

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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24/11/17
SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 10. 11/05
Misc. Petition NO. _____
Contempt petition No. _____
Review Application No. _____
Applicants. Shri J. K. Singh
Respondents. H. O. I. Gohs
Mr. G. K. Bhattacharyya.
Advocates for the Applicant. Mr. H. K. Naite, B. K. Talukdar
Advocates of the Respondents. CGSE

Notes of the Registry	Dated	Order of the Tribunal
<p>Application is in for L. is filed/C. F. for Rs. 20/- deposited vide P/B/D No. <u>206/60769</u> Dated <u>17.5.05</u></p> <p><i>for Dy. Registrar</i></p> <p>Steps taken</p> <p>Notice & order dt. 19/5/05, sent to D/section for issuing to rcsr. Nos. 1, 2 & 3 by regd. A/D post.</p> <p><u>24/5/05.</u> D/No = 805 to 807 Dt = 24/5/05.</p>	<p>24.8.2005</p> <p>nkm</p> <p>3.1.2006</p> <p>bb</p> <p>08.03.2006</p> <p>mb</p>	<p>Post before the next available Division Bench.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>List this case after two weeks.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Heard Mr. G.K. Bhattacharyya, learned Sr. BMM counsel for the applicant and Ms. U. Das, learned Addl. C.G.S.C. for the respondents.</p> <p>Reserved for orders.</p> <p><i>[Signature]</i> Vice-Chairman (J)</p> <p><i>[Signature]</i> Vice-Chairman (A)</p>

Notice duly
served on resp.
Nos - 1, 2, 3.

~~29/6~~

Service Completed.

21-7-05

no WJ fed up
for

20/11

20/11

20/11

20/11

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 1. 111/05
Misc. Petition NO. _____
Contempt petition No. _____
Review Application No. _____
Applicants. Shri J. K. Singh
Respondents. H. O. I. 9028
Advocates for the Applicant. Mr. H. K. Naik, B. K. Talukdar
Advocates of the Respondents. C. S. S.

Notes of the Registry

Dated

Order of the Tribunal

The application was filed in the Registry on 17.5.05. The application was filed in the Registry on 17.5.05. The application was filed in the Registry on 17.5.05.

19.05.2005

Present: Hon'ble Mr. Justice G. Sivarjan, Vice-Chairman.

Hon'ble Mr. K.V. Prahladan, Administrative Member.

for Dy. Registrar
R. N.

Steps taken

In both these applications a common question regarding insistence of knowledge of local language i.e., should have studied the language declared as local language by the State Government as a subject at least up to Matriculation level, is required for the post of Postal Assistant in the State of Nagaland and Manipur respectively.

The applicants in both these cases did not take local language as a subject for study up to 10th Standard-Matriculation. The applicants in spite of local language have chosen

11/05

05

English and Hindi as 1st subject for Matriculation. Both the applicants submitted applications for the post of Postal Assistant in the State of Nagaland and Manipur respectively pursuant to the notification issued by the respondents. The grievance of the applicants in both the cases is that their names were not in the list of applicants to appear for the written examination proposed to be conducted on 25.05.2005.

We have heard Mr. U.K. Nair, learned counsel for the applicants and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents in both the O.A.s.

The applications submitted by the applicants admittedly does not satisfy the required qualification notified for the post, i.e., local language declared by the respective State Governments for study. It is contended by the counsel for the applicant that the insistence of knowledge of local language in the form of a subject for study up to Matriculation is arbitrary and discriminatory and the provision requiring the same is to be declared as illegal and unconstitutional. Counsel seeks to rely on certain decisions of the Supreme Court in that regard.

[Signature]

Ms. U. Das, learned Addl. C.G.S.C. for the respondents on the other hand submits that the applicants have submitted their applications knowing fully well of the requirement and that at this late point of time challenged the Rule contained in the prospectus which cannot be sustained.

Since, important legal issue has been raised in these applications, we admit these two applications and direct the respondents to file written statements within a period of one month.

Having regard to the fact that the selection process have already been started and written examination has been fixed on 25.05.2005, we do not propose to interfere with the selection process, however, final selection will be subject to the result of these two applications.

Post these two applications on 20.06.2005. The Respondents must file their written statements within that date.

