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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.490/1994.

Date: 29th April, 1997.

Between:

P.Krishna Murthy. .. Applicant.

and

1. The Post Master, Post Office,
Dharmavaram, Anantapur Dt.
2. The Sub Divisional Inspector
(Postal), Dharmavaram, Anantapur Dt.
3. S.P. Pullanna working as E.D.D.A.,
Tadimari O/O Sub Divisional
Inspector (Postal, Dharmavaram,
Anantapur Dt. .. Respondents.

Counsel for the Respondents: Sri Rajeswara Rao for the
Respondents.

CORAM:

HON'BLE SHRI R.RANGARAJAN, Member (A)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (J)

JUDGMENT.

(as per Hon'ble Shri R.Rangarajan, Member (A))

Heard -

~~Shri~~ None for the applicant. Sri Rajeswara Rao

for the Respondents.

The post of E.D.D.A., Tadimari in Dharmavaram Head Post Office fell vacant on 3-10-1993 consequent upon the resignation of the regular incumbent of that post. The applicant was appointed on provisional basis in that post with effect from 31-10-1993.

The District Employment Exchange, Anantapur

R D was addressed to ~~to~~ sponsor the candidates to fill up this post.

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As there was no reply from the Employment Exchange within
 the stipulated period, ^{an open} a Notification was issued by the
 Sub Divisional Inspector (Postal), Dharmavaram on 4-12-1993
 calling for applications from the eligible candidates
 duly fixing the last date for receipt of applications
 as 3-10-1994. In response to that Notification,
 seven applications were received including that of the
 applicant as well as Respondent No.3. Respondent No.3
 was declared as meritorious candidate and hence he was
 selected.

This O.A., is filed to quash the appointment
 of the Respondent No.3 as EDDA, Tadimarri and for a
 consequential direction to the respondents to appoint
 the applicant in that post.

A reply has been filed by the respondents
 in this O.A. The respondents submits that the
 Notification for filling up the post of EDDA, Tadimarri
 is not restricted to reserved candidates. The applicant
~~having~~ secured less marks in SSC Examination ~~by passing~~
^{though failed in the}
~~the said Examination in compartmentally~~ whereas Respondent
 No.3 had secured more marks in S.S.C. Examination ~~by~~
^{though passing}
~~the said~~ ^{compartmentally}
~~passing the Examination in compartmentally~~ and therefore,
 he was appointed to the said post.

The main contention of the applicant is that
 the post is reserved for Scheduled ~~Tribe~~ Candidate, ^{caste, and hence}
 has to be appointed ⁱⁿ against that post. Even presuming

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that the post is reserved for S.C. candidate,

Respondent No.3 ~~is~~ also belongs to S.C. Hence the contention of the applicant cannot ~~be~~ hold good.

The second contention of the applicant is that the Respondent No.3 passed the examination compartmentally whereas he has passed the examination in the first attempt; as such he has to be considered meritorious than the Respondent No.3.

The learned counsel for the respondents submits that the total marks secured by the person/persons is the main criteria in judging the merit of the persons. Even if the candidate had passed the examination in compartmental system, ^{select and} that will not stand in their way to appoint the person who had secured higher marks in the SSC Examination. The rule does not prohibit the appointment of a candidate passed the SSC examination compartmentally, if in the selection that candidate secured more marks. The above contention is not opposed by the applicant by filing rejoinder. Hence it has to be held that the contention of the respondents cannot be held as void.

As the applicant had secured only 245 marks in the SSC Examination whereas the 3rd respondent had secured 265 marks in the SSC Examination.

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Respondent No.3 has to be treated as meritorious candidate than the applicant. Hence, it has to be held that the selection of the Respondent No.3 cannot be challenged.

In the result we find no merit in this O.A. The O.A., is dismissed. No costs.



(B.S. JAI PARAMESHWAR)

MEMBER (J)

29.4.97

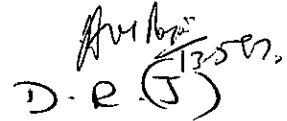


(R. RANGARAJAN)

Member (A)

Date: 29-4-1997.

Dictated in open Court.



Amber
D.R. (J)

sss.

Self
13/6/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RAGHADAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PRAMESHWAR:
M(J)

DATED: 29/6/97

ORDER/JUDGEMENT

R.A/C.P/M.A.No.

in

D.A.NO. 490/94

ADMITTED/INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

