

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (BDA)
 Indiranagar
 Bangalore - 560 038

Dated : 12 JAN 1989

APPLICATION NO.

1175

88(F)

W.P. NO.

Applicant(s)

Smt M.P. Susheela
 To

Respondent(s)

The Post Master General, Karnataka,
 Bangalore & 2 Ors

1. Smt M.P. Susheela
 W/o Shri U.P. Basavarej
 At & P.O. Udevara
 Sakleshpur Taluk
 Hassan District
2. Shri C.N. Bhaktavatsulu
 Advocate
 No. 28, Raja Snow Buildings
 Seshadripuram
 Bangalore - 560 020
3. The Post Master General
 Karnataka Circle
 Bangalore - 560 001
4. The Superintendent of Post Offices
 Hassan Division
 Hassan - 573 201

5. Shri U.M. Manjunath
 Branch Post Master
 Udevara Post Office
 Sakleshpur Taluk
 Hassan District
6. Shri M. Vasudeva Rao
 Central Govt. Stng Counsel
 High Court Building
 Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAN/EXCEP/EXCEP
 passed by this Tribunal in the above said application(s) on 5-1-89.

R. Venkatesh
 DEPUTY REGISTRAR
 (JUDICIAL)

Encl : As above

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gssed
K. N. M
13-1-89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5th DAY OF JANUARY, 1989

Present : Hon'ble Justice Sri K.S.Puttaswamy

Vice Chairman

Hon'ble Sri P.Srinivasan

Member(A)

APPLICATION No.1175/1988(F)

Smt. M.P.Sushaela
Branch Post Mistress,
Udevara P.O.
Sakleshpur Tq.,
Hassan Dist.

...

Applicant

(Sri C.N.Bhaktavatsalu

... Advocate)

vs.

1. The Post Master General,
Karnataka Circle,
Bangalore - 1.

2. The Superintendent of
Post Offices, Hassan Divn.,
Hassan - 573 201.

3. U.M. Manjunath
Branch Post Master,
Udevara Post Office,
Sakleshpur Tq.,
Hassan Dist.

...

Respondents

(Sri Vasudeva Rao

... Advocate)

This application having come up before the Tribunal
today, Hon'ble Member (A) made the following :

ORDER

The applicant who was working as Extra Departmental Postmaster (EDPM, for short) on an ad hoc appointment in a leave vacancy from 29.4.1987, complains that in the regular selection made to the post, she was wrongly passed over and respondent-3 had been selected in preference to her.

2. Sri C.N.Bhaktavatsalu, learned Counsel appearing for the applicant, submitted that under the Rules governing the subject, ad hoc appointment of an Extra Departmental Agent(ED Agent) could not be made for an indefinite period but only for a specific period. He could not produce the appointment order issued to the applicant, but he submitted that the applicant had worked as EDPM from 29.4.87 to 16.5.1988 i.e., for a period of over one year. When applications were first called for regular appointment, the applicant was the only one who applied for the post and as such she should have been selected at that stage itself but was not, on the ground that she did not possess the required minimum educational qualification of VIII standard pass. A second notification was issued and out of the applications received in response to that notification, respondent-3 had been selected. Sri Bhaktavatsalu relied on a decision of a Bench of this Tribunal to which one of us (Hon'ble Mr.Justice Puttaswamy, Vice Chairman) was a party in Application No.1018/88 to contend that the non-selection of the applicant in this case was illegal. There was no rationale for the minimum educational qualification of 8th standard prescribed for the post because that qualification was prescribed when 8th standard was the final class of Middle School but now, 7th standard is the final class of Middle school. The applicant had passed the 7th standard and there was no dispute on this point. In fact, the applicant had applied for the SSLC examination and had failed in that examination. She had produced the Hall Ticket issued to her to prove that she had appeared for the SSLC examination, and therefore she was eligible for appointment.

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Having worked for over a year in the same post, she should have been selected for appointment and not respondent-3.

3. Sri Vasudeva Rao, learned Addl. Central Government Standing Counsel, appearing for respondents 1 and 2, submitted that the applicant had been unable to furnish satisfactory proof of her educational qualifications. The educational qualification prescribed for the post was 8th standard and she had not been able to prove to the respondents that she had that qualification. The person who was selected for the post had completed one year of the Degree course and therefore much better qualified than the applicant. The decision in Application No.1018/88 had no relevance to the present case. The fact that the applicant appeared in the SSLC examination did not constitute proof that she had passed 8th standard because these days anybody can appear for the SSLC examination.

4. Having considered the rival contentions carefully, we are of the view that this application has to fail. What happened in this case was that among the various applicants, a person with a higher educational qualification than the applicant was selected. The respondents were also not satisfied with the proof of Educational qualification furnished by the applicant because there was some overwriting in the certificate furnished by her. Merely because instructions exist in the Department that an ad hoc appointment should be made only for a specific period, the applicant did not acquire a right to continue in appointment by having been allowed to hold the post for over a year, even though she did not possess the necessary minimum educational qual-



11/10/1988

fication. The instruction relied on by Sri Bhaktavatsalu to urge that where there is only one application the applicant should be selected, is only an enabling instruction, that is, the Superintendent of Post Offices can appoint such a person, but it does not say that the sole applicant should necessarily be appointed in all cases. The decision rendered by this Tribunal in Application No.1018/88 was on a different point and has no bearing on the issue arising in this case. We are not prepared to interfere with the minimum educational standard for the post prescribed by the respondents and to say that ^{Ma} person holding a lower qualification would also be eligible as the respondents are the best judges in the matter. We agree with Sri Rao that merely because the applicant had appeared and failed in the SSLC Examination, she cannot be treated as having passed the VIII Standard. In any case, respondent-3 had a much higher qualification than the applicant.

6. In view of what we have stated above, we see no merit in this application. We, therefore, dismiss the application, but leave the parties to bear their own costs.



Sd/-

VICE CHAIRMAN

an.

Sd/-

MEMBER (A)

TRUE COPY

R. J. Rao
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE