviously in pursuance of the interim order passed by the Court, they were entitled on the basis of examination in which they appeared. As such, the only question which now remains for consideration is whether the appointment is to date back since their names were included in the select list or within reasonable time by which re-examination should have taken place. Even if we fix the reasonable time of three months, by that time no examination could take place when in subsequent test for typing etc. will not be a substitute for the examination which was provided in the advertisement or re-examination which took place. In case the cancellation of the panel the applicants are entitled to get the

a pointment on the basis of select list . We accordingly allow writ petition and set aside the cancellation of panel and re-evaluation and direct that those whose names found place should be deemed to have been ~~appointed~~ appointed in the list who were subsequently appointed. However, we are making clear that what we are directing will not apply to those whose names did not appear in the select list or could not be appointed in pursuance of the interim order granted by the High Court. The Department will decide the question of seniority and placement in the gradation list and other consequentil benefits in pursuance thereof.

6. Petitions are disposed of accordingly. Parties to bear their own costs.

  
A.M.

  
V.C.

Shakeel/

Lucknow Dated:10.5.91

CIVIL  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 2534-83.

Name of parties Blupendra Bisen vs. Union of India

Date of institution 12-5-83

Date of decision .....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs.	P.		
	1-	W.P. with Affidavit	18-	-	102.	00.		
	2-	Power	1-	-	5.	00.		
	3-	Contd. 11185(W) 883. f 84	3-	-	7.	00.		
	4-	Contd. 12101(W) 883.	8-	-	2.	00.		
	5-	Contd. 14215(W) 883.	3-	-	7.	00.		
	6-	Power	1-	-	5.	00.		
	7-	Order Sheet	4-	-	-	-		
	8-	Best Copy	1-	-	-	-		

I have this 198 day of 198 examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. 198 that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date .....

Munsarim

Clerk

(4)

Group: A-15(C): <sup>AB</sup>

3949

In the Hon'ble High Court of Judicature at Lucknow

Writ Petition

No.

**2534**

of 1983.

Shri. P. N. Srivastava

.....

Petitioner

Versus

Union of India and others ...

Opposite Parties

...

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6.	Vakalatnama	19
7.		

*P. N. Srivastava*

(P. N. Srivastava)  
Advocate.

Counsel for the petitioner.

Lucknow 11th  
Dated 10 May 1983.

proforma alongwith the necessary documents to the Recruiting Officer of the Lucknow Telegraph Traffic Divisional Unit ,opposite party no. 3 , within the prescribed time. The petitioner also had attached a certificate from Khanna Commercial College , Lucknow , to the effect that he possessed the typing knowledge with a speed of 40 words per minute in English .

4. That the minimum qualifications as laid down in para 4 of the advertisement , (Annexure '1'), for the said post was :  
" Pass in matriculation or equivalent examination recognised by an Indian University or Board. "
5. That the instructions regarding selection for the said post as published in paragraph 5 of the advertisement were as follows: "SELECTION : On the basis of marks obtained in the above mentioned examination Bonus marks are awarded by raising the aggregate percentage in the basic examination for (i) Higher Secondary Course/Pre-University (ii) Intermediate, Three years Degree Course and (iii) Graduate/Post-graduate to the extent of 5, 7 and 10 respectively . All the Candidates, who come under the selection zone will have to qualify in the Dictation-cum-handwriting Test in English (Matriculation Standard) and the departmental type test to examine their speed in typing either in Hindi or in English , which will be conducted by the Divisional Heads of the Recruiting Units at their Head quarters. These Tests will be at the cost of the candidates. "
6. That the instructions contained in paragraph 6 of the advertisement (Annexure '1') clearly laid down that , "PREFERENCE Preference will be given to those candidates who possess the typing knowledge with a speed of 40 words per minute and produce a certificate to this effect from any Board or Institu-

Page -4.

tution duly recognised by the Central or State Government and pass the speed test conducted by the Department".

(That thus a candidate who had knowledge of typing with a speed less than 40 words per minute and had produced a certificate to that effect from any Board or Institution was not entitled for claiming or being given preference for recruitment to the said post).

7. That the selection process as laid down in paragraph 7 of the advertisement, (Annexure '1'), provided as follows : "Selection Process" as mentioned in paragraph 6 above, the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination marks plus bonus marks for higher academic qualifications. Candidates without the knowledge of typing will be arranged next on the basis of similar merits, below the last candidate of typing knowledge".

8. That as per instructions contained in paragraph 5 of the advertisement, (Annexure '1'), the candidates were required to appear and qualify the following two tests before being eligible for appointment to the said post :

(i) A Dictation-cum-handwriting test (According to the information available with the petitioner the qualifying percentage of marks for this test was 40 percent).

(ii) A departmental type test, in which the candidates were required to qualify at a speed of 40 words per minute.

9. That in response to his application, the petitioner was called to appear in the above two tests vide letter No. Bharti/RTF-17/LN/82(outside quota) dated 10.12.82.

This call letter was issued by opposite



*Handwritten signature/initials*

party no. 3 , A photocopy of this letter is being annexed as Annexure '2' to this Writ Petition.

10. That according to ~~the~~ reliable information available with the petitioner , candidates <sup>with higher merits but</sup> not knowing typing or producing certificates showing typing knowledge with a speed less than 40 words per minute <sup>2</sup> were not called by opposite party no. 3, to appear at the said two tests .

11. That the Dictation-cum-handwriting test was conducted on 26.12.82 from 11 a.m. at National Inter College, Rana Pratap College, Lucknow and the type test was thereafter held at Belloona Commercial College, Aminabad, Lucknow <sup>the personal opinion of the Supervising Officer.</sup>

12. That the petitioner appeared at both the above two tests and was quite hopeful of his success , because he had, according to his calculations qualified in both of them.

The petitioner had completed the dictation-cum-handwriting test without any mistake or omission to the best of his ability and therefore <sup>2 was</sup> quite hopeful of being declared qualified in this test. Similarly, he had typed the whole of the passage , of about 400 words without any apparent mistake or omission , within the prescribed time of 10 minutes and was quite hopeful of being declared qualified in the type test as well. He had done the type test paper so well that he was confident of being placed among the preferential candidates with the typing speed of 40 words per minute. This will be established if this Hon'ble Court calls for the answer books of the petitioner of both the above two tests and is pleased to satisfy itself with the averments made in this behalf.

13. That the rules <sup>2</sup> are the criteria for passing a type test have been clearly laid down in Posts and Telegraphs Manual

Volume IV, Appendix 28, in the procedure for selection of stenographers, who are also required to qualify in a type test at the speed of 40 words per minute. The relevant rules pertaining to the type test are contained in item 4 of the Schedule of the said appendix 28, and read as under: "A <sup>2</sup>passage in English consist-<sup>2</sup>ing of 400 words will be given and they will be required to type it within 10 minutes. Candidates whose paper contain more than 5 per cent mistake/ommission or who fail to type the passage within 10 minutes will be considered to have failed."

Thus a candidate is normally supposed to type 400 words in 10 minutes without any mistake or ormission and thereby show a speed of 40 words per minute. But a latitude has been given for 5 per cent mistake or ommission by virtue of which he will be deemed to have the requisite qualifying speed of 40 words per minute even if he types only 380 words, without mistake in 10 minutes.

( These rules are also applicable in the case of selection for the recruitment of RTP-TL, as also for other departmental tests. )

14. That the type test paper in English contained about 400 words in all. According to the above rules, 5 per cent mistake or omission of 400 words comes to about 20.

( Thus any candidate, who failed to type  $380 = (400 - 20)$  words within 10 minutes should be declared failed, as he was not having the required qualifying speed of 40 words per minute. Such a candidate was not eligible for claiming or being given any preference (as provided in paragraph 6 of the advertisement) or for being included

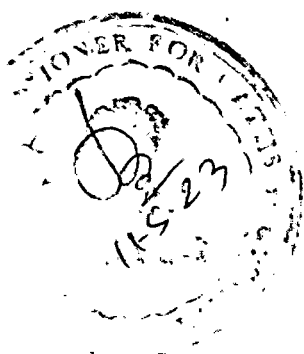
known as  
Amil

in the list of those candidates who had the speed of 40 words per minute, and had <sup>thereby</sup> ~~therefore~~ qualified in the type test, and had also qualified in the Dictation-cum-handwriting test. According to the instructions contained in paragraph 7 of the advertisement (Annexure '1'), candidates without the knowledge of typing or with the knowledge of typing with speed less than 40 words per minute were to be placed below the last candidate having type knowledge with a speed of 40 words per minute. This may be clarified by the following 'Illustration' :

Supposing there are six candidates applying for the post and there are only four vacancies to be filled in from amongst ~~these~~ candidates. The candidates A, B, C, D, E and F are having 75, 70, 65, 60, 55 and 50 per cent of marks (including bonus marks for higher academic qualifications) as their selection merit in chronological order. Supposing A has no typing knowledge, and the rest five candidates, viz., B, C, D, E, and F are having typing knowledge with speed 25, 30, 35, 40 and 40 words per minute in chronological order.

According to the instructions contained in the advertisement (Annexure '1'), and the abovementioned rule the 5th candidate, i.e., E stands <sup>2nd</sup> ~~1st~~ by virtue of having a higher selection merit and the qualifying speed of 40 words per minute, than that of F, who has got only 50 per cent as his selection merit. Thus F with 50 per cent as his selection merit and 40 words per minute qualifying speed will be placed at 2nd position. Thereafter, A and B will be placed at 3rd and 4th positions on the basis of their selection merit, because none of the <sup>2nd</sup> ~~rest~~ possess the qualifying speed of 40 words per minute.

In view of the fact that there are only 4 vacancies the remaining two candidates, C and D will stand out



*Amended*

of the Select List.

15/14. That Shri K.C. Chaturvedi, opposite party no. 4 was appointed as Examiner of the two test papers, the Dictation-cum-handwriting test paper, and the Type test paper, by opposite party no. 2, and was required to return the examined answer books to opposite party no. 3 within a fortnight, i.e. to say by the second week of January 1983.

16/15. That the opposite party no. 4 returned the examined answer books of the test papers, according to the information available with the petitioner, only in the first week of April 1983. He thus took too much time for obvious reasons, in examining them and thereby contravened the instructions given to him by opposite party no. 2, in this behalf.

17/16. That instead of calculating type speed of the candidates in the answer books of the type test paper, according to the rules, or criteria as laid down in Posts and Telegraphs Manual, Volume IV, Appendix 28, the learned examiner, opposite party no. 4, awarded marks arbitrarily and capriciously in the type test answer books, with a view to oblige certain candidates, who approached him through different sources.

18. That on the basis of marksheets received from opposite party no. 4, the opposite party no. 3, the Recruiting Officer, declared a Select List, without considering that only candidates securing 40 per cent marks in the Dictation-cum-handwriting test, and attaining 40 words per minute speed in the type test were qualified to be selected for the post in question. The Select List,

*2 May 1983*

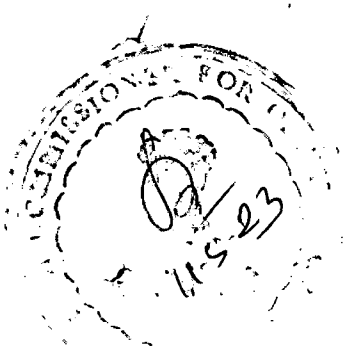
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instead  
which contained names of even such candidates <sup>who</sup> as did not obtain the requisite type speed of 40 words per minute. In fact according to paragraph 7 of the advertisement, such candidates were to be placed below the last candidate, having typing speed of 40 words per minute. Thus the Select List was issued in clear violation of the instructions contained in the advertisement and the rules laid down in Posts and Telegraph Manual Volume IV, Appendix 28. The learned Recruiting Officer did not apply his own mind and issued the list in a most capricious, ~~and~~ unfair and unreasonable manner. A copy of the Select List is annexed as Annexure 3 to this Writ Petition.

19. That the said Select List did not contain the name of the petitioner, (although he had qualified in both the tests by having attained the qualifying speed of 40 words per minute in the type and 40 per cent marks in the Dictation-cum-handwriting test.)

20. That amongst the OC-candidates of the Select List, Annexure 3, the following candidates at serials 2,3,5,6,11 to 13,15 to 22,25,28 to 30, totalling nineteen in number, had failed to type the test passage within the prescribed time of 10 minutes:

Serials of the Select List	Names of the Candidate-s
2.	Vijai Kumar Singh
3.	Ajai Kumar Malviya
5.	Suresh Chandra
6.	Sushil Kumar Dixit
11.	Brijesh Chand Lahri
12.	Hissamuddin
13.	Amit Mukherji
15.	Pramod Kumar



Anand Singh

Serial in the select list . Name of the Candidate

- |     |                        |
|-----|------------------------|
| 16. | Chandra Deo Shukla     |
| 17. | Km. Anupam Sahwney     |
| 18. | Km. Rachna Bhatnagar   |
| 19. | Babu Lal               |
| 20. | Subhash Chandra        |
| 21. | Smt. Abha Verma        |
| 22. | Ishrat Ali             |
| 25. | Jai Prakash Srivastwa  |
| 28. | Satya Narain Kashyap   |
| 29. | Ram Bujharath Pandey   |
| 30. | Ashish Narain Awasthi. |

None of these candidates were able to type even 350 words of the type test passage, and as such could not be declared to possess the prescribed qualifying speed of 40 words per minute .

According to the Rules as also instructions contained in <sup>Advertisement</sup> (Annexure 1), they could not therefore be given preference over the petitioner, who had typed the whole passage within the prescribed time of 10 minutes and that too without any apparent mistake or omission, and thereby possessed the qualifying speed of 40 words per minute . This will be clear if the type test answer books of these candidates as also that of the petitioner are called for from opposite party no. 2 or 3, and perused by this

Hon'ble Court.

20A and 20C ✓

20. That the preparation of the Select List has been done arbitrarily and capriciously, by excluding the name of the petitioner ~~and~~ therefrom and including some such candidates who did not fulfill the prescribed norms of eligibility.

21. That the said Select List has not been implemented so far inasmuch as the candidates of the <sup>Said list</sup> ~~same~~ have neither been sent for training of AFP-TL, nor any appointment letter

issued to them.

23. That being aggrieved and having no appropriate ,  
alternate ,adequate remedy available , the petitioner  
begs to prefer this Writ Petition ,inter alia, on the  
following

G R O U N D S :

1. Because opposite party no. 4 <sup>for obvious reasons</sup> did not evaluate the answer books of the type test properly or fairly, according to rules and instructions and the evaluation done by him confers illegitimate benefits on certian candidates who did not qualify in the <sup>type</sup> speed test.
2. Because the inclusion of some candidates not eligible for selection in the Select List <sup>and the revised list</sup> and the exclusion of the name of the petitioner therefrom is arbitrary and violative of the provisions of Article 14 and 16 of the Constitution of India.
3. Because favouritism was shown to some candidates by awarding them more marks than they should have actually been awarded .
4. Because the petitioner's valuable right of getting the post of RPD - T1 has been denied to him by the exclusion of his name from the Select List <sup>and the revised list</sup>, though he had qualified in both the two tests.
5. Because opposite party no. 4 <sup>and 6</sup> had acted in complete disregard and violation of instructions contained in paragraph 6 <sup>and 7</sup> of the Advertisement, (Annexure 1), and the relevent rules pertaining to the type test contained in item 4 of Schedule of Appendix 28 of the Posts and Telegraphs manual Volume IV.
6. Because opposite party no. 3 had in collusion with opposite party no. 4 <sup>and 6</sup> declared a Select List <sup>and the revised list</sup> in complete disregard of instructions contained in paragraph 7 of



Impugnations  
made as  
in para  
1 of the  
petition  
dated  
1983-  
12-20  
1983-12-20

1983-12-20  
1983-12-20

the advertisement regarding Selection Procedure.