To avoid further complications, we clarify that it is open to the respondents, if they so choose, to admit the applicants for the examination. In case, the applicants are permitted to appear at the examination, the result of the

gks

examination shall not be published
without further orders of this Tribunal.

Service report are
still awaited.

20
17.6.05

K. P. B. Reddy
Member

G. V. Reddy
Vice-Chairman

/mb/

20.6.2005

Mr. U.K. Nair, learned counsel for
the applicant is present. Ms. U. Das,
learned Addl. C.G.S.C. for the respondents
submits that some more time is required
for filing written statement. Post on
22.7.2005.

25.7.05

W/s submitted
by the Respondents.

U. Das

K. P. B. Reddy
Member

G. V. Reddy
Vice-Chairman

mb

22.7.2005

Post the matter on 24.8.2005 along
with the connected cases for hearing.

2-1-06

W/s has been filed.

K. P. B. Reddy
Member

G. V. Reddy
Vice-Chairman

bb

24.8.2005

Post before the next available
Division Bench.

U. Das

G. V. Reddy
Vice-Chairman

3-3-06

W/s has been
filed.

U. Das

nkm

06.03.2006

Post on 08.03.2006.

U. Das
Vice-Chairman (J)

U. Das
Vice-Chairman (A)

mb

X

08.03.2006

Heard Mr. G.K. Bhattacharyya,
learned ~~xxxx~~ Sr. counsel for the
applicant and Ms. U. Das, learned
Addl. C.G.S.C. for the respondents.

Reserved for orders.

 Vice-Chairman (J)  Vice-Chairman (A)

mb

(7)

13.06.2006

Judgment pronounced in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.

23/6/06

copy of the
judgment has been
handed over to
the L/S.D.V. from
the parties.
[Signature]

mb

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos.111 of 2005 and 112 of 2005.

DATE OF DECISION: 13.06.2006

1. Shri Jitendra Kumar Singh (O.A.No.111/2005)
2. Miss K. Chilotama Devi (O.A.No.112/2005)

.....Applicant

Mr G.K. Bhattacharyya, Mr U.K. Nair,
and Mr B.K. Talukdar

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

RESPONDENT(S)

MS U. Das, Addl. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

THE HON'BLE SHRI B.N. SOM, VICE CHAIRMAN (A)

THE HON'BLE SHRI K.V. SACHIDANANDAN, VICE CHAIRMAN (J)

1. Whether reporters of local newspapers
may be allowed to see the Judgment? ~~Yes/No~~
2. Whether to be referred to the Reporter or not? ~~✓ Yes/No~~
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench? ~~✓ Yes/No~~
4. Whether their Lordships wish to see the fair copy
of the Judgment? ~~Yes/No~~


13/6/06
Vice-Chairman (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 111 of 2005 & 112 of 2005

Date of Order : 13.06.2006

The Hon'ble Sri B.N. Som, Vice-Chairman (A).

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman (J)

I. O.A. No. 111 of 2005

Shri Jitendra Kumar Singh
Son of Shri Brajamohan Prasad Singh
Care: Shri Shankar Mahto
Nagaland Glass House
Near: War Cemetery
PO & PS : Kohima PIN : 797 001.
State: Nagaland

... Applicant

By Mr. G.K. Bhattacharyya, Sr. Advocate,
Mr. U.K. Nair and Mr. B.K. Talukdar, Advocates.

- Versus -

1. Union of India, represented by the
Secretary & Director General(Posts),
Govt. of India, Ministry of Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi - 110 001.)
2. The Chief Post Master General,
North East Circle, Shillong - 793 001.
3. The Director Postal Services.
Nagaland, Kohima - 797 001.

... Respondents

By Advocate Ms. U. Das, Addl. C.G.S.C.

II. O.A. No. 112 of 2005

Miss K. Chilotama Devi,
D/o Shri K. Ramananda Sharma,
Vill.- Sagolband Tera Bazar,
P.O.- Imphal HPO,
Distt.- Imphal West, Manipur

.....Applicant

By Mr. G.K. Bhattacharyya, Sr. Advocate,
Mr. U.K. Nair and Mr. B.K. Talukdar, Advocates.

- Versus -

1. The Union of India, represented by
The Secretary to the Government of India,
Ministry of Communications,
Department of Posts.

And

The Director General (Posts),
Dak Bhawan, Sansad Marg,
New Delhi-110001.

