

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 3 NOV 1994

APPLICATION NO: 982 of 1994.

APPLICANTS:- Mr. Devidas

V/S.

RESPONDENTS:- The Supdt. of Post Offices, Karwar Division,
and two others.

To

1. Sri. P.M. Jalisatgi, Advocate,
No. 106, 10th Cross, I-Stage,
Indiranagar, Bangalore-38.
2. Sri. G. Shanthappa,
Addl. Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders 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 26-10-1994.

Issued on 3/11/94 etc
Gan

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.982/1994

WEDNESDAY THIS THE TWENTY SIXTH DAY OF OCTOBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER(A)

Devidas,
S/o Subraya Devidas,
age about 22 years,
Extra Departmental Branch
Post Master (Ex),
Mundalli Village, Bhatkal Taluk,
Uttar Kannada District Applicant

(By Advocate Shri P.M. Jalisatgi)

v.

1. Superintendent of Post Offices,
Karwar Division,
Karwar - 581 301
2. Sub Divisional Inspector(Posts),
Honnavar,
Uttar Kannada District,
3. Manjunath
S/o Erappa Naik,
EDBPM,
Mundalli, Bhatkal Taluk,
Uttar Kannada District Respondents

(By learned Standing Counsel)
Shri G. Shanthappa for R-1 & 2

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

We have heard both sides at the stage of admission itself. We are aided by the objections statement filed by the Department and the records pertaining to the selection of applicant as Extra Departmental Branch Post Master (EDBPM for short) in some village in Karwar District.

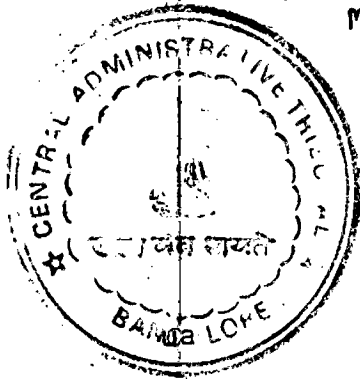


The applicant complains of non-selection and incidentally assails selection of Respondent No.3, Manjunath Naik on the ground that his selection is not done in accordance with law. Having regard to the aforesaid statement, we called for the records and found that amongst the four candidates in the run for the post of EDBPM referred to supra, the 3rd respondent Manjunath Naik has scored the highest marks in the SSLC examination which is the qualifying factor. As against 303 marks out of 600 scored by Manjunath Naik, the applicant had managed to score only 268 out of 600. These figures tell their own story as to how respondent No.3 had scored a march over the applicant. This fact would suffice to dispose of this application but Shri Jalisatgi, learned counsel for the applicant tells us that the experience gained by the applicant as a leave substitute which enabled him to serve in that very post has been neglected and not taken into consideration. The short answer to this point is that rules do not prescribe any previous qualification or experience gained as a factor motivating selection. Even otherwise the experience gained by a person is not a parameter meriting consideration because even a fresher if he is educationally qualified would be able to do the work of a BPM albeit without any past experience. But if all things be equal, then previous experience may be a plus point but not in this case. R-3 has scored more marks and on the basis of the high marks scored by him, he has

been selected as EDBPM. In that view of the matter, there is no ground to fault his selection and in the same process non-selection of the applicant as well. This application, therefore, fails and is rejected. No costs.

Sd/-
(T.V. RAMANAN)
MEMBER (A)

Sd/-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

[Signature]
Section Officer *3/11/94*
Central Administrative Tribunal
Bangalore Bench
Bangalore