7. Because opposite party no. 3 and 4, have by including in the Select List, candidates who could not type even 350 words within the prescribed time of 10 minutes, and by excluding the name of the petitioner, who had typed the whole passage within the prescribed time of 10 minutes without any apparent mistake or omission had acted highly discriminately, resulting in inequality of treatment in clear violation of Article 14 of the Constitution of India.

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P R A Y E R

Wherefore, it is most humbly prayed that this Hon'ble Court may be pleased to grant the following reliefs :

- (a). Writ in the nature of mandamus may kindly be issued directing the opposite parties to include the name of the petitioner in the Select List <sup>And the revised list</sup> (Annexure 3) of RTP-telegraphists;
- (b). Such other order or instructions be issued, as this Hon'ble Court deems fit, to safeguard the interest of the petitioner;
- (c). That the cost of this Writ Petition be awarded to the petitioner.

Amendments  
made as  
per Hon'ble  
Court's order  
dt. 11.11.83.  
R. N. Srivastava  
Advocate

Lucknow . 11th  
Dated May 10. 1983.

*R. N. Srivastava*  
(P.N. Srivastava)  
Counsel for the petitioner.

Amendments  
made as  
per Hon'ble  
Court's order  
dt. 11.11.83.  
R. N. Srivastava  
Advocate

Document No. 1/82

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
OFFICE OF THE GENERAL MANAGER TELECOM.U.P.CIRCLE,LUCKNOW.

General Manager Telecom.U.P.Circle,Lucknow requires candidates for 'Reserve Trained Pool' in the cadre of TELEGRAPHISTS as under :-

1. REQUIREMENTS

Sl. No.	Name of Head of Telegraph Traffic Dn. (Recruiting Unit)	Other community (Unreserved)	Reserved for				Total
			Orthop- edically handica- pped	S/C	S/T	Ex. S/Men	
1.	Chief Supdt.C.T.O. Agra.	31	1	8	3	5	48
2.	Chief Supdt.C.T.O. Lucknow.	15	1	3	1	2	22
3.	Sr.Supdt.Teleg. Traffic, Allahabad.	31	1	5	2	4	43
4.	Sr.Supdt.Teleg. Traffic,Bareilly.	31	1	5	2	4	43
5.	Sr.Supdt.Teleg. Traffic,Kanpur.	22	1	5	2	3	33
6.	Sr.Supdt.Teleg. Traffic,Varanasi.	23	1	6	2	4	36
7.	Supdt.Teleg.Traffic, Saharanpur.	16	1	5	2	3	27
Total		169	07	37	14	25	252

2. GENERAL CONDITIONS

Candidates selected and brought on the panel after training, will be liable for regular absorption against the clear vacancies of Telegraphists in the pay scale of Rs. 260-8-300-EB-340-10-360-12-420-EB-12-480 plus usual allowances as admissible provided they work as Short Duty Staff, as and when called for against unfilled vacancies, absenteeism or extra work, for a period of one year, which can also be reduced if so required in the interest of the Deptt. As short duty staff, they will be paid on hourly rate @ Rs.2/- per hour, subject to maximum of 6 hours per day. Selected candidates of panel are also liable to be put on short duty on the basis of their ready and easy availability on demand; but their regular absorption will be made strictly in the order of merit, provided they have worked as Short Duty Staff, as per the requirements of the Deptt. Any laxity to perform Short Duty will render them liable to be remained from the select panel alongwith penalties as per agreement executed.

3. AGE

Between 18 and 23 years on 1-7-82, upper age limit being relaxable for (i) Schedule Castes/Tribes by 5 years (ii) other categories like Ex-servicemen, displaced persons duly recognised by

Anand Singh

-: 2 :-

Central Govt. retrenched employees/orthopedic persons, as per instructions in force. Candidates are limit at the time of regular absorption, and further relaxation given by the Govt.

#### 1. MINIMUM EDUCATIONAL QUALIFICATIONS

Pass in Matriculation or equivalent examination recognised by an Indian University or Board.

#### 2. SELECTION

On the basis of marks obtained in the prescribed examination. Bonus marks are awarded by raising the percentage in the basis examination for (i) Higher Secondary Course /the University (ii) Intermediate three years degree course and (iii) Graduates/Post graduates to the extent of 5, 7 and 10 respectively. All the candidates who come under the selection 2 will have to qualify in the Dictation-cum-handwriting test in English (Matriculation Standard) and departmental type test to examine their speed in typing either in Hindi or in English, which will be conducted by the Divisional Heads of the Recruiting Unit at their Head Quarters. These tests will be at the cost of the candidates.

#### 6. PREFERENCE

Preference will be given to those candidates, who possess the typing knowledge with a speed of 40 words per minute and produce certificates to this effect from any Board or Institution duly recognised by the Central or State Govt. and pass the speed test conducted by the Deptt.

#### 7. SELECTION PROCEDURE

As mentioned in para 6 above, the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination marks plus bonus marks for higher academic qualifications. Candidates without the knowledge of typing, will be arranged next on the basis of similar merits, below the last candidate of typing knowledge.

#### 8. TRAINING

All the selected candidates will be given training. Training for short duty staff will be given as per deptl. rules in force. For regular absorption total 9 months training will be given to the candidates, during which a stipend of Rs.130/- per month will be paid to them.

#### 9. SUBMISSION OF APPLICATIONS

Applicants having their registration without any off the Employment Exchange falling within the administrative jurisdiction of the Recruiting Division, may apply to the Recruiting Officer of the Divisional Unit latest by 15-9-82, on a plain paper giving the following particulars : (i) Name in full (ii) Postal address in full (iii) Date of birth in Christian Era as recorded in Matriculation or its equivalent examinations (iv) If SC/ST - copy of the caste certificates given by the authority (v) If Ex-service Men ( ) Date of enrolment (c) Total service (vi) Educational qualification

*Amr Singh*

-: 3 :-

- (vii) Speed in typing with the copy of the certificate of the typing institution (viii) Name of the Division, where the employment is desired (ix) Registration Number and name of the Employment Exchange indicating the date and year of registration.

#### IMPORTANT INSTRUCTIONS

- (1) Applicants should submit the attested copies of documents in support of age, educational qualifications, caste certificates, discharge certificates, marks obtained, type speed etc. along with their applications.
- (2) If the particulars given in the application forms are found incorrect or incomplete, the applications are liable to be rejected.
- (3) Applications sent in the covers should clearly superscribe the words "For the recruitment of Reserve Trained Pool of Telegraphists" and should be sent well in time so as to reach the Divisional Officer concerned by 15-9-82 positively. Applications received after the target date will not be entertained.
- (4) Applicants should also send two Pass port size photographs along with their applications, which should be duly attested by a Gazetted Officer.
- (5) Applicants having their registration in more than one employment exchange and desiring to apply for more than one unit should send separate applications to the respective Divisional Officers.
- (6) Applications in no case should be addressed to the General Manager Telecom. U.P. Circle, Lucknow or sent to him. All such applications will be treated as cancelled.
- (7) No correspondence regarding the result of recruitment will be entertained.
- (8) No enclosures for attaching with the applications already sent will be entertained, until and unless there are specifically called for by the recruiting authority.



*Amended by...*

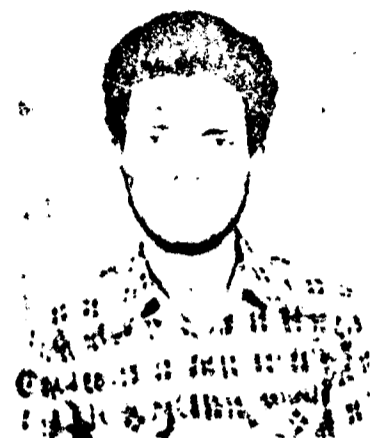
In the Hon'ble High Court of Judicature at  
Allahabad  
Indraw Kaur, Lucknow.

ANNEXURE 2, (In re: W.P.N. 183)

भारतीय छात्र-तार विभाग  
कार्यालय मुख्य अधीक्षक, केन्द्रीय तारघर, लखनऊ।

वेता २०

Annex 3 S. Prison C. I. O. Lucknow



संख्या- अरि/आरटीपी/नर/८२ जमानत दि. १०-१२-८२  
१९८२-वाहरी नोट।

विषय- टेलीग्राफिस्ट पद के लिये आर.टी.पी. के तयन हेतु  
श्रुति लेख व सन्देश तथा टंकण परीक्षा।

प्रवेश-पत्र

उपरोक्त विषय आपके आवेदन पत्र के तर्जुमों में सूचित  
किया जाता है कि आर.टी.पी. टेलीग्राफिस्ट के तयन हेतु श्रुति लेख व सन्देश एवं टंकण की परीक्षा  
परीक्षा निम्न कार्यक्रम के अनुसार होगी। आपको इस परीक्षा में सम्मिलित होने की अनुमति  
दी जाती है।

आप कृपया दिनांक २६-१२-८२ को १०:०० पूर्वाह्न नेशनल लिब्रेरी कॉलेज, राधा  
प्रताप भवन, लखनऊ में उपस्थित हों। आपका अनुमोदन

प्रवेश-प्रोग्राम

प्राप्त पत्र दिनांक

दिनांक व दिनांक

समय

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-351 Sample

मुख्य अधीक्षक,  
केन्द्रीय तारघर, लखनऊ।

Amant Ray  
S.M.

26/12/82

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW  
IN SENIOR JUDGE'S CHAMBER.

Annexure 3

(In re: LP No...../83)

INDIAN POST AND TELEGRAPH DEPARTMENT

Karyalay Mukday Adhikarak  
Kendari Far Char Lucknow.

No. CS/Con/rectt./ (FL) (RFP)/82 dated at Lw. the 7th April 1983.

On the basis of qualifying test in dictation cum hand writing & typing, the selection committee has found the following candidates in order of merit, suitable for selection as LP Telegraphist for the year 1982.

S.No.	Name	Father's Name	Merit.
1.	Ashok Kumar Srivastava	Bankey Behari	78.0
2.	Vijai Kumar Singh	Sunder Lal	76.8
3.	Ajay Kumar Malviya	Ravi Shanker Malviya	76.5
4.	Anil Kumar Srivastava	Naub Lal Srivastava	76.2
5.	Suresh Chandra	Ram Lakhon	76.0
6.	Shushil Kumar Dixit	J.N. Dixit	74.6
7.	Am. Shashi Kanta Tewari	Shri K.N. Tewari	73.8
8.	Rame K. Kumar	Gopi Sanyal	73.4
9.	Shukrat Ali	Abdul Kamil	72.1
10.	Chanara Prakash	Om Prakash	71.8
11.	Brijesh Chanara Lehari	Rajendra Kanta Lehari	71.0
12.	Misqumuddin	Rajzuddin	70.8
13.	Anit Mukherjee	A. Mukherjee	70.0
14.	Anoj Kumar Saxena	Devi Chiran Saxena	69.6
15.	Prmood Kumar	Sadri Prasad	69.6
16.	Chanara Deo Shukla	Arday Ram Shukla	69.4
17.	Am. Anupam Sahney	K.M. Sahney	69.4
18.	Am. Richana Bhatnagar	Amresh Bhatnagar	69.2
19.	Babu Lal	Chanarika Prasad	68.6
20.	Subhash Chandra	Ram Arison	68.4
21.	Smt. Abha Verma	M/O Girish Chandra Verma	68.4
22.	Ishrat Ali	Masrat Ali	68.2
23.	Shushil Kumar Srivastava	G.J. Srivastava	67.6
24.	Rajesh Kumar Pandey	Ram Bhanu Pandey	67.6
25.	Jay Prakash Srivastava	Ram Lal	66.6
26.	Rajendra Singh	Ram Sati Singh	66.6
27.	Vivek Chandra	Hukum Chandra	66.6
28.	Aty Narain Kasnyap	Devi Prasad	66.4
29.	Ran Bujhrat Pandey		66.4
30.	Shish Narain Awasthi	R.N. Awasthi	65.8
<b>Physically Handicapped:-</b>			
31.	Rajendra Prasad Srivastava	Kusheswar Lal	44.5
32.	Nasim Ahmed Rizvi	Abul Jallal	42.6
33.	Ram Deo Singh	Laxmi Narain Singh	54.6 (Non type known)
34.	Poulose G.	K.F. George	52.1 -do-
35.	Sheo Shanker Gupta	Chandilal Gupta	52.0 -do-
<b>Scheduled Caste:-</b>			
36.	Rakesh Chandra Pandey	Arishan Kant Pandey	59.6
<b>Scheduled Caste:-</b>			
37.	Babu Lal Meena	Hukari Meena	61.6
38.	Dinesh Pa. Choudhary	M.D. Choudhary	55.6
39.	Lakshmi Narain Meena	Sitaram Meena	54.7
<b>Scheduled Caste:-</b>			
40.	Ram Tej	Jag Ram	65.4
41.	Nanlesh Chandra	R. Neshwar Prasad	62.4
42.	Sity Ram Kanuja	Ram Raj Kanuja	61.8
43.	Ram Bewak	Ravi Das	61.8
44.	Laloo Prasad	Nakhtani	60.2
45.	Banila Prasad	R. N. Prasad	59.4
46.	Smt. Indira Kumari	Ram Gulam	58.4
47.	Ram Chandra	Ram Chandra	57.8.

(B.P. Gupta).  
Chief Superintendent,  
C.T.O. Lucknow-226001



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A21

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW  
LUCKNOW BENCH, LUCKNOW

AFFIDAVIT.

In Re : Writ Petition No. \_\_\_\_\_ of 1983.

Shri Anand Raj Singh Bisen ----- Petitioner.

Versus.

Union of India and Others . . . opposite parties.  
.....

1983  
AFFIDAVIT  
25  
HIGH COURT  
ALLAHABAD

I, Anand Raj Singh Bisen, aged about 25 years ,son of

Shri Shri Arava Datt Singh, resident of 65A, Muir Road, Rakjapur,

Allahabad, do hereby solemnly affirm and state as under :

1. That the Deponent is the real Uncle and pairokar of the petitioner and is fully conversant with the facts deposed to be hereunder.
2. That the contents of paragraphs 1,2,4,5,7,9 and the unbracketed portions of paras 6,8,13 and 19 of the accompanying Writ Petition are based on the information derived from the records , and those of paras 3,10,11,12,14 to 18,20,22 and the bracketed portions of paras 6,8,13 and 19 of the accompanying Writ Petition are true to my own knowledge and those of paras 21 and 23 are based on legal advice .
3. That the Annexures 1,2 and 3 are the true copies of their originals.
4. That no part of it is false and that nothing material has been concealed . So help me God.

I know .  
11,1983.

*Anand Raj Singh*  
Deponent.

I identify the deponent who has signed before me.

*P.N. Srivastwa*  
(P.N. Srivastwa)  
Advocate.