2. The Chief Post Master General,
North East Circle, Shillong-793001.
3. The Director Postal Services,
Manipur, Imphal-795001,

Represented by

The Deputy Superintendent of Post Offices,
O/o the Director Postal Services,
Manipur Division, Imphal-795001.

.....Respondents

By Advocate Ms. U. Das, Addl. C.G.S.C.

.....

ORDER**SACHIDANANDAN, VICE-CHAIRMAN (I)**

Both these O.A.s involve identical issues and the prayers in the O.A.s are almost the same. Therefore, the learned counsel for the parties have requested that these may be disposed of by a common order.

2. The facts of these cases are that applications were called for the post of Postal Assistants in Manipur and Nagaland Postal Divisions respectively by the respondents. In response to the notification the applicants submitted their applications, but the respondents rejected the candidature of the applicants from the list of short-listed candidates for Postal Assistants Recruitment Examination on the ground of not possessing 'knowledge of local language qualification' prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002. The claim of the applicants is that the inclusion of such a provision i.e. 'knowledge of local language qualification' prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Rules 2002 is unconstitutional and illegal. Aggrieved by the said inaction of the respondents the applicants have sought the following main reliefs:

Reliefs sought for in O.A.No.111/2005

- (i) The 'List of short-listed candidates' published vide Director Postal Services, Nagaland, Kohima Letter No.B-2/Recruitment/2003-04 dated 07.05.2005 (ANNEXURE-A/1) may be declared as irregular and be set aside;
- ii) The 'knowledge of local language qualification' prescribed in "the Clause-(ii) of Column-8 in the Schedule attached to

the Department of Posts (Postal Assistants and Sorting Assistants) recruitment Rules 2002, may be declared as illegal and unconstitutional, and be struck down.

- iii) The Respondent No.3 may be directed to prepare a fresh short-list of eligible candidates on merit basis based on the percentage of marks secured by the candidates in 10+2 standard by including those candidates who have studied 'Hindi' and 'English' as languages in matriculation level; and also the Respondents may be directed to complete the recruitment process strictly in accordance with relevant recruitment rules."

Reliefs sought for in O.A.No.112/2005

- i) The names of short-listed candidates published vide Deputy Supdt of Post Offices, Manipur, Imphal Notification No.B-10/PA-DR/2003-2004 (Outsider) & 2002-2003(GDS quota) dated 07.05.2005 (ANNEXURE-A/1) may be declared as irregular and be set aside;
- ii) The 'local language criteria' prescribed in 'the Clause (a) of Column-8 in the Schedule attached to the Department of Posts (Postal Assistants and Sorting Assistants) recruitment Rules 2002, may be declared as illegal and unconstitutional and be struck down;
- iii) The Respondent No.3 may be directed to prepare a fresh short-list of eligible candidates on the basis of merit duly taking into account the Secretary, Board of Secondary Education, Manipur Letter No.Ex/85/Vol-II/855 dated 20th

April 2005 (ANNEXURE-A/9); and also the Respondents may be directed to complete the recruitment strictly in accordance with relevant recruitment rules."

3. The applicant in O.A.No.111/2005 was originally born to Bihari parents. The father of the applicant was staying in Nagaland State for more than twenty years for earning his livelihood, but the applicant completed his education upto Intermediate level in Bihar and thereafter continued his studies in Nagaland. The case of the applicant in O.A.No.112/2005 is that the applicant therein is a Manipuri Brahmin by birth, born and brought up in Manipur and biologically the daughter of Manipuri parents. The mother tongue of the applicant is Manipuri and the applicant can speak, read and write Manipuri language very well. The applicant completed her education in Kendriya Vidyalaya in Manipur State, passed the All India Secondary School Certificate Examination (equivalent to Matriculation) in the year 2002 under the Central Board of Secondary Education (CBSE) with Hindi as a first language and English as a compulsory language subjects. Both the applicants have applied in response to the vacancy notification published by the respondents, Chief Post Master General in the local daily for the post of Postal Assistant. Their names had not been seen in the list of short-listed candidates for the reason that the applicants did not possess the educational qualification of 'knowledge of local language', which is challenged in these O.A.s.

