

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.316/97

Date of order:18.4.2001

Lalchand Rathore, S/o Dhannalal, R/o V & Post Khera  
Rasulpur, Distt.Kota.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India,  
Dept of Posts, New Delhi.
2. Postmaster General Rajasthan Southern Region, Ajmer.
3. Superintendent of Post Offices, Beawar Division, Beawar

...Respondents.

Mr.K.L Thawani - Counsel for applicant

Mr.K.N.Shrimal - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

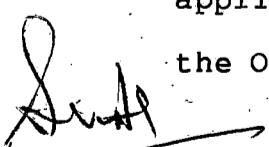
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to appoint the applicant as Postal Assistant.

2. Facts of the case as stated by the applicant are that respondent No.2 issued and advertisement in Rajasthan Patrika for recruitment of Postal Assistants in various Divisions and the applicant applied for the same on 9.1.95 for Postal Division, Beawar. It is stated that thereafter respondent No.3 called for original certificates and also directed the applicant to deposit security amount Rs.5200. The applicant submitted the same on 3.7.95 by way of Kissan Vikas Patra. It is stated that the applicant passed Inter Science Examination in First, Division from Bihar Intermediate Education Council Patna as a regular student of A.M.College, Patna and a bonafide resident of Rajasthan Belonging to OBC community. But the applicant was not sent for training where upon the

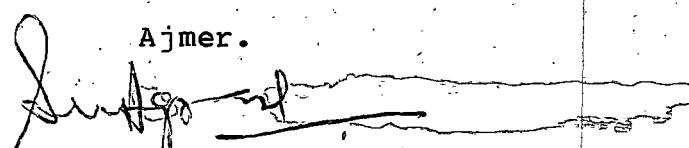
applicant submitted an application to respondent No.3 on 2.5.96 but no reply was given. Thereafter, the applicant again submitted an application to the Post Master General, Ajmer on 24.9.96 thereupon the applicant was assured an early action but no action was taken so far. It is stated that the applicant is fully qualified for the post and the Selection Committee duly constituted for this purpose has selected the applicant and the applicant has completed all the formalities as required by the department but still the applicant has not been appointed on the post whereas others have been sent for training. Therefore, the applicant filed the O.A for the relief as above.

3. Reply was filed. In the reply it is stated that the applicant does not hold the minimum requisite educational qualification for being appointed to the post of Postal Assistant. The minimum educational qualification is required for Postal Assistant is 10 + 2 from a recognised University/ Board of School Education or 12 Class Pass. ~~The applicant has passed~~ The applicant has passed the Intermediate Science Examination from Bihar Intermediate Education Council, Patna but the Secondary Education Board Rajasthan by its order dated 7.10.95 has derecognised the certificate issued by the Bihar Intermediate Education Council, Patna. Therefore, the applicant is not entitled to be appointed on the post of Postal Assistant and it is open to the appointing authority to lay down the requisite qualification for recruitment to Govt service. It is stated that the applicant does not hold the minimum requisite educational qualification for being appointed on the post of Postal Assistant, therefore, the applicant has no case for interference by this Tribunal and the O.A devoid of any merit is liable to be dismissed.



Assistant to the applicant on the ground that Inter Science Examination passed by the applicant from Bihar Intermediate Education Council, Patna, has not been recognised by the Board of Secondary Education Rajasthan, Ajmer vide its letter dated 7.10.95 is totally baseless and arbitrary on the part of the respondents' department. It is not the case of the department that the certificate of Inter Science Examination from Bihar Intermediate Education Council, Patna, has been derecognised by the Govt of India for the purpose of employment. The respondents must bear in mind that according to the advertisement issued for the recruitment of Postal Assistants, the applicant was fulfilling the minimum educational qualification and he was selected by the duly constituted selection committee and he has completed all the formalities required by the department for this purpose, therefore, the applicant was entitled to be appointed on the post of Postal Assistant. The denial of appointment to the applicant on the ground mentioned in the reply are baseless and the applicant is entitled to the relief sought for in case all other formalities required for appointment on the post of Postal Assistant are completed by the applicant.

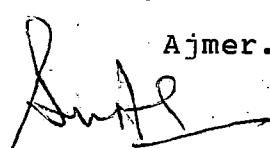
7. We, therefore, allow the O.A and direct the respondents to appoint the applicant on the post of Postal Assistant after completing all the formalities required for this purpose, within two months from the date of receipt of a copy of this order and the respondents shall not deny the appointment to the applicant on the post of Postal Assistant only on the ground that the applicant passed Intermediate Examination from Bihar Intermediate Education Council, Patna, which has not been recognised by the Board of Secondary Education Rajasthan, Ajmer.

A handwritten signature in black ink, appearing to read "S. J. Agarwal".

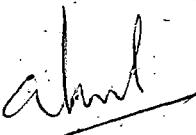
4. Rejoinder has also been filed reiterating the facts stated in the O.A and stated that the applicant passed the Secondary School Examination in 1988 from Board of Secondary Education, Ajmer and Inter Science Examination from the Bihar Intermediate Education Council, Patna as a regular student of A.M.College, Patna and this Inter Science Examination is equivalent to the Senior Secondary Examination 10 plus 2 of the Board of Secondary Education, Ajmer as notified by the Registrar, University of Ajmer vide circular dated 17.12.90. It is stated in the rejoinder that the letter dated 22.7.95 has not retrospective effect but only a prospective effect. Therefore denying appointment to the applicant is arbitrary and in violation of Articles 14 and 16 of the Constitution of India.

5. Heard the learned counsel for the parties and also perused the whole record.

6. The advertisement issued by respondent No.2 for recruitment of Postal Assistants (Annex.A1), makes it clear that the minimum educational qualification required for Postal Assistants is 10+2 Examination from a recognised University/ Board of School Education/ from any State Board of Secondary or 12 Class pass. Undisputedly, the applicant had passed his Intermediate from Bihar Intermediate Education Council, Patna and this Inter Science Examination is equivalent to the Senior Secondary Examination 10+2 Board of Secondary Education, Rajasthan, Ajmer, as per the list of University of Ajmer, Ajmer vide Circular No.14 (257)Aca-II/UA/90/43464-514 dated 17.12.90 (Annex.RA-1). No where in the advertisement it is mentioned that the minimum qualification for the post are that a person must be 10+2 Pass from a Board or University, which is recognised by the Board of Secondary Education Rajasthan, Ajmer. The denial of appointment on the post of Postal

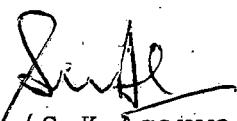


8. No order as to costs.



(N.P.Nawani)

Member (A).



(S.K. Agarwal)

Member (J).