Solemnly affirmed before me on 11.5.83 at \_\_\_\_\_ a.m./p.m.  
by Anand Raj Singh ,the deponent ,who is identified by Shri P.N.Srivastwa ,Advocate High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read over and explained by me.



(MADAN MOHAN)  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

No..... 257252  
Date..... 11/5/83

*Anand Raj Singh*

A22.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW,  
BENCH COMPOSED OF TWO JUDGES.



14/2/83  
14/5/83

C...Application No. 5607 (W) of 1983.

In Re : Writ Petition No. 2534 of 1983.

Bhupendr-a Bisen ..... Petitioner.

Versus.

The Union of India and Ors. .... opposite parties.

.....

APPLICATION FOR WRIT PETITION:

That for the reasons and in the circumstances stated in the accompanying ~~affidavit~~ Writ Petition, it is most respectfully prayed that this Hon'ble High Court may be pleased to STAY the implementation of the impugned Select List (annexed as Annexure 3 to this <sup>Writ</sup> Petition) and order for the inclusion of the name of the petitioner therein.

Lucknow .  
May 11, 1983.

*[Signature]*  
(R.N. Srivastwa) , Advocate,  
Counsel for the Petitioner.

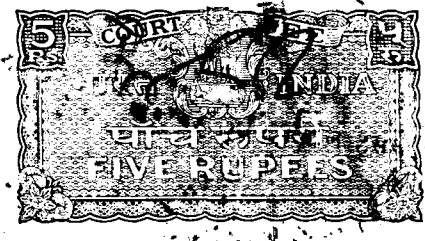
*[Signature]*

In the Hon'ble High Court of Judicature  
ब अदालत श्रीमान Lucknow Bench Lucknow महोदय Allahabad

वादी (मुद्दे) का वकालतनामा  
प्रतिवादी (मुद्दा प्रलेह)

Bhupendra Bisen

10F-51-  
Ka-  
11-5-33



वादी (मुद्दे)

बनाम

Union of India and Others प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १९८३ पेशी की ता० १६ ई०  
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Prithvi Nath Srivastava एडवोकेट  
महोदय  
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वायं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिता कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर.....  
(ANAND RAJ SINGH)

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक 11.5.83 महीना

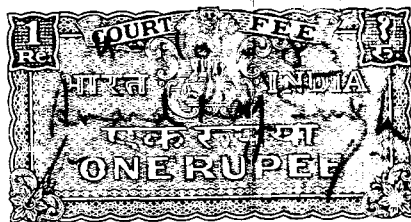
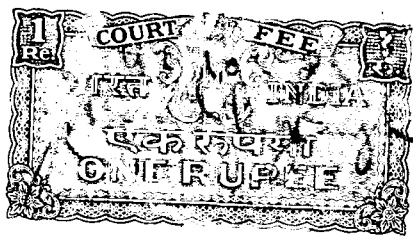
replied  
by Anand Singh  
11.5.83

In the Hon'ble High Court of Judicature  
Lucknow Bench Lucknow  
Bhupendra Bisen  
Union of India and Others  
नं० मुकद्दमा 10F-51-  
Ka-  
11-5-33  
नाम अदालत  
नाम फरीकित

A25

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In the Hon'ble High Court of Judicature at Allahabad,  
Luckno Bench, Lucknow.



1983  
AFFIDAVIT  
44/1021  
HIGH COURT  
ALLAHABAD

### Ind Application for Interim Relief

In re:

Writ Petition No. 2534 of 1983.

Bhupendra Bisen. --- Petitioner.

Versus

The Union of India and others. --- Opp. Parties.

### AFFIDAVIT.

I, Anand Raj Singh, aged about 26 years, son of Sri Bhairodutt Singh, resident of House no. 282 Malviya Nagar, Gonda, do hereby solemnly affirm and state as under:-

1. That the deponent is the real uncle and Pairokar of the petitioner and is fully conversant with the facts deposed to hereunder.

2. That the above writ petition was moved on 12.5.83 when the Counsel for the Union of India had sought for one week's time for seeking instructions.

3. That on 26.7.1983 the counsel for the Union of India, Sri U.K. Dham, stated that the matter will be finalised within a week and that no fresh appointments shall be made and the petition was directed to be listed in the week commencing 8.8.1983.

Anand Raj Singh  
14.10.83

A26  
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2.

4. That since then the petition though listed on 10.8.83 and 24.8.83 was adjourned because hearing could not reach, serial number of writ petition in question. The petition has not been listed since thereafter.

5. That although almost five months are passing since the above writ petition was moved but neither the petition has been admitted nor interim relief granted as prayed for.

6. That it is reliably understood that the original select list is being revised and ~~from~~ <sup>revised</sup> fresh appointments are contemplated to be made on the basis of the said list very shortly.

7. That the <sup>petitioner</sup> ~~deponent~~ could suffer irreparable loss and could be deprived of his right of appointment to the post in case persons junior to him in selection merit are appointed either from the original select list or from the contemplated revised list.

Lucknow Dated  
Oct. 4, 1983.

*Prakash Chandra Singh*  
Deponent.

I, the abovesigned deponent, do hereby verify that the contents of paragraphs 1 to 7 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated  
Oct. 4, 1984.

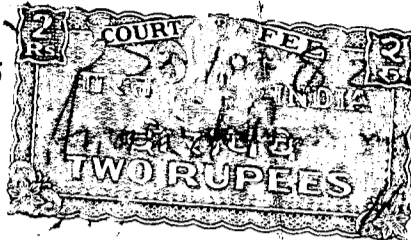
*Prakash Chandra Singh*  
Deponent.

I identify the deponent who has signed before me.

*Prakash Chandra Singh*  
Advocate.

IN THE COURT OF THE JUDGE, ALICHAHABAD  
ALICHAHABAD, INDIA.

1983  
AFFIDAVIT  
4  
HIGH COURT  
ALICHAHABAD



Application for amendments

In re writ petition No. 2534 of 1983.

Omender Bisen .....Petitioner.

Vs

Union of India .....Opp. Parties.

AFFIDAVIT

I, Anand Raj Singh, aged about 26 years son of Shri  
Dhairava Datt Singh R/O H.No. 232, Malvianagar, Gonda, do  
hereby solemnly affirm and state as under:-

1. That the deponent is the real uncle and Pairokar of  
the petitioner and fully conversant with the facts of the  
case and depositions made as hereunder.
2. That the petitioner filed a writ petition No. 2534/83 for  
issue of a mandamus in the Hon'ble High Court on May  
18, 1983 praying for issue of a writ of mandamus  
in the select list, Annexure 3, for the post of R.P.  
II. On the said date, the learned standing counsel for  
the union of India, as allowed a week's time to seek  
instructions in the matter.  
That on 26.7.83, the learned counsel for the union of  
India, Shri K.M. Dheen, admitted that there have been  
irregularities in the selection and that the matter was  
being reconsidered and re-examined. He gave an assurance  
that the matter will be finalized within a week, and  
further gave an undertaking that, no fresh appointments  
will be made. This Hon'ble court thereupon recorded

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25.10.83

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the above stated and directed the petition to be listed in the week commencing from August 8, 1983.

4. That the petition was thereafter listed on 10.8.83 and 24.8.83, but could not be heard because it could not reach the serial number listed. Since then the petition has not been listed.
5. That the petitioner has <sup>in the</sup> mean time, come to know through reliable sources, that as a result of filing of the writ petition by him and on other complaints, the type-test answer books were re-examined by Shri A.L. Sahani, P.S. to Secretary, Communications, Govt. of India, New Delhi. The select list (Annexure-3) after receipt of the re-examined type-test answer books from Shri Sahani, has been revised and appointments are being made on the basis of the revised select list which has not been declared. The revised list contains some names of candidates of the original select list (Annexure-3) and some new names.
6. That the name of the petitioner has not been included in the revised select list although he has a Higher selection merit as compared to six candidates in the revised select list.
7. That according to the information available with the petitioner, candidates who appeared at the same recruitment test in other 5 Telegraph Traffic Division of U.P. typed the same type-test paper within 10 minutes, have been declared passed/qualified and given preference over others in selection for the said post of HTP-L. On this analogy, the petitioner is also entitled to be selected as he had typed the test passage within the time of 10 minutes without a single mistake. To verify this averment, it has become necessary to implead the divisional heads of other 5 Telegraph Traffic Divisions.

7.5.10.83  
Annexure 3  
Sd/-

-3- A30 4/11

8. That the petitioner has come to know that 2 writ petitions, No. 4998/83, Shri Dajharat Pandey and others Vs. Union of India and others and No. 5325/83 Smt. Indira Kumari and others Vs. Union of India and others have been filed in this Hon'ble Court in connection with the selection of RPF-TLs, in which the petitioner has not been made a party, although they have been filed subsequent to the filing of the writ petition by the petitioner. In these writ petitions, some candidates of the original select list, (Annexure-3) have prayed for appointment to the post of RPF-TL. These writ petitions have been admitted and amendment have also been allowed, in which the validity of the revised list has been challenged.

9. That the petitioner would suffer irreparable loss and would be denied his valuable right of appointment in case his name is not included in the revised list on the basis of having a higher selection merit.

10. That in the circumstances stated above, it has become necessary to implead new parties and to make the following amendments in the writ petitions No. 2534/83 filed by the petitioner in this Hon'ble High Court.

That on page 1, of the writ petition, after opposite party No. 24 Shri K.C. Chaturvedi, Divisional Engineer Phones, office of the District Manager, Telephones, Lucknow, the words, "opposite party," may be deleted and the following may be added, as opposite parties Nos. 5 to 12.

25. Shri N.S. Lall, Chief Superintendent, Central Telegraph Office, Lucknow (Now retired), living at 4 Vinayashini Nagar, Gorakhpur.

26. Shri A.L. Sahani, P.S. to Secretary Communications, Govt. of India, New Delhi.

7/11/83  
Amend may be made

- 45
- A31 4/5
7. Chief Superintendent, Central Telegraph Office, Agra.
  8. Senior Superintendent, Telegraph Traffic, Allahabad
  9. Senior Superintendent, Telegraph Traffic, Bareilly.
  10. Senior Superintendent, Telegraph Traffic, Kanpur.
  11. Senior Superintendent, Telegraph Traffic, Varanasi.
  12. Superintendent Telegraph Traffic Saharanpur.
- .....Opposite Parties."

B. That in Para 11, in line 4, after the last words, "Alinabad Lucknow.", Full stop(.) may be deleted and the words, "under the personal supervision of opposite party No. 5, as the supervising officer." may be added.

C. That after para 20 of the writ petition, the following may be added, as paras 20A, 20B, & 20C:-

"20A. That as a result of some complaints and the writ petition filed by the petitioner, the type-test answer books were re-examined by opposite party No. 6 Sri Sahani, and selection of some of the candidates of the original select list has been cancelled. But 5-OC candidates of the original select list have not been issued any cancellation letters. Among the OC-candidates, the following candidates bearing the following roll nos. and selection merit, have been issued selection letters:

S.No.	Roll No.	Names	Selection merit
1.	R.P./L/171/32	Yadvendra Shukla	52.00 %
2.	R.P./L/210/32	Aminder Kaur (Km)	58.00 %
3.	R.P./L/221/32	Ami Kumar Agarwal	57.8 %
4.	R.P./L/227/32	Evon Chaman (Km)	57.3 %
5.	R.P./L/228/32	Ajay Kisore Shukla	57.00 %
6.	R.P./L/240/32	S.K. Tandon	53.00 %
7.	R.P./L/244/32	Sudhir Kumar Srivastava	55.6 %

The above selection merit includes per-centage of High School Marks, plus bonus marks, for higher academic qualifications. Of the seven candidates, the 6 candidates as shown at serial 2 to 7, have less selection merit than that of the petitioner. The selection merit of the petitioner is 53.2 per cent, which includes 51.2 % marks of High School plus 7 percent

*Ami Kumar Agarwal*

mark as Intermediate.

"20D. That according to the information gathered by the petitioner, from different sources, in other 6 Telegraph Traffic Divisions under the control of opposite parties Nos. 7 to 12, where the same examination was conducted on the same date, i.e. on 23.12.82, in terms conditions of the advertisement, (Annexure-1), the candidates, who have typed the same test passage<sup>ge</sup> within the prescribed time of 10 minutes have been selected by giving preference over other candidates."

"20E. That the petitioner typed the entire type-test passage within 10 minutes without any mistake. Therefore on the analogy of other 6 divisions, mentioned in para 20-A, above the petitioner has qualified in the said type-test and is entitled to be given preference over the six candidates having less selection merit referred to in para 20-A, for purposes of selection and appointment to the post."

D. That in para 21, in line 1, the words "Select list has" may be substituted by the words, "select list and the revised list have".

E. That in para 22, in line 1, the words, "select list has", may be substituted by the words, "select list and the revised list have".

F. That after para 23, among the grounds, in ground no.1, in its line 1, between the words and figure, "opposite party No.4", and "for obvious reasons", the word and figure, "and 3", may be added.

G. That in ground no.2, line 2, between the words, "select list" and "and the exclusions", the word, "and the revised list", may be added.

H. That in ground no.4, line 3, between the words, "opposite party No.4," and "though he had", the word, "and 3", may be added.

I. That in ground no.5, line 1, the words, "opposite party

*Handwritten notes:*  
R. 21/12/83  
Amended by Smith

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15.43, and 6" be added in 3, the word and figure, and 6" may be added.

J. That in ground No. 3, line 2, between the words and figure opposite party No. 4", and 6" declared a select list", the words, "and 6" may be added. Also in line 2, between the words "select list" and "in complete disregard", the words, "and the revised list" may be added.

K. That the ground No. 7, line 1, after the words and figures opposite party No. 3 and 4", and "have by including", the word and figure, "and 6" may be added. Further, in line 2, between words, "select list" and "candidates, who could not", the words, "and the revised list" may be added.

L. That after ground No. 7, the following may be added as ground No. 8 & 9:

"8. Because opposite party No. 3 has in collusion with opposite party No. 6 prepared a revised select list which includes candidates having less selection merit than that of the petitioner, in complete disregard of the instructions, contained in the advertisement and in violation of article 14 & 16 of the constitution."

"9. That the non-selection of the petitioner is against practice and procedure that has been followed in other 6 Telegraph Traffic divisions for purposes of giving preference and make selection to the post of M.P. TL. This is discriminatory and arbitrary and in violation of articles 14 & 16 of the Constitution."

M. That in prayer, in line 3, of sub para (a) between the words and figure, "select list (Annexure-3)", and "of M.P. Telegraphists:" the words, "and the revised list", may be added.

Lucknow dated  
October 24, 1983  
25

Anand Raj Singh  
(Anand Raj Singh)  
Deponent.

I, the above-named deponent, do hereby verify that the

25.10.83  
Anand Raj Singh

- 7 -

A34 4/8

the contents of the paragraphs 1 to 10 of this affidavit are true to my own knowledge. No part of it, is false and nothing material has been concealed. So help me God.

Lucknow October 24, 1933

Deponent  
Anand Singh

I identify the deponent who has signed before me.

P. N. Srivastava  
( P. N. Srivastava )  
Advocate

25/10/33  
So solemnly affirmed before me  
on 25.10.33 at 3 P.M. by the  
deponent Anand Singh who is  
identified by P. N. Srivastava Esq.  
High Court Bench Lucknow.

I have testified by the  
examining the deponent that  
he understands the contents of  
this affidavit which has been  
read out and explained by me.