4. The respondents have filed a detailed written statement contending that it is true that the applicants have filed applications for the post of Postal Assistant, but the applicants did not study the

local language as a subject upto matriculation level or equivalent level and on that ground their applications were rejected. The applicants have studied upto matriculation with Hindi subject, which is not a prescribed qualification as per the notification calling for the candidates. There is nothing irregular in short-listing the candidates wherein the applicants did not comply with the eligibility conditions duly prescribed in the notification and prescribed rules. The prescribed procedure for short-listing of candidates is applicable only in respect of eligible candidates and not for the candidates whose applications are rejected for not fulfilling the eligibility conditions. The applicants have not been discriminated as even those local candidates who studied from CBSE or National Open School or any other Board but did not have local language or alternative English as additional subject were not considered while short listing the names. It is a policy of the Government to encourage local youths to join the mainstream of the country by providing them with the scarce employment opportunities in the relatively backward Northeastern States. The applicants did not study the local language upto matriculation or equivalent level and as per procedure prescribed their claim was rejected. There was nothing irregular in short-listing the names of candidates in pursuance of the procedure laid down by the Department. In the prospectus supplied alongwith the application forms, annexed as Annexure-VII wherein eligibility conditions have been outlined in detail at para 3, 3.1 and 3.2 and the last date for receipt of applications was also extended. The applicants did not fulfill the conditions and therefore their case was rejected. The applicants did not study any of the recognized local languages as a subject at least upto matriculation or equivalent level and the applicants cannot

claim to have fulfilled the eligibility criteria prescribed for the post of Postal Assistant.

5. We have heard Mr G.K. Bhattacharyya, learned counsel for the applicants and Ms U. Das, learned Addl. C.G.S.C. appearing on behalf of the respondents. The learned counsel for the parties have taken us to various pleadings, evidence and materials placed on record.

6. The learned counsel for the applicants argued that arbitrary omission of the applicants from the list of short-listed candidates for the Postal Assistants Recruitment Examination and the provision of 'knowledge of local language qualification' prescribed in the Recruitment Rules 2002 is ultra vires and unconstitutional and therefore it has to be set aside. The learned counsel for the respondents, on the other hand, has persuasively argued that the Department of Posts is a public dealing department and the Postal Assistants/Sorting Assistants, for which the examination is conducted, have to interact with the public mainly in local language and local people are the main customers/investors of the Department of Posts. The business of the Department depends upon the customers/investors in that part of the local area and the knowledge of local language is mandatory for all officials who directly deal with the local people. Therefore, the prescription of 'knowledge of local language qualification' cannot be said to be arbitrary or violative of any constitutional provision and the short-listing is also permitted and being a policy decision of the Government it cannot be challenged and interfered with by any Court of Law.

7. We have given due consideration to the arguments advanced by the learned counsel for the parties and materials placed on record. The admitted facts of the case are that both the applicants though claim to know the respective local language required for the post they have applied for, they have no qualification as prescribed in the notification. In Column 8 (ii) of Annexure-A/2 Notification dated 9.1.2002 the prescribed educational qualification required for direct recruits is as follows:

“(ii) Knowledge of local language of the state concerned. The candidate should have studied the local language as a subject at least up to matriculation or equivalent level.”

It is quite clear that Clause (ii) of Column 8 of the said Notification is very categorical that knowledge of local language of the State concerned and the candidate should have studied the local language at least up to matriculation or equivalent level. Therefore, it reflects from the said notification that it is not just the knowledge of the language that is prescribed, but the candidates should have studied the local language as a subject at least upto the matriculation or equivalent level. The applicants have no case that they have studied the local language upto matriculation level. They were educated outside the State or they had opted a language other than the local language of the State. The particular contention taken in O.A.No.111/2005 is that English is the official language of the State of Nagaland. The applicant studied Hindi, Sanskrit and English as language papers in the Secondary School level (equivalent to matriculation). English being the common language used in the State of Nagaland and the applicant has also studied English alongwith the official National language i.e. Hindi upto SSC as well as 12th standard, the applicant fulfilled the 'knowledge of local language qualification'

prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002. The respondents controverted the said contention stating that though the official language in the State of Nagaland is English, but the local language used is not English but other languages like Ao, Angami, Sema, Lotha etc. The official language and local language are different and in Column 8 (ii) of the schedule to the Recruitment Rules 'knowledge of local language' of the State concerned has been made as an essential condition and the candidate should have studies the local language as a subject at least upto matriculation or equivalent level to be eligible for the post of Postal Assistant. The knowledge of local language is a mandatory condition for appointment to the said post. The respondents has produced Annexure-1 issued by the Nagaland Board of School Education, Kohima to the Superintendent of Post Offices, Kohima which is reproduced below:

"To

P. Chakraborty,
Supdt. of Post Offices (HR)
Head Post Office,
Kohima.

Subject :- RECOGNITION OF LOCAL LANGUAGES

Sir,

With reference to your letter No.B-2/Rcctt/2001 dated 28.8.2002, I am to inform that the following local languages are recognized by Nagaland Board of School Education as Modern Indian Language for Secondary & Higher Secondary courses. However, these languages are optional.

1. Ao
2. Lotha
3. Sema
4. Tenyidie.

Yours faithfully,

Sd/-
(B. K. THAPA)
Deputy Secretary (Exams)
Nagland Board of School Education
Kohima"

From the said letter it is very clear that the languages mentioned therein are recognized by the Nagaland Board of School Education and the applicants did not have any knowledge of these languages. Therefore, the applicants did not possess the qualification prescribed under the notification, i.e. 'knowledge of local language' and therefore the question is whether they are eligible to be considered and the short-listing is justified.

8. The issues involved in these O.A.s are, (a) whether the applicants possess the prescribed qualification, (b) whether this Court is justified in interfering with the recruitment rules for the said post, (c) whether short-listing is justified and (d) whether the inclusion of 'knowledge of local language qualification' condition is ultra vires and unconstitutional.

9. It is quite clear from the discussions made above and scrutiny of the materials and documents placed on record that the applicants did not qualify the prescribed qualification of having completed their studies with the local language as a subject. Therefore, we are of the view that the applicants are not eligible to be considered for their candidature as per Notification. In this context

the contention of the respondents that these posts were notified for the post of Postal Assistants/Sorting Assistants who have to deal with the local people and customers/investors to be dealt with by such persons in the local language, prescribing knowledge of local language as an essential condition will not be violative of any rule or the constitutional provisions which has got great force. Then how is their knowledge to be tested is based on the educational qualification and not other extraneous methods in public recruitments. The learned counsel for the respondents has also taken our attention to the decision reported in 1990 (3) SCC 157 in N.T. Devin Katti and others Vs. Karnataka Public Service Commission and others, wherein the Supreme Court has stated that the eligibility of candidate for selection for a post depends upon whether he is qualified in accordance with the relevant rules as that existed on the date of the advertisement for recruitment.

10. The second issue to be considered is whether this court is justified in interfering with such recruitment rules. It has come out from the materials placed on record that the decision of prescribing this qualification of 'knowledge of local language' is not confined to a particular place or State. This condition is made applicable to all States of India. In the circumstances one cannot say that discrimination has been meted out by putting this condition to a particular State. This is a policy decision taken by the Government of India and the larger interest of the Department since such employees have to interact with the public mainly in local language, as the local people are the main customers/investors of the Department of Posts. So this condition has been prescribed with the due application of mind and considering the interest of the Department and necessity of local

language to carry out the business of the Department. The Hon'ble Supreme Court in a case reported in 2003 (2) SCC 673, Onkar Lal Bajaj and others Vs. Union of India and another, has declared that if it is a policy decision taken by the Government in the larger interest, Courts are not justified in interfering with such policy decisions.

11. The next issue for consideration is whether short-listing is justified. It is an accepted proposition of law that when large number of candidates are applying for a particular post, the Department is justified in short-listing the candidates so as to exclude those who do not possess the prescribed qualification. This dictum has been laid down by the Hon'ble Supreme Court in a case reported in 2003 (1) SLR (Calcutta) 303, Sachinandan Dey Vs. State of W.B.

