

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 27 OCT 1994

APPLICATION NO: 796 of 1994.

APPLICANTS:- Smt. Leelarathi,
V/S.

RESPONDENTS:- The Post Master General, Karnataka Circle,
Bangalore and Others.

To

1. Sri. M. Narayanaswamy,
Advocate, no. 844, 5th Block,
17-G. Main, Rajajinagar.
BANGALORE-560010.
2. Sri. M. S. Padmarajiah,
Sr. C.G.S.C, High Court Bldg,
BANGALORE-560001.
3. Sri. P. A. Kulkarni,
Advocate, No. 47, 2nd floor,
57th A Cross, 4th Block,
Rajajinagar, BANGALORE-560010.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

---xx---

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above
mentioned application(s) on 20-10-94

Issued on 28/10/94
for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.796/1994

THURSDAY THIS THE TWENTIETH DAY OF OCTOBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

Smt. Leelavathi,
W/o G. Keshavamurthy,
Extra Departmental Branch
Post Master (IDK 5/A),
New Hutta Branch Office,
Bhadravathi-577301
Dist: Shimoga

Applicant

(By Advocate Shri M.N. Swamy)

v.

1. The Post Master General,
Karnataka Circle,
General Post Office,
Dr. Ambedkar Veedhi,
Bangalore - 560 001
2. The Director of Posts,
Karnataka Circle General
Post Office,
Dr. Ambedkar Veedhi,
Bangalore - 560 001
3. Senior Superintendent of Post
Offices, Shimoga Division,
Shimoga- 577202

Smt. Saraswathi,
W/o J. Mayanna
Door No.44/1, 3rd Cross,
Upper Hutta,
Bhadravathi - 577301

Respondents

(By learned Standing Counsel)
Shri M.S. Padmarajaiah for R-1 to 3
Shri P.A. Kulkarni for R-4

ORDER

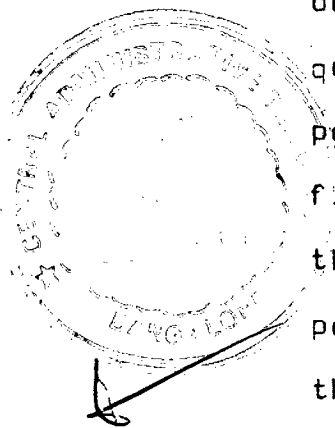
MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Heard. Admit.



2. We are called upon to decide herein whether the order of appointment of Saraswathi, Respondent No.4, to the post of Extra Departmental Branch Post Master as against the claim of the applicant Leelavathi is legally and factually tenable or not. It transpires the aforesaid Leelavathi and Saraswathi both contended for the post referred to above along with one Shri Shivalingaiah. While Saraswathi and Shivalingaiah were sponsored by the Employment Exchange, Leelavathi applied on her own pursuant to a notification issued by the Department. There is no dispute that Leelavathi was qualified. We can say she was over-qualified for the job because the job requirement was limited only to SSLC whereas she was a P.U.C. pass and that is what we are told by Shri Swamy, learned counsel for the applicant. The point made by Shri Swamy is that the Department while making a selection should have gone beyond SSLC area and ought to have given preference to the applicant who was better qualified than Saraswathi, who was only an SSLC. But, on the other hand, on the basis of the marks obtained by all the contending applicants, the job went to Respondent No.4 Saraswathi, on the basis of the higher marks obtained by her in the SSLC examination. We notice from the information supplied by the Government in their objection statement that amongst the three aspirants, the applicant Leelavathi had the lowest marks. Saraswathi topped the list by scoring 275 marks, followed by Shivalingaiah with 238 while Leelavathi

brought up the rear with 236. Learned Standing Counsel also read to us administrative instructions which covered the situation. ^{They} lay down that all things be equal, the selection should be limited to the prescribed minimum educational qualification and no preference or weightage should be given to candidates with higher educational qualifications. In that view of the matter, Saraswathi, who topped the list, got the appointment and that is why it had to be denied to the applicant, Leelavathi. Shri Swamy says that if it is a question of choice one would have thought, his client should have simply walked away with the job because of the higher educational qualification. While we recognise the force in the argument of Shri Swamy but if the employer does not want a highly qualified person and is satisfied with a person possessing lower qualification, it is not for us to find fault with the employer's choice. What is more, the job requires only SSIC qualification and does not need a person with higher educational qualification. In ~~the~~^e matter of employment, people with lesser qualifications certainly find it difficult to find suitable openings in the job market whereas it is not so with people possessing higher qualifications. If not this, they will get some other job but not others, who have lesser qualifications and in this case, there was an opening and that is how Saraswathi,



the 4th respondent, was selected in preference to Leelavathi, who had the necessary minimum qualification and something more actually. The selection has been made in accordance with the rules and also the administrative instructions which have necessarily be read into. We, therefore, think the appointment has been made properly and does not call for any interference. The application is dismissed. It will be open to the applicant to seek further opportunities of serving in the Department if any opening arises in the Department who may like to avail of her services now that she is amply qualified for manning the post of Extra Departmental Branch Post Master and has experience too. The Department may take advantage of the same if any openings are to come up in the near future and the applicant furnishes her candidature.

Shri P.A. Kulkarni appearing for the 4th respondent has also filed statement of objections which is taken on record and so also the statement of objections filed by Shri M.S. Padmarajaiah, appearing for R-1 to 3. No costs.



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd-
MEMBER (A)

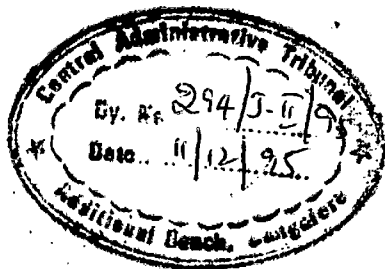
Sd-
VICE CHAIRMAN

Smt. Leelavathi. ^{Bangalore} v/s. The Post-Master General, B'lore

ORDER SHEET (contd)

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore



No. 3795/95 p/IV-A.

From:

The Additional Registrar,
Supreme Court of India,
New Delhi.

SUPREME COURT OF INDIA
NEW DELHI.

Dated: 10/11/95

To: The Registrar,
Central Administrative Tribunal
at Bangalore

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO 16515-16516/95

(Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Order
dated 20/10/94 of the Central Administrative

Tribunal at Bangalore in O.A. No. 796/94

Smt. Leelavathi

.Petitioner

-Versus-

The Post Master General & ors

Respondent

Sir,

I am to inform you that the Petition above-mentioned for
Special Leave to appeal to this Court ~~was~~/were filed on behalf
of the Petitioner above-named from the Judgment and Order of the
~~High Court/Tribunal~~ noted above and that the same ~~was~~/were
dismissed by this Court on the 11th day of July 1995.

Yours faithfully

FOR ADDITIONAL REGISTRAR

ASSISTANT REGISTRAR

arun/30.5.1995./IV-A