25/10/33

4/10/33  
25.10.33

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen ..... petitioner.

Vs.


Union of India and Ors. .... Opp. parties.

I N D E X

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Lucknow

Dated 11th May, 1983.

  
(P.N. Srivastwa)  
Advocate,  
Counsel for the petitioner.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW .

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen, aged 19 years ,son of  
Shri Ranjit Singh Bisen, Resident of  
588/2, Bahadurganj, District: Faizabad.

..... Petitioner.

Versus

1. The Union of India , through the Secretary,  
Ministry of Cummunications , New Delhi.
  2. The General Manager ,Telecummunication ,  
Uttar Pradesh Circle, Lucknow.
  3. The Chief Superintendent,  
Central Telegraph Office, Lucknow.
  4. Shri K.C. Chaturvedi, Divisional Engineer Phones  
(Administration), Office of the District Manager,  
Telephones , Lucknow.
  5. Shri R.S. Lall, Chief Superintendent, Central Telegraph  
Office, Lucknow (now retired), living at 4, Bindvasininagar,  
Gorakhpur.
  6. Shri R.L. Sahini, P.S. te Secretary ,Cummunications, Govt.  
of India ,New Delhi.
  7. Chief Superintendent, Central Telegraph Office, Agra.
  8. Senior Superintendentn ,Telegraph Traffic ,Allahabad.
  9. Senior Superintendent ,Telegraph Traffic, Barreilly
  10. Senior Superintendent ,Telegraph Traffic, Kanpur.
  11. Senior Superintendent, Telegraph Traffic ,Varanasi.
  12. Superintendent ,Telegraph Traffic, Saharanpur.
- .....Opposite  
parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION  
OF INDIA.

To,  
The Hon'ble Chief Justice and His Companion Judges of the  
aforesaid High Court.

The petitioner abovenamed most respectfully begs to submit  
as under :

1. That an advertisement No.1/82 inviting applications for  
recruitment of Reserve Trained Pool in the cadre of  
Telegraphist ( hereinafter referred to as RTP-T1 ) for  
the year 1982 for different Telegraph traffic Divisions  
in Uttar Pradesh Telecom Circle was published in different  
news-papers . Of these, 22 vacancies were announced for  
Lucknow Telegraph traffic Divisions which were subsequently  
increased to a total of 47 with the following break-up :

Other Community ( hereinafter referred to as OC )	- 30 ,
Physically handicapped	- 1 ,
Schedule Caste	- 6 ,
Schedule Tribe	- 3 ,
Ex-servicemen	- 5 .

A photostat copy of this advertisement is being attached as Annexure 1, to this Writ Petition.

2. That paragraph 2 of the said advertisement provided :  
" Candidates selected and brought on the panel after training will be liable for regular absorption against the clear vacancies of telegraphists in the pay-scale of Rs.260-8-300-3B-340-10-360-12-420-EB-12-480 plus usual allowances as admissible provided they work as short duty staff, as and when called for against unfilled vacancies, absenteeism or extra work for a period of one year which can also be reduced, if so required in the interest of the department. "
3. That in accordance with the instructions contained in paragraph 9 of the said advertisement, the petitioner who fulfilled all the requisite qualifications, submitted an application as a OC-candidate in the prescribed proforma alongwith the necessary documents to the recruiting officer of the Lucknow Telegraph Traffic Division, opposite party no. 3, within the prescribed time. The petitioner also had attached a certificate from Khanna Commercial College, Lucknow to the effect that he possessed the typing knowledge with a speed of 40 words per minute in English.
4. That the minimum qualifications as laid down in para 4 of the advertisement ( Annexure 1 ) for the said post was  
" Pass in matriculation or equivalent examination recognised by an Indian University or Board. "
5. That the instructions regarding selection for the said post as published in paragraph 5 of the advertisement were as follows : " SELECTION : On the basis of marks obtained in the above mentioned examination. Bonus marks are awarded by raising the aggregate percentage in the basic examination for (i) Higher Secondary Course/Pre-university, (ii) Intermediate /three-year degree course and (iii) Graduate /post-graduate to the extent of 5, 7 and 10 respectively. All the candidates who come under the selection zone will have to qualify in the Dictation-cum-handwriting Test in English (Matriculation Standard) and the departmental type test to examine their speed in typing either in Hindi or in English, which will be conducted by the Divisional Heads of the Recruiting Unit at their Head Quarters. These tests will be at the cost of candidates. "
6. That the instructions contained in paragraph 6 of the advertisement ( Annexure 1 ) clearly laid down that,  
" PREFERENCE : Preference will be given to those candidates

who possess the typing knowledge with a speed of 40 words per minute and produce certificate to this effect from any Board or Institution duly recognised by Central or State Government and pass the speed test conducted by the department.

( That thus a candidate who had knowledge of typing with a speed less than 40 words per minute and had produced a certificate to that effect from any Board or Institution was not entitled for claiming or being given preference for recruitment to the said post. )

7. That the selection procedure as laid down in paragraph 7 of the advertisement (Annexure 1) provided as follows :

" SELECTION PROCEDURE : As mentioned in paragraph 6 above the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination marks plus bonus marks for higher academic qualifications . Candidates without the knowledge of typing will be arranged next on the basis of similar merits , below the last candidate of typing knowledge. "

8. That as per instructions contained in paragraph 5 of the advertisement (Annexure 1) , the candidates were required to appear and qualify the following two tests for being eligible for appointment to the said post :

(i) : A Dictation-cum-handwriting test. (According to the information available with the petitioner the qualifying percentage of marks for this test was 40 per cent. )

(ii) : A departmental Type test, in which the candidates were required to qualify at a speed of 40 words per minute.

9. That in response to his application , the petitioner was called to appear in the above two tests vide letter. No. Bharti/RTP-T1/LW/82(outside quota) dated 10.12.82 .

This call letter was issued by opposite party no. 3. A photocopy of this letter is being annexed as Annexure 2 to this writ petition.

10. That according to the reliable information available with the petitioner , candidates with higher merits but not knowing typing or producing certificates showing typing knowledge with speed less than 40 words per minute were not called by opposite party no. 3 to appear at the said two tests.

11. That the dictation-cum-handwriting test was conducted on 26-12-82 from 11.00 a.m. onwards at National Inter College Rara Pratap Marg, Lucknow , and the Type test was thereafter held at Belloona Commercial College, Aminabad , Lucknow, under the personal supervision of opposite party no. 5, as the Supervising Officer.

12. That the petitioner appeared at both the above two tests

and was quite hopeful of his success , because he was according to his calculations qualified in both of them .

The petitioner had completed the dication-cum-handwriting test without any mistake or omission to the best of his ability and therefore was quite hopeful of being declared qualified in this test. Similarly, he had typed the whole of the passage of about 400 words without any apparent mistake or omission, within the prescribed time of 10 minutes and was quite hopeful of being declared qualified in the type test as well. He had done the type test paper so well that he was confident of being placed among the preferential candidates with the typing speed of 40 words per minute. This will be established if this Hon'ble Court calls for the answer books of the petitioner of both the above two tests and is pleased to satisfy itself with the averment made in this behalf.

13. That the rules or the criteria for passing a type test have been clearly laid down in Posts and Telegraphs Manual Volume IV, Appendix 28, in the procedure for selection of Stenographers who are also required to qualify in a type test at the speed of 40 words per minute. The relevant rules pertaining to the Type test are contained in item 4 of the Schedule of the said appendix 28 and read as under : " A passage in English consisting of 400 words will be given and they will be required to type it within 10 minutes. Candidates whose paper contain more than 5 per cent mistake/omission or who fail to type the passage within 10 minutes will be considered to have failed. "

Thus a candidate is normally supposed to type 400 words in 10 minutes without any mistake or omission and thereby show a speed of 40 words per minute but a latitude has been given for 5 per cent mistakes or omission by virtue of which he will be deemed to have the requisite qualifying speed of 40 words per minute even if he types only 380 words, without mistake in 10 minutes.

( These rules are also applicable in the case of selection for the recruitment of RTP-T1, as also for other departmental tests. )

14. That the type test paper in English contained about 400 words in all. According to the above rules, 5 per cent mistake or omission of 400 words comes to about 20. Thus any candidate, who failed to type  $380 = (400 - 20)$  words within 10 minutes should be declared failed, as he was not having the required qualifying speed of 40 words per minute. Such a candidate was not eligible for claiming or being given any preference ( as provided in paragraph 6 of

the advertisement ) or for being included in the list of those candidates who had the speed of 40 words per minute , and had thereby qualified in the type test , and had also qualified in the dictation-cum-handwriting test . According to the instructions contained in paragraph 7 of the advertisement (Annexure 1) , candidates without the knowledge of typing or with the knowledge of typing with speed less than 40 words per minute were to be placed below the last candidate having type-knowledge with a speed of 40 words per minute. This may be clarified by the following 'Illustration' :

Supposing , there are six candidates applying for the post and there are only four vacancies to be filled in from amongst these candidates . The candidates A , B , C , D , E and F are having 75 , 70 , 65 , 60 , 55 and 50 per cent of marks ( including bonus marks for higher academic qualifications ) as their selection merit in chronological order . Supposing 'A' has no typing knowledge , and the rest five candidates , viz , B , C , D , E and F , are having typing knowledge with speed of .25 , 30 , 35 , 40 and 40 words per minute in chronological order.

According to the instructions contained in the advertisement ( Annexure 1 ) , and the above mentioned rule , the 5th candidate i.e., E stands first, by virtue of having a higher selection merit and the qualifying speed of 40 words per minute, than that of F, who has got only 50 per cent as his selection merit . Thus F, with 50 per cent as his selection merit and 40 words per minute qualifying speed will be placed at 2nd position. Thereafter , A, and B will be placed at 3rd and 4th position on the basis of their selection merit , because none of them possess the qualifying speed of 40 words per minute.

In view of the fact that there are only 4 vacancies the remaining two candidates , C and D will stand out of the Select List.

15. That Shri K.C.Chaturvedi, opposite party no. 4 was appointed as Examiner of the two test papers , the dictation-cum-handwriting test paper and the type test paper , by opposite party no. 2 and was requested to return the examined answer books to opposite party no. 3 within a fortnight , i.e., to say by the second week of January 1983.
16. That the opposite party no. 4 returned the examined answerbooks of the test papers , according to the information available with the petitioner , only in the first week of April 1983 and thus took too much time for obvious reasons , in examining them and thereby contravened the instructions given to him by opposite party no. 2 in this behalf.
17. That instead of entering the type speed of the candidates in the

answer books of the type test paper, according to the rules or the criteria as laid down in Posts and Telegraphs Manual Volume IV, Appendix 28, the learned examiner, opposite party no. 4 awarded marks, arbitrarily and capriciously in the type test answer books with a view to oblige certain candidates, who approached him through different sources.

18. That on the basis of marksheets received from opposite party no. 4, the opposite party no. 3, the Recruiting Officer, declared a Select List, without considering that only candidates securing 40 percent in the dictation-cum-handwriting test and attaining 40 words per minute speed in the type test were qualified to be selected for the post in question. The Select List, instead contained names of even such candidates who did not obtain the requisite type speed of 40 words per minute. In fact, according to paragraph 7 of the advertisement such candidates were to be placed below the last candidates having typing speed of 40 words per minute. Thus the Select List was issued in clear violation of the instructions contained in the advertisement and the rules laid down in Posts and Telegraphs Manual, Volume IV, Appendix 28. The learned Recruiting Officer did not apply his own mind and issued the list in a most capricious, unfair and unreasonable manner. A copy of the Select List is annexed as Annexure 3 to this Writ Petition.
19. That the said Select List did not contain the name of the petitioner (although he had qualified in both the tests by having attained the qualifying speed of 40 words per minute in the type and 40 per cent marks in the dictation-cum-handwriting test.)
20. That amongst the OC-candidates of the Select List (Annexure 3) the following candidates at serials 2, 3, 5, 6, 11 to 13, 15 to 22, 25, 28 to 30, totalling nineteen in number, had failed to type the test passage within the prescribed time of 10 minutes :

<u>Serial in the Select List.</u>	<u>Names of the candidates</u>
2	Vijai Kumar Singh
3	Ajai Kumar Malviya
5	Suresh Chandra
6	Sushil Kumar Dixit
11	Brijesh Chand Lahri
12	Hissanuddin
13	Anit Mukherji

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15	Pramod Kumar
16	Chandra Deo Shukla
17	Km. Anupam Sahney
18	Km. Rachna Bhatnagar
19	Babu Lal
20	Subhash Chandra
21	Smt. Abha Verma
22	Ishrat Ali
25	Jai Prakash Srivastwa
28	Satya Narain Kashyap
29	Ram Bujharat Pande
30	Ashish Narain Awasthi.

None of these candidates were able to type even 350 words of the type test passage, and as such could not be declared to possess the prescribed qualifying speed of 40 words per minute.

According to the rules as also instructions contained in advertisement (Annexure 1), they could not therefore be given preference over the petitioner, who had typed the whole passage within the prescribed time of 10 minutes and that too without any apparent mistake or omission, and thereby possessed the qualifying speed of 40 words per minute. This will be clear if the type test answerbooks of these candidates as also that of the petitioner are called for from opposite party no. 2 or 3, and perused by this Hon'ble Court.

20-A. That as a result of some complaints and the Writ petition filed by the petitioner, the type test answer books were re-examined by opposite party no. 6, Shri Sahni, and selection of some of the candidates of the original Select List has been cancelled. But 5-OC candidates of the original Select List have not been issued any cancellation letter. Among the OC-candidates, the following candidates bearing the following Roll Nos. and selection merit, have been issued selection letters:

S.No.	Roll No.	Names of the candidates	Selection Merit.
1.	RTP/TL/171/82	Yadvendra Pd. Shukla	62.0 %
2.	RTP/TL/219/82	Amninder Kaur (Km.)	58.0 %
3.	RTP/TL/221/82	Anil Kumar Agarwal	57.8 %
4.	RTP/TL/227/82	Evon Charan (Km.)	57.6 %
5.	RTP/TL/228/82	Syam Kishore Shukla	57.0 %
6.	RTP/TL/240/82	S.K. Tondon	56.0 %
7.	RTP/TL/244/82	Sudhir Kumar Srivastwa	55.6 %

The above selection merit includes percentage of High School marks, plus bonus marks, for higher academic qualifications. Of the seven candidates, the 6 candidates as shown at serial 2 to 7, have less selection merit.

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than that of the petitioner. The selection merit of the petitioner is 58.2 percent, which includes 51.2 % marks of High School plus 7 percent marks for Intermediate.

20-B.: That according to the informations gathered by the petitioner, from different sources, in other 6 Telegraph Traffic Divisions under the control of opposite parties Nos. 7 to 12, where the same examination was conducted on the same date, i.e. on 26.12.82, in terms and conditions of the advertisement (Annexure 1), the candidates, who have typed the same test passage within the prescribed time of 10 minutes have been selected by giving preference over other candidates.

20-C.: That the petitioner typed the entire type test passage within 10 minutes without any mistake. Therefore on the analogy of other 6 divisions, mentioned in para 20-A, above the petitioner has qualified in the said type test and is entitled to be given preference over the six candidates having less selection merit referred to in para 20-A, for purposes of selection and appointment to the post.

21. That the preparation of the Select List and the revised list have been done arbitrarily and capriciously, by excluding the name of the petitioner therefrom and including some such candidates who did not fulfill the prescribed norms of eligibility.

