IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

OA 431/ 05, OA 434/05, OA 443/05, OA 446/05
OA 459/05, OA 460/05 & OA 509/05

Date of order : 30.11.2005

C O R A M
Hon'ble Shri Justice P.K. Sinha, Vice-Chairman
Hon'ble Shri S.N.P.N. Sinha, Member [A]

1. O.A. No. 431 of 2005

1. Avinash Kumar Singh, S/o Shri Birendra Singh, resident of village & P.O. Dumari, District – Manjhi.
2. Sandeep Kumar, S/o Shri Sunil Kumar, Mohalla Chatradhari Bazar, P.S. Bhagwan Bazar, Saran.

....Applicants

By Advocate : Shri J.K. Karn

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.
4. The Sr. Superintendent of Post Offices, Saran Division.

....Respondents

By Advocate : Shri Rajesh Kumar

with

2. O.A. No. 434 of 2005

1. Chandan Kumar S/o Shri Bhagwat Singh, resident of Mohalla- Bari Pahari, Mansoor Nagar (Near Chattan), P.S. Sohsarai, District – Nalanda.
2. Nabita Kumari, D/o Shri Shashi Kumar , District – Nalanda.
3. Santosh Kumar Sharma, S/o Shri Shiv Kumar Sharma,

Nalanda.
4. Shyam Narayn Prasad, S/o Shri Fakir Chand Prasad, Nalanda.
5. Ravi Shankar Kumar Singh, S/o Late Ram Ratan Kumar Singh, Nalanda.

Applicants.

By Advocate : Shri J.K. Karn.

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.
4. The Superintendent of Post Offices, Bihar Sharif Division.

....Respondents

By Advocate : Shri M.K. Mishra.

with

3. O.A. No. 443 of 2005

1. Rajesh Kumar Bimal, S.o Doman Pandit, resident of village & P.O. Gajendra P.S. Hilsa District Nalanda.
2. Ranjit Kumar , S/o Shri Arwind Kumar , Nalanda.
3. Ressal Kumari, D/o Shri Dinesh Prasad Singh, Nalanda.
4. Sanjeev Kumar, s/o Shri Birendra Kumar, Jehanabad.

Applicants.

By Advocate : Shri J.K. Karn.

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.
4. The Superintendent of Post Offices, Bihar Sharif Division.

....Respondents

By Advocate : Shri A. Pandey

with

4. O.A. No. 446 of 2005

Sant Kumar Tiwary, S/o Sri Jagdish Tiwary, resident of village – Babhani, P.O. Pasahara, P.S- Buxar, Buxar.

Applicant.

By Advocate : Shri J.K. Karn.

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.

....Respondents

By Advocate : Shri R.K. Choubey.

with

5. O.A. No. 459 of 2005

1. Trilok Prakash Singh, s/o Late Rajeshwar Singh, resident of village – Isepur, Post Koreyan, P.S. Bheldi, District – Saran.
2. Shivendra Kumar, S/o Shri Nand Kishore Ram, Nalanda
3. Rupesh Kumar, S/o Shri Gaya Singh, Nalanda.
4. Ashish Kumar, s/o Shri Balmiki Prasad, Nalanda.
5. Ambuj Kumari, C/o Shri Mahendra Kumar Sinha, Nalanda.

Applicants.

By Advocate : Shri J.K. Karn.

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.

....Respondents

By Advocate : Shri B.N. Gupta.

with

6. O.A. No. 460 of 2005

1. Neeraj Kumar, S/o Shri Umesh Chandra yadav, resident of Mohalla – Ward No. 17/20, Gangjala, P.S. Saharsa Sadar,

Saharsa.
2. Saurabh Kumar, S/o Shri B.S. Bimawey, Nawada.
3. Kam Kumar, S/o Shri Sadhu Sharan, Gaya.
4. Shashi Lata Kumari, D/o Shri Shyam Babu, Muzaffarpur.
5. Shushil Kumar Prasad, S/o Shri Shyam Babu Prasad, Muzaffarpur.
6. Kanchan, D/o Shri Dharmendra Kumar Singh,

Applicants.

By Advocate : Shri J.K. Karn.

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.
4. The Post Master General, Northern Region, Muzaffarpur.

....Respondents

By Advocate : Shri M.D. Dwivedi.

with

7. O.A. No. 509 of 2005

1. Archana Kumari, D/o Shri Chandramani Prasad Sinha, Village & P.O. Sabour, District – Bhagalpur.
2. Poonam Kumari, D/o Shri Chandramani Prasad Sinha, Bhagalpur.
3. Jyoti Kumari, D/o Shri Chandramani Prasad Sinha, Bhagalpur.
4. Reetesh Ranjan, s/o Shri Nagesh Kumar, Patna.

Applicants.

By Advocate : Shri J.K. Karn.

Vs.

1. The Union of India through the Secretary, cum D.G., Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master Genera, Bihar Circle, Patna.
3. The Director of Postal Services, O/o the Chief Post Master General, Patna.
4. The Superintendent of Post Offices, Munger Division.
5. The Superintendent of Post Offices, Bhagalpur Division.

....Respondents

By Advocate : Shri D. Surendra.

ORDER(Oral)

By Justice P.K. Sinha, V.C. :-

All the Original Applications noted above carry similar facts, hence are being clubbed together and disposed of at this stage by this composite order after hearing learned counsels for the parties, as the pleadings are complete in all the cases.

2. The common facts are as follows :-

An advertisement issued in News Paper (Annexure A/1) in July, 2003 for the post of Postal Assistants / Sorting Assistants in different divisions / Districts giving out vacancies. The applicants in all the cases also applied for the posts, some of them in more than one District, as will be clear from the respective written statements. However, none of these were called to appear in the typing and computer test which was to be held on 16/17.7.2005.

3. The Applications, namely, OA 431 of 2005 and 434 of 2005, were filed first which were heard on 15.7.2005. While directing the respondents to file their reply, interim relief was also granted , directing the respondents to allow them to

appear in the examination, provisionally, and if any of the applicants succeeded in the examination, then to keep as many number of vacancies reserved while declaring the final selection list. Their selection was to abide decision of this Tribunal in those two cases.

4. The applicants in rest of the applications had come after the examinations were held but with similar grievance.

5. The contention of the applicants is that though they were qualified and eligible to appear in the examination as per the advertisement, yet their candidature was arbitrarily rejected, and other candidates, said to be 14 times of the vacancies in number in each District were called for appearing in the test.

6. From perusal of the reply filed by the respondents in all the cases, it would appear that the concerned authorities had issued instructions to allow the candidates five times the number of vacancies to appear in the Aptitude Test. In order to arrive at that number, the mark sheets of 14 candidate(s) times of vacancies were sent for verification so that 14 times

of candidates could be called for typing and computer test, after excluding the common candidates, so that at least five times of candidates (of the total vacancies) could appear in the Aptitude test. For such stipulations, for example , written statement in OA 509 of 2005 may be seen.

7. The case of the respondents , as per written statements as well per their arguments, was that a large number of applications were received, but as per departmental instructions, five times of candidates of total vacancies were to be considered. Therefore, for first round of test, candidates numbering 14 times of the vacancies were called and for that, a cut-off mark was fixed for each District / Division as per marks obtained by the last candidate in Intermediate/+ 2 examination in each of the categories. The case of the respondents was that having fixed cut-off marks, only those candidates were called for appearing in the test who had secured at least cut-off marks or marks above that, and no discrimination in this regard was made for any category of candidates.

8. In the written statement in different cases it has

been clearly stated as to what was the cut-off mark for a particular District/Division, and what marks were obtained by the applicants, showing that the marks obtained by them was below the cut-off mark. It has been submitted that candidate with a higher qualification was also considered (See written statement in OA 446 of 2005).

9. In so far as applicants in OA 431 of 2005 and 434 of 2005 are concerned, in the written statement in these two cases, it has been stated that once the order was issued by this Tribunal on 15.7.2005 and communicated to the authorities, they immediately issued provisional admit card to the applicants and the information was also pasted at the examination center and center Superintendents were also informed, accordingly. The respondents claim that, despite such immediate steps having been taken by the respondents, none of the applicants or their counsel appeared either before them or at the examination center to receive the admit card to enable the applicant to appear in the test.

10. These facts, as mentioned in the written

statements have not been denied by filing any rejoinder.

11. Here it may be stated that the learned counsel for the applicants , Shri J.K. Karn, who had earlier taken adjournment, submitted that despite his efforts he could not be able to make the applicants to contact him so that he could seek further instructions, hence he would base his arguments only on the averments as made in the applications. The learned counsels for the respondents also have limited their arguments on the averments as made out in their respective written statements.

12. Therefore, it will appear that in order to reduce the number of candidates, a method was devised and a cut-off mark was determined,, and candidates obtaining the cut-off marks or above that alone were called for appearing in the test. This way, a number of candidates were not called for appearing in the test, but under the same criteria. If a reasonable criteria has been fixed and applied to all the candidates who had applied for the post, that cannot be said to be violative of Articles 14 and 16 of the Constitution of India. Therefore, we do not find that the applicants were

arbitrarily or wrongly debarred from appearing in the test.

13. In so far as OA (s) 431 and 434, both of 2005, are concerned, the respondents have stated that they had taken all steps to comply with the interim directions of the Tribunal but neither the applicants nor their counsels appeared to take the admit card nor the applicants appeared at the examination center for receiving the same. This way the applicants in these two cases themselves had forfeited their chance to appear in the test.

14. In that view of the matter, we do not find that the reliefs, as sought in any of the applications, can be allowed.

15. All the Original Applications stand dismissed. No order as to the cost.

[S.N.P.N. Sinha] M [A] **[P.K. Sinha] V.C.**

/cbs/

13/12/06