

Central Administrative Tribunal
Mumbai Bench: Mumbai

OA No.375 of 1997

Mumbai this the 8th day of June, 2001.

Hon'ble Mrs. Shanta Shastri, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

Shri Girish Nilkanth Dixit,
S/o Nilkanth Dixit,
Extra Departmental Branch,
Postmaster, Bhadne Post Office,
(Sakri) Dist Dhule,
Bhadne Village, Tal Sakri,
Dist. Dhule.

-Applicant

(By Advocate Shri S.P. Kulkarni)

-Versus-

1. Union of India through
Senior Supdt. of Post Offices,
Dhule Postal Division,
Dhule.
2. Postmaster General,
Aurangabad Region,
PO, Aurangabad,
3. Chief Postmaster General,
Maharashtra Circle,
Old GPO Building,
Fort, Mumbai.

-Respondents

(By Advocate Shri S.S. Karkera)

ORDER (ORAL)

By Mrs. Shanta Shastri, Member (A):

The applicant had approached this Tribunal to hold and declare fixing of maximum age of a candidate as on 28.1.97 as violative of Articles 14 and 16 of the Constitution of India as also the rejection by the respondents of the applicant's candidature for the examination to be held for recruitment to the post of Extra Departmental Agent. He had also prayed to direct the respondents to fix up the official date for eligibility of candidates at the maximum as per Rules of recruitment, viz., 13 (2)(c) of Exhibit A-18 and to

admit the applicant for the aforesaid examination. The applicant had also demanded a cost of Rs.2,000/- to be paid to him.

2. The matter was heard on 23.4.97 by this Tribunal and as part of interim relief the respondents were directed to give provisional admission to the applicant to appear in the examination fixed on 27.4.97. The results were not to be published.

3. Accordingly the applicant was allowed to appear in the examination.

4. The learned counsel for the applicant argued that the applicant was not over-aged to appear in the examination because the age is to be reckoned as on 1995 when the last open recruitment took place. The applicant was only 34 years old at that time. The learned counsel also submitted that in regard to the percentage of marks the EDDAs should be considered if they had secured less than 10% marks than the open market candidates selected in the last direct recruitment. The respondents submit that the applicant was not allowed initially to appear for the examination because he was over-aged. However, the applicant was allowed to appear provisionally in the examination held on 27.4.97. Therefore, the applicant's prayers having been allowed, the application really becomes infructuous now. Further, the respondents have also pointed out that the applicant secured only 44.79% marks whereas the last

(3)

candidate to be selected had secured 46.67% marks and as such also even after appearing for the examination the applicant could not be selected.

5. As the main prayer of the applicant to allow him to appear for the examination was already granted, though provisionally, and the applicant appeared in the examination and even on merits did not succeed, the application ^{has} ~~is~~ ^{become} ~~as~~ ^{infructuous &} ~~no longer maintainable.~~

Accordingly the OA is disposed of. No costs.

S. Raju

(Shanker Raju)
Member (J)

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(Smt. Shanta Shastry)
Member (A)

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