22. That the said select list and the revised list have not been implemented so far inasmuch as the candidates of the said lists have neither been sent for training of RTP-TI nor any appointment letter issued to them.

23. That being aggrieved and having no appropriate, alternate adequate remedy available, the petitioner begs to prefer this Writ Petition, inter alia, on the following

G R O U N D S :

1. Because opposite party nos. 4 and 6 for obvious reasons did not evaluate the answer books of the type test properly or fairly, according to the rules and instructions and the evaluation done by them confers illegitimate benefits on certain candidates who did not qualify in the speed test.
2. Because the inclusion of some candidates not eligible for selection in the Select List and the revised list and the exclusion of the name of the petitioner therefrom is arbitrary and violative of Article 14 and 16 of the Constitution of India.
3. Because favouritism was shown to some candidates

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awarding them more marks than they should have actually been awarded.

4. Because the petitioner's valuable right of getting the post of RTP-Tl has been denied to him by the exclusion of his name from the select list and the revised list, though he had qualified in both the two tests.
5. Because opposite party no. 4 and 6 had acted in complete disregard and violation of instructions contained in paragraph 6 and 7 of the advertisement (Annexure 1) and the relevant rules pertaining to the type test contained in item 4 of the Schedule of Appendix 28 of the Posts and Telegraphs Department Manual Volume IV.
6. Because opposite party no. 3 had in collusion with opposite party nos. 4 and 6 declared a select list and a revised list in complete disregard of instructions contained in paragraph 7 of the advertisement regarding selection procedure.
7. Because opposite party nos. 3 and 4 and 5, have by including in the Select List and the revised list, candidates who could not type even 350 words within the prescribed time of 10 minutes and by excluding the name of the petitioner therefrom who had typed the whole passage within the prescribed time of 10 minutes without any apparent mistake or omission had acted highly discriminately, resulting in inequality of treatment in clear violation of Article 14 and 16 of the Constitution of India.
8. Because opposite party no. 3 has in collusion with opposite party no. 6 prepared a revised Select list which includes candidates having less selection merit than that of the petitioner, in complete disregard of the instructions contained in the advertisement and in violation of Article 14 and 16 of the Constitution.
9. Because the non-selection of the petitioner is against the practice and procedure that has been followed in other 6 Telegraph Traffic Divisions for purposes of giving preference for selection to the post of RTP-Tl. This is highly discriminately and arbitrarily and in violation of Article 14 and 16 of the Constitution.

#### P R A Y E R

Wherefore, it is most humbly prayed that this Hon'ble Court May be pleased to grant the following reliefs :

- (a).: Writ in the nature of mandamus be kindly be issued directing the opposite parties to include the name of the petitioner in the Select List (Annexure 3) and the revised list of RTP-telegraphist.

U/s. 226(a) of the Code of Civil Procedure, 1908.

Article 14 and 16 of the Constitution.

Dated \_\_\_\_\_

By \_\_\_\_\_

For and on behalf of the petitioner.

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- (b).: Such other order or instructions be issued , as this Hon'ble Court deems fit , to safeguard the interest of the petitioner;
- (c).: That the cost of this Writ Petition be awarded to the petitioner.

Lucknow  
Dtaed May 11, 1983.

(P.N.Srivastwa)  
Counsel for the petitioner.

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14/6

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen .... petitioner

Vs.

Union of India and Ors. .... Opp. parties.

ANNEXURE - 1.

-----  
Advertisement No. 1/82.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
OFFICE OF THE GENERAL MANAGER TELECOM. U.P. CIRCLE, LUCKNOW.

General Manager Telecom., U.P. Circle, Lucknow requires candidates for 'Reserve Trained Pool' in the cadre of TELEGRAPHISTS as under :-

1. REQUIREMENTS

Sl. No.	Name of the Head of Telegraph Traffic Dn. (Recruiting Unit)	Other community (Unreserved)	Reserved for				Total
			Orthopedically handicapped.	S/O	S/T	Ex. S/men	
1.	Chief Supdt. C.T.O. Agra.	31	1	8	3	5	48
2.	Chief Sudpt. C.T.O. Lucknow.	15	1	3	1	2	22
3.	Sr. Sudpt. Teleg. Traffic Allahabad.	31	1	5	2	4	43
4.	Sr. Supdt. Tele. Traffic Bareilly.	31	1	5	2	4	43
5.	Sr. Supdt. Tele. Traffic Kanpur.	22	1	5	2	3	33
6.	Sr. Supdt. Teleg. Traffic Varanasi.	23	1	6	2	4	36
7.	Supdt. Telegraph Traf. Saharanpur.	16	1	5	2	3	27
Total		169	7	37	14	25	252

2. General Conditions

Candidates selected and brought on the panel after training will be liable for regular absorption against the clear vacancies of Telegraphists in the pay scale of Rs. 260-8-300-EB-340-10-360-12-420-EB-12-480 plus usual allowances as admissible provided they work as short duty staff, as and when called for against unfilled vacancies, absenteeism or extra work, for a period of one year which can also be reduced if so required in the interest of the department. As short duty staff they will be paid on hourly rate @ Rs. 2/- per hour subject to maximum of six hours per day. Selected candidates on panel are also liable to be put on short duty on the basis of their ready and easy availability on demand; but their regular absorption will be made strictly in order of merit, provided they have worked as short duty staff, as per the requirement of the department. Any laxity to perform short duty will render them liable to be removed from the select panel along with penalties as per agreement executed.

3. AGE

Between 18 to 23 years on 1.7.82, upper age limit being relaxable for (i) Schedule Caste/Tribes by 5 years (ii) other categories like Ex-servicemen, displaced persons duly recognised by Govt. of India, Central Govt. retrenched employees/orthopaedically handicapped persons, as per instructions in force. Candidates crossing the upper age limit at the time of regular absorption, will depend upon further relaxation given by the Govt.

4. MINIMUM EDUCATIONAL QUALIFICATIONS

Pass in matriculation or equivalent examination recognised by an Indian University or Board.

## 5. SELECTION

On the basis of the marks obtained in the above mentioned examination. Bonus marks are awarded by raising the aggregate percentage in the basic examination for (i) Higher Secondary Course/preuniversity (ii) Intermediate Three years degree course and (iii) Graduate/postgraduate to the extent of 5, 7 and 10 respectively. All the candidates who come under the selection zone will have to qualify in the dictation-sum-handwriting test in English (Matriculation Standard) and departmental type test to examine their speed in typing either in Hindi or in English, which will be conducted by the Divisional Heads of the Recruiting Units at their Head Quarters. These tests will be at the cost of the candidates.

## 6. PREFERENCE

Preference will be given to those candidates, who possess the typing knowledge with a speed of 40 words per minute and produce certificates to this effect from any Board or Institution duly recognised by the Central or State Govt. and pass the speed test conducted by the Department.

## 7. SELECTION PROCEDURE

As mentioned in para 6 above, the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination plus bonus marks for higher academic qualifications. Candidates without the knowledge of typing will be arranged next on the basis of similar merits, below the last candidate of typing knowledge.

## 8. TRAINING

All the selected candidates will be given training. Training for short duty staff will be given as per departmental rules in force. For regular absorption total 9 months training will be given to the candidates, during which a stipend of Rs. 130/- per month will be paid to them.

## 9. SUBMISSION OF APPLICATIONS

Applicants having their registration without any of the Employment Exchanges falling within the administrative jurisdiction of the Recruiting Division, may apply to the Recruiting Officer of the Divisional Units latest by 15.9.82 on a plain paper giving the following particulars: (i) Name in full (ii) Postal address in full (iii) Date of birth in Christian era as recorded in Matriculation or its equivalent examination (iv) If a member of SC/ST - copy of the caste certificate given by the competent Authority (v) If Ex-service man (a) date of enrolment (b) date of discharge. (c) total service rendered with a copy of discharge certificate (vi) Educational qualifications beginning with matriculation or its equivalent and above giving the name of the examination passed, total marks obtained and their percentage etc. supported by the marksheets and certificates/degrees etc. (vii) Speed in typing with the copy of the certificate of the typing institution (viii) name of the division, where the employment is desired (ix) Registration number and name of the Employment Exchange indicating the date and year of registration.

## IMPORTANT INSTRUCTIONS

(1) Applicants should submit the attested copies of documents in support of age, educational qualifications, caste certificates, discharge certificate, marks obtained, type speed etc. along with their application.

- (2) If the particulars given in the application forms are found incorrect or incomplete, the applications are liable to be rejected.
- (3) Applications sent in the covers should clearly superscribe the words "For the recruitment of Reserve Trained Pool of telegraphists" and should be sent well in time so as to reach the Divisional officer concerned by 15.9.82 positively. Applications received after the target date will not be entertained.
- (4) Applicants should also send two passport size photographs along with their applications, which should be duly attested by a Gazetted Officer.
- (5) Applicants having their registration in more than one Employments exchange and desiring to apply for more than one unit should send separate applications to the respective Divisional Officers.
- (6) Applications in no case should be addressed to the General Manager Telecom, UP Circle, Lucknow or sent to him. All such applications will be treated as cancelled.
- (7) No correspondence regarding the result of recruitment will be entertained.
- (8) No enclosures for attaching with the applications already sent will be entertained, until and unless these are specifically called for by the recruiting authority.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO.2534 of 1983.

Bhupendra Bisen ..... petitioner

Vs.

Union of India and Ors. .... Opp. parties.

ANNEXURE - 2.

भारतीय डाक तार विभाग

कार्यालय: मुख्य अधीक्षक, केन्द्रीय तार घर, लखनऊ । रजिस्टर्ड

सेवा में, श्री भूपेन्द्र बिसेन, पुत्र श्री रंजीत सिंह बिसेन  
द्वारा श्री अमरजीत सिंह बिसेन, सी०टी०पी० लखनऊ ।

Attested  
Photo  
pasted  
here.

संख्या: भारती/आरटीपी/लऊ/82 लखनऊ दि० 10 दिसम्बर  
1982 बाहरी कोटा

विषय: टेलीग्राफिस्ट पद के यि आर०टी०पी० के चयन हेतु  
श्रुति लेखा व सुलेखा तथा टंकण परीक्षा ।  
प्रवेश पत्र

उपयुक्त विषय आपके आवेदन पत्र के संदर्भ में सूचित किया जाता है कि आ.टी.पी. टेलीग्राफिस्ट के चयन हेतु श्रुति लेखा व सुलेखा एवं टंकण की एक परीक्षा निम्न कार्यक्रम के अनुसार होगी । आपको इस परीक्षा में सम्मिलित होने की अनुमति दी जाती है । आप कृपया दिनांक 26-12-82 को 10 बजे पूर्वदिन नेशनल डिग्री कालेज राणा प्रताप मार्ग, लखनऊ में उपस्थित हो । आप का अनुक्रमांक RTP/TL/217/83.

परीक्षा प्रोग्राम

<u>प्रश्न पत्र विषय</u>	<u>दिन व दिनांक</u>	<u>समय</u>
श्रुति लेखा व सुलेखा	रविवार	प्रातः 11.00 बजे
अंग्रेजी भाषा	26 दिसम्बर 1982	
टंकण परीक्षा	हिन्दी/अंग्रेजी-हिन्दी श्रुति लेखा परीक्षा के उपरान्त ।	
<u>आवश्यक निर्देश</u>		

- 1- उत्तर पुस्तिका पर रोल नं० के अलावा कही भी अपना नाम न लिखें
- 2- इस प्रवेश पत्र को अपने साथ लावें । बिना प्रवेश-पत्र के आपको परीक्षा में बैठने की अनुमति न होगी ।
- 3- इस प्रवेश पत्र को परीक्षा सुपरवाइजिंग आफिसर के पास जमा करना होगा ।
- 4- आपको आने जाने का मार्ग व्यय नहीं मिलेगा ।
- 5- टंकण परीक्षा हेतु आपको 27/12 एवं 28/12 को भी रुकना पड़ सकता है अतः अपने अवास आदि की व्यवस्था करें ।
- 6- यदि कोई अभ्यर्थी अपनी स्वयं की टंकण मशीन लाना चाहे तो ला सकता है । उपलब्ध टंकण मशीनो पर किसी प्रकार की आपत्ति मान्य नहीं होगी ।

ह० बी० पी० गुप्ता  
मुख्य अधीक्षक,  
केन्द्रीय तार घर, लखनऊ ।

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen ..... petitioner

Vs.

Union of India and Ors. .... opp. parties.

----- ANNEXURE - 3. -----

Indian Posts and Telegraphs Department.

Karyalay Mukhay Adhikashak,

Kendiri Tar Ghar, Lucknow.

No. CS/CON/RECTT(TL)(RTP)/82 dated at Lucknow the 7th April, 1983.

On the basis of qualifying test in dictation cum hand writing and typing, the selection committee has found the following candidates in order of merit, suitable for selection as RTP Telegraphists for the year 1982.

Sl.No.	Name.	Fathers Name	Merit
1.	Ashok kumar Srivastava	Bankoy Bihari	78.0
2.	Vijay Kumar Singh	Sunder Lal	76.8
3.	Ajai Kumar Malviya	Ravi shanker Malviya	76.5
4.	Anil Kumar Srivastava	Haub Lal srivastava	76.2
5.	Sureshchandra	Ramlakhan	76.0
6.	Susheel Kumar Dixit	SN Dixit	74.6
7.	Km Shashi kanta Tewari	D/O KN Tewari	73.8
8.	Ramesh Kumar	Gopi Shyam	73.4
9.	Shaukat Ali	Abdul Raheen	72.1
10.	Chandraprakash	Omprakash	71.8
11.	Brajeshchandra Lahri	Rajendranath Lahri	71.0
12.	Hisamuddin	Riyajuddin	70.8
13.	Anit Mukherjee	AS Mukherjee	70.0
14.	Anuj Kumar Saxena	Devi charan Saxena	69.6
15.	Pramod Kumar	Badri Prasad	69.6
16.	ChandraDeo Shukla	Hriday Ram Shukla	69.4
17.	Km Anupam Shahni	D/o KL Shahni	69.4
18.	Km Rachna Bhatnagar	D/O Ramesh Bhatnagar	69.2
19.	Baboo Lal	Chandrika pd	68.6
20.	Subhashchandra	Ram Kishan	68.4
21.	Smt Abha Verna	M/O GC Verna	68.4
22.	Isharat Ali	Hashmat Ali	68.2
23.	Susheel Kumar Srivastava	GS Srivastava	67.6
24.	Rajesh Kumar Pandey	Ram Suchit Pandey	67.6
25.	Jai Prakash Srivastava	Ram Adhar	66.6
26.	Nagendra Singh	Ram Sakal singh	66.6
27.	VIVEK Chandra	Hukum chandra	66.6
28.	Satyanarain Kashyap	Devi Prasad	66.4
29.	Ram Bugharat Pandey	-	66.4
30.	Asheesh narain Awasthy	RN Awasthy	65.8
<u>EX. Servicemen.</u>			
31.	Rajendra Prasad Srivastava	Kusheswar Lal	44.5
32.	Naseen Ahmed Rizvi	Abdul Zalil	42.6
33.	Ram Deo Singh	Laxmi narainsingh	54.6 (T.NN)
34.	Poulose G.	KP George.	52.1 -do-
35.	Sheoshanker Gupta	Chandilal Gupta	52.0 -do-
<u>Physically Handicaped.</u>			
36.	Rakeshchandra Pandey	Krishan kant Pandey	59.6
<u>Scheduled Tribe</u>			
37.	Baboo Lal Meena	Hukmi Meena	61.6
38.	Dineshpd chaoudhary	ND Chaoudhary	55.6
39.	Lakshmi narain Meena	Sitaran Meena	54.7
<u>Scheduled Caste.</u>			
40.	Ran Tej	Jagran	65.4
41.	Kanleshchandra	Rameshwarprasad	62.4
42.	Satyapan Kanaujia	Rajraj Kanaujia	61.8
43.	Ran Sevak	Ravidas	61.8
44.	Lalloo prasad	Mahabali	60.2
45.	Bandho prasad	Rajnani prasad	59.4
46.	Smt Indrakumari	Rangulan	58.4
47.	Ranchandra	Randhan	57.8

Sd/- B. P. Gupta.  
Chief Supt., C.T.O. Lucknow.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen ..... petitioner.