12. Lastly, the larger issue that has been canvassed by the learned counsel for the applicants is that the condition of 'knowledge of local language' criteria prescribed in Column 8 (ii) in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules, 2002, has to be struck down as illegal and unconstitutional. The contention of the applicant is that Article 14 of the Constitution expressly states that 'the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'. The language criteria prescribed in this case has not only created in the discriminatory provision in the said Recruitment Rules 2002 in the matter of public employment just because certain people preferred to opt national language, 'Hindi' in the matriculation examination instead of regional/local language. This condition violates the fundamental rights of equality of opportunity guaranteed in the Constitution of India and therefore the said

condition in the Recruitment Rules deserves to be struck down. The learned counsel further submitted that Hindi is the official language of the country in accordance with Article 343 of the Constitution and it is incumbent upon every Government Department under the Government of India to award equal status to Hindi language in every part of the country. The effort to exclude any candidate who has studied Hindi upto SSLC level from the recruitment of Postal Assistants in any part of India on the ground that the candidate does not fulfill the local language criteria will be against the spirit and basic structure of the Constitution of India.

13. The learned counsel for the applicant has taken us to a decision reported in 2001 SCC (L&S) 928 in the case of Ganga Ram Moolchandani Vs. State of Rajasthan and canvassed for a position that, "to exclude a candidate on the ground of not having knowledge of local laws and regional language the Rules violate Articles 14 and 16 of the Constitution of India."

14. We have gone through the said decision, which speaks of the regional language and not of the local language. Therefore, that decision, according to our view, is not strictly applicable in this case. The test that has been prescribed by the Hon'ble Supreme Court in the said case in determining the validity or any rule of statutory provision with reference to Articles 14 and 16, to see whether it contravenes the constitutional guarantees enshrined in Articles 14 and 16, is, even according to the applicants, (i) classification on which it is founded must be based on an intelligible differentia and (ii) the differentia must have a reasonable relation to the object sought to be achieved by the Rules or Statute. The object of knowing the local

language is for serving the public since the post aspired for is meant for interacting with the local people. Therefore, it cannot be said that there is no reasonable relation to the object sought for by this rule.


This aspect has been elaborately discussed by the Hon'ble Supreme Court in the case reported in 2002 (3) SLR 18, Ashutosh Gupta vs. State of Rajasthan. The Court observed as follows:

"Article 14- Reasonable classification- Test for challenging the validity of any Act/Rule on the ground of violation of Article 14- Allegations regarding violation of Article 14 of the Constitution must be specific, clear and unambiguous- There must be proper pleadings and averments in the substantive petition before the denial of equal protection of infringement of Fundamental Rights can be decided- The claim of equal protection under Article 14 therefore is examined with the presumption that the State Acts are reasonable and justified- Mere differentiation or inequality of treatment does not 'per se' amount to discrimination within the inhibition of the equal protection clause- The state has always the power to make classification on a basis of rational distinctions relevant to the particular subject to be dealt with- When a law is challenged as violative of Article 14, it is necessary in the first place to ascertain the policy underlying the status and the object intended to be achieved by it."

15. In the facts and legal position that has been discussed above we are of the considered view that there is no arbitrariness or that inclusion of the clause, 'knowledge of local language' in the Recruitment Rules 2002 violates the fundamental rights or is violative of Articles 14 and 16 of the Constitution and the object sought to be achieved is reasonable. Apart from that the Hon'ble Supreme Court has again cautioned the Courts/Tribunals against interfering with the recruitment rules. It is profitable to quote a decision of the Hon'ble Supreme Court reported in AIR 1993 SC 2285, V.K. Sood Vs. Secretary, Civil Aviation and others, in which it is declared that Recruitment Rules cannot be interfered with by the Courts/Tribunals in such circumstances.

16. Before parting with the case we would like to record our appreciation for the good arguments advanced by the learned counsel for the applicants as well as the respondents.

17. In the conspectus of the facts and circumstances, considering the above discussions and legal position we are of the considered view that the applicants have not made out a case and therefore the O.A.s deserve to be dismissed. Accordingly we dismiss both the O.A.s. No order as to costs.