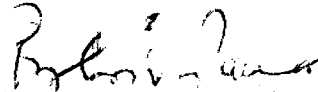
Vs.

Union of India and Ors. .... Opp. parties.

I N D E X

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Lucknow  
Dated 11th May, 1983.

  
(P.N. Srivastwa)  
Advocate,  
Counsel for the petitioner.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW .

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen, aged 19 years , son of  
Shri Ranjit Singh Bisen, Resident of  
588/2, Bahadurganj, District: Faizabad.

..... Petitioner.

Versus

1. The Union of India , through the Secretary,  
Ministry of Communications , New Delhi.
  2. The General Manager , Telecommunication ,  
Uttar Pradesh Circle, Lucknow.
  3. The Chief Superintendent,  
Central Telegraph Office, Lucknow.
  4. Shri K.C. Chaturvedi, Divisional Engineer Phones  
(Administration), Office of the District Manager,  
Telephones , Lucknow.
  5. Shri R.S. Lall, Chief Superintendent, Central Telegraph  
Office, Lucknow (now retired), living at 4, Bindvasininagar,  
Gorakhpur.
  6. Shri R.L. Sahani, P.S. to Secretary , Communications, Govt.  
of India , New Delhi.
  7. Chief Superintendent, Central Telegraph Office, Agra.
  8. Senior Superintendent, Telegraph Traffic , Allahabad.
  9. Senior Superintendent , Telegraph Traffic, Barreilly
  10. Senior Superintendent , Telegraph Traffic, Kanpur.
  11. Senior Superintendent, Telegraph Traffic , Varanasi.
  12. Superintendent , Telegraph Traffic, Saharanpur.
- ..... Opposite  
parties.

WRIT PETITION UNDER ARTICLE 3226 OF THE CONSTITUTION  
OF INDIA.

To,  
The Hon'ble Chief Justice and His Companion Judges of the  
aforesaid High Court.

The petitioner abovenamed most respectfully begs to submit  
as under :

1. That an advertisement No. 1/82 inviting applications for  
recruitment of Reserve Trained Pool in the cadre of  
Telegraphist ( hereinafter referred to as RTP-T1 ) for  
the year 1982 for different Telegraph traffic Divisions  
in Uttar Pradesh Telecom Circle was published in different  
news-papers . Of these, 22 vacancies were announced for  
Lucknow Telegraph traffic Divisions which were subsequently  
increased to a total of 47 with the following break-up :  
Other Community - 30,  
( hereinafter referred to as OC )  
Ph Physically handicapped - 1,  
Schedule Caste - 3,  
Schedule Tribe - 3,  
Ex-servicemen - 5.

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A photostat copy of this advertisement is being attached as Annexure 1, to this Writ Petition.

2. That paragraph 2 of the said advertisement provided :  
" Candidates selected and brought on the panel after training will be liable for regular absorption against the clear vacancies of telegraphists in the pay-scale of Rs.260-8-300-EB-340-10-360-12-420-EB-12-480 plus usual allowances as admissible provided they work as short duty staff, as and when called for against unfilled vacancies, absenteeism or extra work for a period of one year which can also be reduced, if so required in the interest of the department. "
3. That in accordance with the instructions contained in paragraph 9 of the said advertisement, the petitioner who fulfilled all the requisite qualifications, submitted an application as a OC-candidate in the prescribed proforma alongwith the necessary documents to the recruiting officer of the Lucknow Telegraph Traffic Division, opposite party no. 3, within the prescribed time. The petitioner also had attached a certificate from Khanna Commercial College, Lucknow to the effect that he possessed the typing knowledge with a speed of 40 words per minute in English.
4. That the minimum qualifications as laid down in para 4 of the advertisement ( Annexure 1 ) for the said post was  
" Pass in matriculation or equivalent examination recognised by an Indian University or Board. "
5. That the instructions regarding selection for the said post as published in paragraph 5 of the advertisement were as follows : " SELECTION : On the basis of marks obtained in the above mentioned examination. Bonus marks are awarded by raising the aggregate percentage in the basic examination for (i) Higher Secondary Course/Pre-university, (ii) Intermediate /three-year degree course and (iii) Graduate /post-graduate to the extent of 5, 7 and 10 respectively. All the candidates who come under the selection zone will have to qualify in the Dictation-cum-handwriting Test in English (Matriculation Standard) and the departmental type test to examine their speed in typing either in Hindi or in English, which will be conducted by the Divisional Heads of the Recruiting Unit at their Head Quarters. These tests will be at the cost of candidates. "
6. That the instructions contained in paragraph 6 of the advertisement ( Annexure 1 ) clearly laid down that,  
" PREFERENCE : Preference will be given to those candidates

who possess the typing knowledge with a speed of 40 words per minute and produce certificate to this effect from any Board or Institution duly recognised by Central or State Government and pass the speed test conducted by the department

( That thus a candidate who had knowledge of typing with a speed less than 40 words per minute and had produced a certificate to that effect from any Board or Institution was not entitled for claiming or being given preference for recruitment to the said post. )

7. That the selection procedure as laid down in paragraph 7 of the advertisement (Annexure 1) provided as follows :

" SELECTION PROCEDURE : As mentioned in paragraph 6 above the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination marks plus bonus marks for higher academic qualifications . Candidates without the knowledge of typing will be arranged next on the basis of similar merits , below the last candidate of typing knowledge. "

8. That as per instructions contained in paragraph 5 of the advertisement (Annexure 1) , the candidates were required to appear and qualify the following two tests for being eligible for appointment to the said post :

(i) : A Dictation-cum-handwriting test. (According to the information available with the petitioner the qualifying percentage of marks for this test was 40 per cent. )

(ii) : A departmental Type test, in which the candidates were required to qualify at a speed of 40 words per minute.

9. That in response to his application , the petitioner was called to appear in the above two tests vide letter. No. Bharti/RTP-T1/LW/82(outside quota) dated 10.12.82 .

This call letter was issued by opposite party no. 3.

A photocopy of this letter is being annexed as Annexure 2 to this writ petition.

10. That according to the reliable information available with the petitioner , candidates with higher merits but not knowing typing or producing certificates showing typing knowledge with speed less than 40 words per minute were not called by opposite party no. 3 to appear at the said two tests.
11. That the dictation-cum-handwriting test was conducted on 26-12-82 from 11.00 a.m. at National Inter College Rana Pratap Marg, Lucknow , and the Type test was thereafter held at Belloona Commercial College, Aminabad , Lucknow, under the personal supervision of opposite party no. 5, as the Supervising Officer.
12. That the petitioner appeared at both the above two tests and was quite hopeful of his success , because he had according to his calculations qualified in both of them.

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The petitioner had completed the dication-cum-handwriting test without any mistake or omission to the best of his ability and therefore was quite hopeful of being declared qualified in this test. Similarly, he had typed the whole of the passage of about 400 words without any apparent mistake or omission, within the prescribed time of 10 minutes and was quite hopeful of being declared qualified in the type test as well. He had done the type test paper so well that he was confident of being placed among the preferential candidates with the typing speed of 40 words per minute. This will be established if this Hon'ble Court calls for the answer books of the petitioner of both the above two tests and is pleased to satisfy itself with the averment made in this behalf.

13. That the rules or the criteria for passing a type test have been clearly laid down in Posts and Telegraphs Manual Volume IV, Appendix 28, in the procedure for selection of Stenographers who are also required to qualify in a type test at the speed of 40 words per minute. The relevant rules pertaining to the Type test are contained in item 4 of the Schedule of the said appendix 28 and read as under : " A passage in English consisting of 400 words will be given and they will be required to type it within 10 minutes. Candidates whose paper contain more than 5 per cent mistake/omission or who fail to type the passage within 10 minutes will be considered to have failed. "

Thus a candidate is normally supposed to type 400 words in 10 minutes without any mistake or omission and thereby show a speed of 40 words per minute but a latitude has been given for 5 per cent mistakes or omission by virtue of which he will be deemed to have the requisite qualifying speed of 40 words per minute even if he types only 380 words, without mistake in 10 minutes.

( These rules are also applicable in the case of selection for the recruitment of RTP-T1, as also for other departmental tests. )

14. That the type test paper in English contained about 400 words in all. According to the above rules, 5 per cent mistake or omission of 400 words comes to about 20. Thus any candidate, who failed to type  $380 = (400 - 20)$  words within 10 minutes should be declared failed, as he was not having the required qualifying speed of 40 words per minute. Such a candidate was not eligible for claiming or being given any preference ( as provided in paragraph 6 of

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the advertisement ) or for being included in the list of those candidates who had the speed of 40 words per minute , and had thereby qualified in the type test , and had also qualified in the dictation-cum-handwriting test . According to the instructions contained in paragraph 7 of the advertisement (Annexure 1:), candidates without the knowledge of typing or with the knowledge of typing with speed less than 40 words per minute were to be placed below the last candidate having type-knowledge with a speed of 40 words per minute. This may be clarified by the following 'Illustration' :

Supposing , there are six candidates applying for the post and there are only four vacancies to be filled in from amongst these candidates . The candidates A , B , C , D , E and F are having 75 , 70 , 65 , 60 , 55 and 50 per cent of marks ( including bonus marks for higher academic qualifications ) as their selection merit in chronological order . Supposing 'A' has no typing knowledge , and the rest five candidates , viz, B, C , D , E and F, are having typing knowledge with speed of .25 , 30 , 35 , 40 and 40 words per minute in chronological order.

According to the instructions contained in the advertisement ( Annexure 1 ), and the above mentioned rule , the 5th candidate i.e., E stands first, by virtue of having a higher selection merit and the qualifying speed of 40 words per minute, than that of F, who has got only 50 per cent as his selection merit . Thus F, with 50 per cent as his selection merit and 40 words per minute qualifying speed will be placed at 2nd position. Thereafter , A, and B will be placed at 3rd and 4th position on the basis of their selection merit , because none of them possess the qualifying speed of 40 words per minute.

In view of the fact that there are only 4 vacancies the remaining two candidates , C and D will stand out of the Select List.

15. That Shri K.C.Chaturvedi, opposite party no. 4 was appointed as Examiner of the two test papers , the dictation-cum-handwriting test paper and the type test paper , by opposite party no. 2 and was required to return the examined answer books to opposite party no. 3 within a fortnight , i.e. to say by the second week of January 1983.

16. That the opposite party no. 4 returned the examined answerbooks of the test papers , according to the information available with the petitioner , only in the first week of April 1985. He thus took too much time for obvious reasons , in examining them and thereby contravened the instructions given to him by opposite party no. 2 in this behalf.

17. That instead of calculating typing speed of the candidates in the

answer books of the type test paper, according to the rules or the criteria as laid down in Posts and Telegraphs Manual Volume IV, Appendix 28, the learned examiner, opposite party no. 4 awarded marks, arbitrarily and capriciously in the type test answer books with a view to oblige certain candidates, who approached him through different sources.

18. That on the basis of marksheets received from opposite party no. 4, the opposite party no. 3, the Recruiting Officer, declared a Select List, without considering that only candidates securing 40 percent in the dictation-cum-handwriting test and attaining 40 words per minute speed in the type test were qualified to be selected for the post in question. The Select List, instead contained names of even such candidate who did not obtain the requisite type speed of 40 words per minute. In fact, according to paragraph 7 of the advertisement such candidates were to be placed below the last candidate having typing speed of 40 words per minute. Thus the Select List was issued in clear violation of the instructions contained in the advertisement and the rules laid down in Posts and Telegraphs Manual, Volume IV, Appendix 28. The learned Recruiting Officer did not apply his own mind and issued the list in a most capricious, unfair and unreasonable manner. A copy of the Select List is annexed as Annexure 3 to this Writ Petition.
19. That the said Select List did not contain the name of the petitioner (although he had qualified in both the tests by having attained the qualifying speed of 40 words per minute in the type and 40 per cent marks in the dictation-cum-handwriting test.)
20. That amongst the OC-candidates of the Select List (Annexure 3 the following candidates at serials 2, 3, 5, 6, 11 to 13, 15 to 22, 25, 28 to 30, totalling nineteen in number, had failed to type the test passage within the prescribed time of 10 minutes :

<u>Serial in the Select List.</u>	<u>Names of the candidates</u>
2	Vijai Kumar Singh
3	Ajai Kumar Malviya
5	Suresh Chandra
6	Sushil Kumar Dixit
11	Brijesh Chand Lahri
12	Hissanuddin
13	Anit Mukherji

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15	Pramod Kumar
16	Chandra Deo Shukla
17	Km. Anupam Sahney
18	Km. Rachna Bhatnagar
19	Babu Lal
20	Subhash Chandra
21	Smt. Abha Verma
22	Ishrat Ali
25	Jai Prakash Srivastwa
28	Satya Narain Kashyap
29	Ram Bujharat Pande
30	Ashish Narain Awasthi.

None of these candidates were able to type even 350 words of the type test passage, and as such could not be declared to possess the prescribed qualifying speed of 40 words per minute.

According to the rules as also instructions contained in advertisement (Annexure 1), they could not therefore be given preference over the petitioner, who had typed the whole passage within the prescribed time of 10 minutes and that too without any apparent mistake or omission, and thereby possessed the qualifying speed of 40 words per minute. This will be clear if the type test answerbooks of these candidates as also that of the petitioner are called for from opposite party no. 2 or 3, and perused by this Hon'ble Court.

20-A. That as a result of some complaints and the Writ petition filed by the petitioner, the type test answer books were re-examined by opposite party no. 6, Shri Sahni, and selection of some of the candidates of the original Select List has been cancelled. But 5-OC candidates of the original Select List have not been issued any cancellation letter. Among the OC-candidates, the following candidates bearing the following Roll Nos. and selection merit, have been issued selection letters :

S.No.	Roll No.	Names of the candidates	Selection Merit.
1.	RTP/TL/174/82	Yadvendra Pd. Shukla	62.0 %
2.	RTP/TL/219/82	Amninder Kaur (Km.)	58.0 %
3.	RTP/TL/221/82	Anil Kumar Agarwal	57.8 %
4.	RTP/TL/227/82	Evon Charan (Km.)	57.6 %
5.	RTP/TL/228/82	Syam Kishore Shukla	57.0 %
6.	RTP/TL/240/82	S.K. Tondon	56.0 %
7.	RTP/TL/244/82	Sudhir Kumar Srivastwa	55.6 %

The above selection merit includes percentage of High School marks, plus bonus marks, for higher academic qualifications. Of the seven candidates, the 6 candidates as shown at serial 2 to 7, have less selection merit.

than that of the petitioner. The selection merit of the petitioner is 58.2 percent, which includes 51.2 % marks of High School plus 7 percent marks for Intermediate.

- 20-B.: That according to the informations gathered by the petitioner, from different sources, in other 6 Telegraph Traffic Divisions under the control of opposite parties Nos. 7 to 12, where the same examination was conducted on the same date, i.e. on 26.12.82, in terms and conditions of the advertisement (Annexure 1), the candidates, who have typed the same test passage within the prescribed time of 10 minutes have been selected by giving preference over other candidates.
- 20-C.: That the petitioner typed the entire type test passage within 10 minutes without any mistake. Therefore on the analogy of other 6 divisions, mentioned in para 20-A, above the petitioner has qualified in the said type test and is entitled to be given preference over the six candidates having less selection merit referred to in para 20-A, for purposes of selection and appointment to the post.
21. That the preparation of the Select List and the revised list have been done arbitrarily and capriciously, by excluding the name of the petitioner therefrom and including some such candidates who did not fulfill the prescribed norms of eligibility.
22. That the said select list and the revised list have not been implemented so far inasmuch as the candidates of the said lists have neither been sent for training of RTP-T1 nor any appointment letter issued to them.
23. That being aggrieved and having no appropriate, alternate adequate remedy available, the petitioner begs to prefer this Writ Petition, inter alia, on the following

G R O U N D S :

1. Because opposite party nos. 4 and 6 for obvious reasons did not evaluate the answer books of the type test properly or fairly, according to the rules and instructions and the evaluation done by them confers illegitimate benefits on certain candidates who did not qualify in the speed test.
2. Because the inclusion of some candidates not eligible for selection in the Select List and the revised list and the exclusion of the name of the petitioner therefrom is arbitrary and violative of Article 14 and 16 of the Constitution of India.
3. Because favouritism was shown to some candidates

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awarding them more marks than they should have actually been awarded.

4. Because the petitioner's valuable right of getting the post of RTP-Tl has been denied to him by the exclusion of his name from the select list and the revised list, though he had qualified in both the two tests.
5. Because opposite party no. 4 and 6 had acted in complete disregard and violation of instructions contained in paragraph 6 and 7 of the advertisement (Annexure 1) and the relevant rules pertaining to the type test contained in item 4 of the Schedule of Appendix 28 of the Posts and Telegraphs Department Manual Volume IV.
6. Because opposite party no. 3 had in collusion with opposite party nos. 4 and 6 declared a select list and a revised list in complete disregard of instructions contained in paragraph 7 of the advertisement regarding selection procedure.
7. Because opposite party nos. 3 and 4 and 5, have by including in the Select List and the revised list, candidates who could not type even 350 words within the prescribed time of 10 minutes and by excluding the name of the petitioner therefrom who had typed the whole passage within the prescribed time of 10 minutes without any apparent mistake or omission had acted highly discriminately, resulting in inequality of treatment in clear violation of Article 14 and 16 of the Constitution of India.
8. Because opposite party no. 3 has in collusion with opposite party no. 6 prepared a revised Select list which includes candidates having less selection merit than that of the petitioner, in complete disregard of the instructions contained in the advertisement and in violation of Article 14 and 16 of the Constitution.
9. Because the non-selection of the petitioner is against the practice and procedure that has been followed in other 6 Telegraph Traffic Divisions for purposes of giving preference for selection to the post of RTP-Tl. This is highly discriminately and arbitrarily and in violation of Article 14 and 16 of the Constitution.

#### P R A Y E R

Wherefore, it is most humbly prayed that this Hon'ble Court May be pleased to grant the following reliefs :

- (a).: Writ in the nature of mandamus be kindly be issued directing the opposite parties to include the name of the petitioner in the Select List (Annexure 3) and the revised list of RTP-telegraphist.

- (b).: Such other orders or instructions be issued , as this Hon'ble Court deems fit , to safeguard the interest of the petitioner;
- (c).: That the cost of this Writ Petition be awarded to the petitioner.

Lucknow  
Dated May 11, 1983.

(P.N.Srivastwa)  
Counsel for the petitioner.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen .... petitioner

Vs.

Union of India and Ors. .... Opp. parties.

ANNEXURE - 1.

-----  
Advertisement No. 1/82.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
OFFICE OF THE GENERAL MANAGER TELECOM. U.P. CIRCLE, LUCKNOW.

General Manager Telecom., U.P. Circle, Lucknow requires candidates for 'Reserve Trained Pool' in the cadre of TELEGRAPHISTS as under :-

1. REQUIREMENTS

Sl. No.	Name of the Head of Telegraph Traffic Dn. (Recruiting Unit)	Other community (Unreserved)	Reserved for				Total
			Orthopedically handicapped.	S/C	S/T	Ex. S/men	
1.	Chief Supdt. C.T.O. Agra.	31	1	8	3	5	48
2.	Chief Sudpt. C.T.O. Lucknow.	15	1	3	1	2	22
3.	Sr. Sudt. Teleg. Traffic Allahabad.	31	1	5	2	4	43
4.	Sr. Supdt. Tele. Traffic Bareilly.	31	1	5	2	4	43
5.	Sr. Supdt. Tele. Traffic Kanpur.	22	1	5	2	3	33
6.	Sr. Supdt. Teleg. Traffic Varanasi.	23	1	6	2	4	36
7.	Supdt. Telegraph Traf. Saharanpur.	16	1	5	2	3	27
Total		169	7	37	14	25	252

2. General Conditions

Candidates selected and brought on the panel after training will be liable for regular absorption against the clear vacancies of Telegraphists in the pay scale of Rs. 260-8-300-EB-340-10-360-12-420-EB-12-480 plus usual allowances as admissible provided they work as short duty staff, as and when called for against unfilled vacancies, absenteeism or extra work, for a period of one year which can also be reduced if so required in the interest of the department. As short duty staff they will be paid on hourly rate @ Rs. 2/- per hour subject to maximum of six hours per day. Selected candidates on panel are also liable to be put on short duty on the basis of their ready and easy availability on demand; but their regular absorption will be made strictly in order of merit, provided they have worked as short duty staff, as per the requirement of the department. Any laxity to perform short duty will render them liable to be removed from the select panel alongwith penalties as per agreement executed.

3. AGE

Between 18 to 23 years on 1.7.82, upper age limit being relaxable for (i) Schedule Caste/Tribes by 5 years (ii) other categories like Ex-servicemen, displaced persons duly recognised by Govt. of India, Central Govt. retrenched employees/orthopaedically handicapped persons, as per instructions in force. Candidates crossing the upper age limit at the time of regular absorption, will depend upon further relaxation given by the Govt.

4. MINIMUM EDUCATIONAL QUALIFICATIONS

Pass in matriculation or equivalent examination recognised by an Indian University or Board.

## 5. SELECTION

On the basis of the marks obtained in the above mentioned examination. Bonus marks are awarded by raising the aggregate percentage in the basic examination for (i) Higher Secondary Course/preuniversity (ii) Intermediate Three years degree course and (iii) Graduate/postgraduate to the extent of 5, 7 and 10 respectively. All the candidates who come under the selection zone will have to qualify in the dictation-sum-handwriting test in English (Matriculation Standard) and departmental type test to examine their speed in typing either in Hindi or in English, which will be conducted by the Divisional Heads of the Recruiting Units at their Head Quarters. These tests will be at the cost of the candidates.

## 6. PREFERENCE

Preference will be given to those candidates, who possess the typing knowledge with a speed of 40 words per minute and produce certificates to this effect from any Board or Institution duly recognised by the Central or State Govt. and pass the speed test conducted by the Department.

## 7. SELECTION PROCEDURE

As mentioned in para 6 above, the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination plus bonus marks for higher academic qualifications. Candidates without the knowledge of typing will be arranged next on the basis of similar merits, below the last candidate of typing knowledge.

## 8. TRAINING

All the selected candidates will be given training. Training for short duty staff will be given as per departmental rules in force. For regular absorption total 9 months training will be given to the candidates, during which a stipend of Rs. 130/- per month will be paid to them.

## 9. SUBMISSION OF APPLICATIONS

Applicants having their registration without any of the Employment Exchanges falling within the administrative jurisdiction of the Recruiting Division, may apply to the Recruiting Officer of the Divisional Units latest by 15.9.82 on a plain paper giving the following particulars: (i) Name in full (ii) Postal address in full (iii) Date of birth in Christian era as recorded in Matriculation or its equivalent examination (iv) If a member of SC/ST - copy of the caste certificate given by the competent Authority (v) If Ex-service man (a) date of enrolment (b) date of discharge, (c) total service rendered with a copy of discharge certificate (vi) Educational qualifications beginning with matriculation or its equivalent and above giving the name of the examination passed, total marks obtained and their percentage etc. supported by the marksheets and certificates/degrees etc. (vii) Speed in typing with the copy of the certificate of the typing institution (viii) name of the division, where the employment is desired (ix) Registration number and name of the Employment Exchange indicating the date and year of registration.

## IMPORTANT INSTRUCTIONS

(†) Applicants should submit the attested copies of documents in support of age, educational qualifications, caste certificates, discharge certificate, marks obtained, type speed etc. alongwith their application.

(2) If the particulars given in the application forms are found incorrect or incomplete, the applications are liable to be rejected.

(3) Applications sent in the covers should clearly superscribe the words "For the recruitment of Reserve Trained Pool of telegraphists" and should be sent well in time so as to reach the Divisional officer concerned by 15.9.82 positively. Applications received after the target date will not be entertained.

(4) Applicants should also send two passport size photographs alongwith their applications, which should be duly attested by a Gazetted Officer.

(5) Applicants having their registration in more than one Employments exchange and desiring to apply for more than one unit should send separate applications to the respective Divisional Officers.

(6) Applications in no case should be addressed to the General Manager Telecom, UP Circle, Lucknow or sent to him. All such applications will be treated as cancelled.

(7) No correspondence regarding the result of recruitment will be entertained.

(8) No enclosures for attaching with the applications already sent will be entertained, until and unless these are specifically called for by the recruiting authority.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 2534 of 1983.

Bhupendra Bisen ..... petitioner  
Vs.

Union of India and Ors. .... opp. parties.

ANNEXURE - 3.

Indian Posts and Telegraphs Department.

Karyalay Mukhay Adhikashak,  
Kendiri Tar Ghar, Lucknow.

No. CS/CON/RECTT(TL)(RTP)/82 dated at Lucknow the 7th April, 1983.

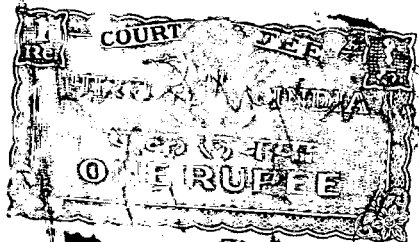
On the basis of qualifying test in dictation cum hand writing and typing, the selection committee has found the following candidates in order of merit, suitable for selection as RTP Telegraphists for the year 1982.

Sl.No.	Name.	Fathers Name	Merit
1.	Ashok kumar Srivastava	Bankoy Bihari	78.0
2.	Vijay Kumar Singh	Sunder Lal	76.8
3.	Ajai Kumar Malviya	Ravi shanker Malviya	76.5
4.	Anil Kumar Srivastava	Haub Lal srivastava	76.2
5.	Sureshchandra	Ramlakhan	76.0
6.	Susheel Kumar Dixit	SN Dixit	74.6
7.	Kn Shashi kanta Tewari	D/O KN Tewari	73.8
8.	Ramesh Kumar	Gopi Shyan	73.4
9.	Shaukat Ali	Abdul Raheen	72.1
10.	Chandraprakash	Omprakash	71.8
11.	Brajeshchandra Lahri	Rajendranath Lahri	71.0
12.	Hisamuddin	Riyajuddin	70.8
13.	Anit Mukherjee	AS Mukherjee	70.0
14.	Anuj Kumar Saxena	Devi charan Saxena	69.6
15.	Pranod Kumar	Badri Prasad	69.6
16.	ChandraDoo Shukla	Hriday Ram Shukla	69.4
17.	Kn Anupam Shahni	D/o KL Shahni	69.4
18.	Kn Rachna Bhatnagar	D/O Ramesh Bhatnagar	69.2
19.	Baboo Lal	Chandrika pd	68.6
20.	Subhashchandra	Ran Kishan	68.4
21.	Smt Abha Verna	M/O GC Verna	68.4
22.	Isharat Ali	Hashmat Ali	68.2
23.	Susheel Kumar Srivastava	GS Srivastava	67.6
24.	Rajesh Kumar Pnadoy	Ran Suchit Pandey	67.6
25.	Jai Prakash Srivastava	Ran Adhar	66.6
26.	Nagendra Singh	Ran Sakal singh	66.6
27.	VIVEK Chandra	Hukun chandra	66.6
28.	Satyanarain Kashyap	Devi Prasad	66.4
29.	Ran Bugharat Pandey	-	66.4
30.	Asheesh narain Awasthy	RN Awasthy	65.8
<u>EX. Servicemen.</u>			
31.	Rjendra Pissad Srivastava	Kusheswar Lal	44.5
32.	Naseen Ahmed Rizvi	Abdul Zalil	42.6
33.	Ran Deo Singh	Laxmi narainsingh	54.6 (T.NN)
34.	Poulose G.	KP George.	52.1 -do-
35.	Sheoshanker Gupta	Chandilal Gupta	52.0 -do-
<u>Physically Handicaped.</u>			
36.	Rakeshchandra Pandey	Krishan kant Pandey	59.6
<u>Scheduled Tribe</u>			
37.	Baboo Lal Meena	Hukni Meena	61.6
38.	Dineshp d chaoudhary	ND Chaoudhary	55.6
39.	Lakshmi narain Meena	Sitaram Meena	54.7
<u>Scheduled Caste.</u>			
40.	Ran Tej	Jagran	65.4
41.	Kanleshchandra	Rameshwarprasad	62.4
42.	Satyapan Kanaujia	Rajraj Kanaujia	61.8
43.	Ran Seva	Ravidas	61.8
44.	Lalloo prasad	Mahabali	60.2
45.	Bandho prasad	Rajmani prasad	59.4
46.	Smt Indrakunari	Rangulan	58.4
47.	Ranchandra	Randhan	57.8

Sd/- B. P. Gupta  
Chief Supdt., C.T.O. Lucknow.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
LUCKNOW BENCH, LUCKNOW.



1983  
AFFIDAVIT

51/1983  
HIGH COURT  
ALLAHABAD

3rd Application for Interim  
In Re :  
Writ Petition No. 2534 of 1983.

Bhupendra Bisen .. .. . Petitioner .  
Vs.  
Union of India and Others .. .. . Opp. parties.

AFFIDAVIT

I, Anand Raj Singh, aged about 26 years, son of  
Shri Dhanirava Datt Singh, resident of House No.  
282, Malvianagar, Gonda, do hereby solemnly affirm  
and state as under :

1. That the deponent is the real uncle and pairokar  
of the petitioner and is fully conversant with the  
facts deposed to hereunder .

2. That the above Writ petition was moved on 12.5.'83  
which the petitioner had prayed for inclusion of  
name in the Select List, Annexure 3 of the Writ  
petition. The petitioner has every hope of success in  
above Writ Petition.