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN (J)



(B. N. SOM)
VICE-CHAIRMAN (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

OA NO. 111/2005

SHRI J. K. SINGH

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

Filed by
Respondents Through
Asha Das.²⁸
Addl Cuse
9/3/06

IN THE MATTER OF

Written argument along with Hon'ble Supreme
Court decision submitted by the respondents

1) That the respondents basing on their written statement most humbly and respectfully submitted the following arguments

- a) The post of Postal Assistant and the duty and responsibility entrusted to them is directly connected with the local people (village). The Department of Post is a public dealing Department and the officials working in the Department in a state specifically the Postal Assistant and Sorting Assistant have to interact with the public mainly in local language as the local people is the main customer/investor of the Department of Post. The business of the department depends upon the customer/investor of that particular local area the knowledge of local language is mandatory for all Officials who directly deal with the local people. (Paragraph 14 of the WS).
- b) One of conditions of the Educational and other qualifications required is "The candidate should have knowledge of local language of the state, i.e. should have studied the language declared as local language by the State Government as a subject up to Matriculation level.(SSLC) is not all violation of Fundamental Rights guaranteed in the Constitution of India." This condition is equally applicable to all states of India. No discrimination has been meted out by putting the condition. This is a policy decision taken by the Government of India taking into consideration the necessity of the local language to carry out the business of the department. {2003 (2) SCC 673}

c) Article 14 of the Constitution of India guarantees to everyone equality before law. Unequals cannot be clubbed. Since the applicant has completed his study up to 10+2 level in Bihar and he has been claiming a post of Postal Assistant in Nagaland the respondents has not considered the name of the applicant rightly for written test. The local languages of Nagaland are Ao, Angami, Sema, Loths etc. English is the Official language. The main duty of the Postal Assistant is to interact with the local people of that particular place the knowledge of local language of the State is a mandatory requirement. The same rule applies in all of the states having different local language and candidates from any part of the country are similarly not considered because of non- opting of local language of that particular state. (para 13 of the WS).

d) Article 16 (3) is quoted as "(3) Nothing in article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office [under the Government of, or any local or other authority within, a state or Union territory, any requirement as to residence as to residence within that State or Union territory] prior to such employment or appointment."

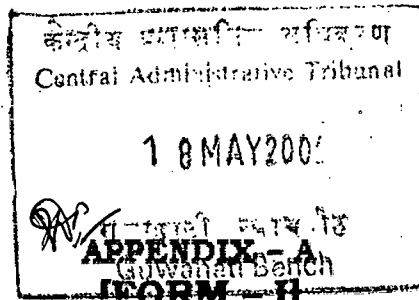
Since the condition of knowledge of local language is equally applicable to all states of India it cannot be said to be an unreasonable one. The main duty of the Postal Assistant is public relation mainly with the local people. Taking into consideration the duties of the Postal Assistant the Govt. of India has taken the Policy decision and considered this as one of the mandatory requisite qualification.

e) The eligibility of a candidate for selection for a post depends upon whether he is qualified in accordance with the relevant rules as that that existed at the date of the advertisement for recruitment. {(1990) 3 SCC 157: AIR 1990 SC 1233.} (Paragraph 11 of the WS).

Decision of the Hon'ble Supreme Court relied on:

- 1) 2003(2) SCC 673 (relevant para 27 page 676)
- 2) 1990(3) SCC 157

Alsha Das .
Add Chsc



[See Rule 4]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No. 111 of 2005.
APPLICATION UNDER SECTION-19 OF THE A.T ACT 1985

Shri Jitendra Kumar Singh
..... Applicant.

- Versus -

Union of India & Others.
..... Respondents.

INDEX / Synopsis

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1	Application		01-18
2	Letter No: B-2/Recruitment/2003-04 dated 07.05.2005	ANNEXURE-A/1	19-20
3	Govt of India Gazette Notification dated 09 th Jan 2002 published vide Dept of Posts (DoP)., Letter No.60-29/98-SPB-I dated 25.01.2002	ANNEXURE-A/2	21-23
4	'Vacancy Notification' published in the 'News paper' by the Chief Post Master General, Shillong	ANNEXURE-A/3	24
5	Copy of School Leaving Certificate	ANNEXURE-A/4	25
6	Copy of Intermediate (Science) Examination Marks Statement, 2000	ANNEXURE-A/5	26
7	Copy of School Leaving Examination Mark Sheet	ANNEXURE-A/6	27
8	Copy of Computer knowledge certificate issued by 'APTECH Computer Education' dated 18.01.2001	ANNEXURE-A/7	28
9	Copy of 'METHOD OF SELECTION' as printed in the Prospectus	ANNEXURE-A/8	29

Date : 18-5-2005

Jitendra Kumar Singh.
Signature of the applicant

Place: Guwahati.

For use in Tribunal's office

Date of filing :

Or

Date of Receipt by post :

Registration No. :

Signature
For Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION No: _____ of 2005.