That on 26.7.'83, the learned counsel for the  
O.I., Shri U.K. Dhaon, admitted that there had been  
some irregularities in the matter, which were being  
reconsidered and reexamined, and that the matter will  
be finalised within a week. He also gave an assurance  
that no fresh appointments shall be made. The petition  
was thereafter directed to be listed in the week  
commencing 8th August, '83.

4. That the petition was thereafter listed 2 or 3  
times, but could not be heard. However, in the mean-  
time, after reexamination of the type test answer books  
a revised select list was made, which has not been  
issued so far. This revised list contained some names  
of the candidates of the Original Select list, Annexure 3,  
and seven new names, but excluded the name of the

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petitioner arbitrarily and discriminately.

5. That after the Writ Petition filed by ~~the~~ petitioner two Writ Petitions, ' Ram Bujharat Pande and Ors. Vs. U.O.I. & Ors. (no. 4298/83 ), and ' Smt. Indira Kunari and Ors. Vs. U.O.I. and Ors. (no. 5325/83 ) have been filed by candidates of the original Select List, Annexure 3, whose selection was subsequently cancelled, as a result of re-examination of the type test answer books. These Writ Petitions have been *admitted by* this Hon'ble Court and interim relief for stay, granted. These Writ Petitions also relate to the *same* examination of Reserve Trained Pool of Telegraphist, held in December 1982.

6. In view of this development, the petitioner filed an application for amendment on 11.11.83, which was allowed by this Hon'ble Court.

7. Accordingly, the amendments have been incorporated in the original Writ Petition and copies of the amended Writ Petition have been supplied to the Counsel for the opposite parties and also filed in this Hon'ble Court.

That the petitioner has come to know that the candidates of the revised select list are to be imparted training very shortly, and their services will thereafter be utilised, as RTP-telegraphist, to meet casual emergency and pressure of work, if needed.

That the petitioner is also willing to be given training at his own cost, and work in casual emergency, if required, like other candidates, as mentioned in para 8 above, pending disposal of this Writ Petition.

Lucknow dated  
Dec. 17, 1983.

*Anand Raj Singh*  
( Anand Raj Singh )  
Deponent.

I, the abovenamed deponent, do hereby verify that the contents of paragraph 1 to 9 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow dated  
Dec. 17, 1983.

*Anand Raj Singh*  
Deponent.

I identify the deponent, who has signed before me.

*P N Srivastwa*  
( P N Srivastwa )  
Advocate.

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...

22

( arising out of writ petition No. 2354/33)

.. Petitioner.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Whistler (1973).

1. The Union of India, through the Secretary,  
Ministry of Communication, New Delhi.
2. The General Manager, Telecommunication,  
Lucknow, Allahabad Circle, Lucknow.
3. The Chief Superintendent,  
Central Telegraph Office, Lucknow.
4. Mr. S. C. Chaturvedi, Divisional Engineer Phones  
(Administration), Office of the District Manager,  
Telephones, Lucknow.
5. Mr. A. K. Mall, Chief Superintendent, Central  
Telegraph Office, Lucknow (now retired) living at 4,  
Windy singhpur, Lucknow.
6. Mr. M. L. Sahni, S. to Secretary, Communication, Govt.  
of India, New Delhi.
7. Chief Superintendent, Central Telegraph Office, Allahabad.
8. Chief Superintendent, Central Telegraph Office, Allahabad.
9. Senior Superintendent, Central Telegraph Office, Allahabad.
10. Senior Superintendent, Central Telegraph Office, Allahabad.
11. Senior Superintendent, Central Telegraph Office, Allahabad.
12. Senior Superintendent, Central Telegraph Office, Allahabad.
13. Senior Superintendent, Central Telegraph Office, Allahabad.

.. .. ent.

Missed

.2.

Affidavit of P. R. Jaiswal, aged  
about 48 years, son of Sri M.M.  
Jain, Chief Superintendent,  
Central Telegraph Office, Lucknow.

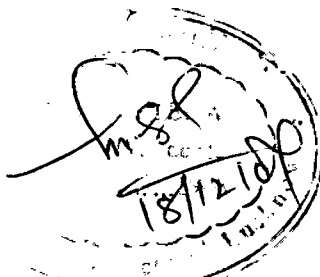
Deponent.

I, the deponent, abovesigned, do hereby  
solemnly affirm and state as under:

1. That the deponent is working as Chief  
Superintendent, Central Telegraph Office, Lucknow  
and has been authorized to file the present  
affidavit on behalf of the respondents in the  
foresaid case. He is, a truth, well acquainted  
with the facts of the case set out below.

2. That the deponent has read the contents  
of the petition and has fully understood the same.

3. That before giving the above reply  
to the petition it is necessary to set out brief facts  
of the <sup>2</sup>fact case which are necessary to understand  
the controversy raised by it in the present  
petition.



*[Handwritten signature]*

.3.

4. A notice dated 1.1/32 inviting applications for recruitment of Reserve Pool in the cadre of Telegraphist for the year, 1932 for different telegraph office divisions in P.O. Circle, was published in different newspapers.

*2. continued*

a) That 47 out of 100 Telegraphists were to be selected for the telegraph office division.

b) That there were enough candidates who claimed to be literate knowing the shorthand and type certificate of 100 words per minute for private typing institutions. Those candidates who did not claim to be typist were not called for the dictation test irrespective of their higher merits.

c) That accordingly, candidates of selection zone were called upon to appear in dictation-cum-handwriting test and type-test which was held on 17.12.1932.

d) That the result of these foregoing tests were declared by the recruiting authority vide Chief Assistant, General Telegraph Office, Lucknow letter No. 3454 (G.O.) dated 7.1.33. The constitution of a committee on the basis of qualifying test in dictation-cum-handwriting and typing.

e) That later on, it was requested that

*18/12/32*

*R. D. Datta*

.4.

the examiner of the type-test was advised not to be by awarding marks in type-test and the reports in place of writing 'P.M.' of 'L.M.' to the candidates who typed type place correctly in the stipulated time and these on the basis of re-valuation of type test, the candidates who did not possess prescribed type speed of 40 words per minute, were inadvertently selected by the selection committee.

f) That subsequently G. S. S. S., Circle, Lucknow decided for re-valuation of type answer scripts and revaluation was made by the second examiner who declared the result correct and 12 candidates only amongst the candidates who claimed to be type-knowing, were found possessing speed of 40 words per minute, out of 12, only 12 candidates of earlier select list were found pass in type test after revaluation.

g) That Sri Chander Prasen had also applied for the post of Reserved Reserved Pool Telegraphist but being lower in merit he did not find place in first select list which was later on cancelled. On revaluation of type answer scripts was made by the second examiner. After revaluation also he was declared 'L.M.' by the second examiner as he did not possess type speed of 40 words per minute and was not eligible for selection.

*[Handwritten signature]*  
18/12/1984  
Lucknow

*[Handwritten signature]*

.5.

h) That further, the petitioner had challenged that he had typed the whole type piece within stipulated time of 10 minutes without any mistake but even then according to the report of the second examiner who had correctly examined the type answer scripts, his type speed comes to be 30 w.p.m., hence, the petitioner was not offered place on second select list.

5. That the contents of paras no.1 of the petition are matters of record and, as such, require no reply by means of this affidavit. The concerned record may be seen and what is stated in para under reply.

6. That in reply to the contents of para no.2 of the petition it is stated that they are matters of record and, as such, require no reply by means of this affidavit. However, it is submitted that complete advertisement may be seen.

7. That the contents of paras nos.3,4 and 5 of the petition are matters of record and, as such, require no reply by means of this affidavit. The relevant record may be seen and what is stated in para under reply.

8. That the contents of paras nos.7,8 and 9 of the petition are matters of record and, as such,

*R. D. Datta*

*msR*  
18/12/10  
*msR*

9.

require no reply by means of this affidavit. However, it is stated that the record may be seen for the correctness of the averments made therein.

10. That the contents of para no.10 of the petition are not denied but it is submitted that there were enough candidates who claimed to be typewriting by submitting type speed certificates of 40 words per minute as required in para no.8 of the advertisement as contained in Annexure-1 of the petition so they were given preference over the candidates possessing higher merit but claiming to be non-typist.

11. That the contents of para no.11 of the petition are matters of record and, as such, require no reply by means of this affidavit.

12. That the contents of para no.12 of the petition are not admitted. It is submitted that according to the departmental instructions and averments furnished in the advertisement which has been filed as Annexure-1, the candidates possessing the knowledge of typing and possessing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination plus bonus marks for higher academic qualifications. Candidates without the knowledge

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18/12/10

R. R. R.

477  
7.

of typing will be arranged next on the basis of similar merits, below the best candidate of typing knowledge. The petitioner could not pass the prescribed type test of 40 words per minute so he did not find place in select list.

12. That the contents of para no.13 of the petition are not denied. It is submitted that the petitioner did not pass the prescribed type test of 40 words per minute after reevaluation of type answer scripts so he was not selected.

13. That the contents of para no.14 of the petition are not admitted. The contention of the petitioner that by typing 320 words correctly he would be deemed to be possessing 40 words per minute speed is nothing but a misconception of the facts.

14. That the contents of paras nos.15 and 16 of the petition are matters of record and, as such, require no reply by means of this affidavit. However, it is submitted that the concerned records may be seen for the correct version.

15. That the contents of para no.17 of the petition are not admitted. It is submitted that the petitioner Sri L.C.Chaturvedi was misled by not following the proper procedure but this was more in the nature of an error in obtaining type-

*Sworn*

.2.

answer scripts. The examinations made by the petitioner are unimpeachable and on a file.

16. That the contents of para no.13 of the petition are not admitted. The select list was declared on the basis of the dictation-cum-handwriting and typing tests received then. Subsequently after notice of the fact that due to inadvertent mistake of examiner, who in place of declaring pass to the candidates who possessed typing speed of 40 words per minutes and 'Fail' who did not possess required speed of 40 words per minute awarded marks, the opposite parties were constrained to cancel the select list and revaluation of type answer scripts was correctly made by another examiner.

*File*  
18/12/10  
*108*

17. That the contents of para no.14 of the petition are not admitted. The petitioner having lower merit (23.10) including bonus marks could not found place in first select list which was subsequently cancelled being wrongly examined.

*OR Dismissed*

18. That the contents of para no.20 of the petition need no comments since the first select list stands cancelled in view of the facts

.2.

mentioned in the paragraphs herein above there is no illegality. The reasons for cancelling the first select list was bona fide and justified in the facts and circumstances of the case. The averments to the contrary are denied.

19. That the contents of para no. 20-A of the petition are not admitted, as stated therein. It is submitted that after revelation of the type answer scripts, 12 candidates were found pass in type speed test of 40 words per minute. Five of them were common because they were also selected in the first select list which was subsequently cancelled before revelation.

20. That the contents of para no. 20-B of the petition are wrong and not admitted. The averments made therein by the petitioner is devoid of any basis.

21. That the contents of para no. 20-C of the petition are not admitted. As the list of number of words as typed by the petitioner, he did not capture the requisite minimum speed of 40 words per minute and therefore did not make a consideration for selection as served sealed and sealed list.

22. That the content of para no. 21 of the

18/12/89

18/12/89

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.10.

petition, are false and are hereby denied. It is submitted that on coming to know of the facts that due to mistake of first and final select list is released, it became imperative on the part of the respondents to cancel it in the interest of justice and subsequently reevaluation was made by another examiner who correctly examined the type answer scripts and thus as a result 19 candidates were declared pass in the test of 40 words per minute.

12. That the contents of para no. 22 of the petition are not admitted. It is submitted that the revised list has been implemented and appointments have been made on the basis of the selection. The respondents to the contrary.

13. That the contents of para no. 23 of the petition are disproved and are denied. It is submitted that the petition is disproved. It is further submitted that since he could not pass at the type test, he was not selected according to the conditions of the advertisement and the relevant parts of the instructions.

I, the deponent, above named, do hereby

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.11.

verify and declare that the contents of paras  
nos. 1 & 3

of this affidavit are true to my personal knowledge;  
those of paras nos. 4 & 2.4

of this affidavit are based on information  
received from perusal of the papers on record;  
those of paras nos...

of this affidavit are based on legal advice;  
which all the deponent believes to be true;  
that no part of this affidavit is false and  
that nothing material has been concealed in

18/12/10  
18/12/10

60 M.

2:10 P.M. R. Jaiswal  
R. K. Jaiswal  
c/o S.D. K. Sonwala

To help to god.  
Dated 18-12-84

R. Jaiswal

Deponent.

11.5.57  
18/12/10

1. Raksh Kumar Dindia, clerk to Sri  
D. K. Sonwala, Advocate, High Court,

declares that the person  
making this affidavit and alleging himself to be  
that person who is personally  
known to me.

R. Jaiswal

3  
solely affirmed  
by me at  
... by the  
...  
3

.12.

I have satisfied myself by examining the  
deponent that he understood the contents of  
this affidavit which has been read over and  
explained to him.

per Commissioner

A-103

# In the Central Administrative Tribunal Allahabad Bench (circuit bench (new))

T.A. No. 1158 of 1987 (T)

Bhupendra Bisen Petitioner/s. Plaintiff/s. Decree-holder/s. Complainant/s,	Vs.	Union of India Respondent/s Opp. Parties. Defendant/s Judgment-Debtor/s Accused.
-------------------------------------------------------------------------------------	-----	-------------------------------------------------------------------------------------------

I/We S. K. Jaiswal the Respondent  
Nos. 3 In the above matter hereby appoint and retain

ASHOK MOHILEY ADVOCATE HIGH COURT

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, appeals and or other proceedings therefrom and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein, to appeal from any decree/order therein and to appeal, to act and to plead in such appeal or in any appeal preferred by any other party from any decree / order therein.

4. I/we agree that if/we fail to pay the fees agreed upon or to give due instructions at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such dues are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_

(Signature)  
Signature/s

Executant/s are personally known to me he has / they have / signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate, blind or unaquainted with the language of vakalat).

Certified that the contents were explained to the executant/s in my presence in.....the language known to him/them who appear/s perfectly to understand the same and has/have signed in my presence.

Accepted

Accepted

ASHOK MOHILEY  
Flat No. 3, Block No. 7  
Nagar Mahapalika Flats  
Hastings Road  
(Nyaya Marg) Allahabad-211001  
Phone : 3046

# Application for Inspection



To,  
The Deputy Registrar,  
High Court of Judicature at Allahabad,  
( Lucknow Bench ) Lucknow.

Please allow inspection of the papers passed below. The application is urgent/  
ordinary. The applicant is not a party to the case.

Full Description of case	Whether case pending or decided	Full particulars papers of which inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection	Office report and order
<i>Sri Bhupendra Bisen Vs. Union of India</i> <i>Writ Petition No 2534 of 1983</i>	<i>Pending</i>	<i>Full File</i>	<i>Sri D. S. Randhawa</i> <i>Advocate</i>	<i>of Counsel for the Opp Party</i>	<i>Office report</i> <i>Order for Inspection</i> <i>Deputy Registrar</i> <i>10/7/84</i> <i>Date</i>

Date *10-7-84*

Inspection commenced at

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

*(D. S. Randhawa)*  
Signature of applicant or his  
Advocate  
*Senior Standing Counsel*  
198  
*Cecil Gort*  
*10-7-84*