Shri Jitendra Kumar Singh, Aged 24-years
S/o Shri Brajmohan Prasad Singh,
Care : Shri Shankar Mahto,
Nagaland Glass House,
Near : War Cemetery,
PO & PS : Kohima PIN: 797 001.
State: Nagaland.

..... Applicant.

- VERSUS -

1. Union of India
[Represented by: -
The Secretary & Director General
(Posts), Govt of India, Ministry of
Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi - 110 001.]
2. The Chief Post Master General,
North East Circle, Shillong - 793001
3. The Director Postal Services,
Nagaland, Kohima - 797 001.

..... Respondents.

In the matter of:
'Violation of Fundamental Rights'
guaranteed in the Constitution of India,
and 'Denial of Equality of Opportunity'
in the matter of public employment in
violation/contravention of Article-16 of
Constitution of India.

-AND-

In the matter of:
Inequity and Discriminatory treatment
in violation of Article-14 and Article-16
of the Constitution of India, in the
matter of public employment, in the
ANNUAL RECRUITMENT OF POSTAL

**ASSISTANTS IN N.E-POSTAL CIRCLE in
NAGALAND POSTAL DIVISION.**

- AND -

In the matter of:

Illegal and arbitrary denial of opportunity to the applicant to take part in the 'ANNUAL RECRUITMENT OF POSTAL ASSISTANTS IN N.E-POSTAL CIRCLE FOR NAGALAND POSTAL DIVISION'; and arbitrary omission of applicant's name from the 'List of Short-listed candidates for Postal Assistants Recruitment Examination to be held on 25-05-2005 (WEDNESDAY).

- AND -

In the matter of:

Irregular rejection of applicant's candidature from the 'List of short-listed candidates for Postal Assistants Recruitment Examination to be held on 25-05-2005 under the pretext of the unconstitutional provision of "knowledge of local language qualification" prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002.

- AND -

In the matter of:

Inclusion of unconstitutional and discriminatory provision of "Knowledge of local language qualification" prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The application is made against the irregular, arbitrary and illegal omission of applicant's name from the 'List of short-listed candidates for Postal Assistants Recruitment Examination to be held on 25-05-2005', prepared and released by the Director Postal Services, Nagaland, Kohima vide Letter No.B-2/Recruitment/2003-04 dated 07-07-05.

The application is also made before the Hon'ble Tribunal to challenge the unconstitutional and illegal provision of 'Knowledge of local language qualification' available in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002 published as Official Gazette Notification dated 09th Jan 2002 vide Department of Posts Letter No.60-29/98-SPB-I dated 25-01-2002.

- Copy of Director Postal Services, Nagaland, Kohima Letter No.B-2/ Recruitment/2003-04 dated 07-05-05 is submitted as ANNEXURE-A/1.
- Copy of Govt of India Gazette Notification dated 09th Jan 2002 published vide Dept of Posts (DoP)., Letter No.60-29/98-SPB-I dated 25.01.2002 is submitted as ANNEXURE-A/2.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject-matter of the order against which the applicant wants redressal is within the jurisdiction of the Hon'ble Tribunal.

See

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section-21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

- 4.1. The applicant, being a law-abiding citizen of India, is entitled to all the constitutional rights, guarantees and protections enshrined in the Constitution of India. The applicant is originally born to 'Bihari parents' belonging to Vaishali District of Bihar State. The father of the applicant has been staying in Nagaland State for more than 20(Twenty) years for earning his livelihood to pull up the whole family. The applicant, although was staying with his father from time to time during school vacations, actually completed his education up to 'Intermediate level' in the State of Bihar. However, after the completing the Intermediate (Science) examination in the year 2000, the applicant is continuously staying in the State of Nagaland till date.
- 4.2. In the month of March 2005, the applicant came across a 'Vacancy Notification' published by the above Respondent No.2 [viz: The Chief Post Master General, North Eastern Circle, Shillong - 793 001] in a local daily, through which applications were called from the eligible candidates for the posts of Postal Assistants in 7(Seven) Postal Divisions/ Units under the Chief Post Master General, N.E.Circle, Shillong. As per the said notification, the number of 'Postal

Assistant' vacancies available in the Nagaland Postal Division are as under:

OC (Unreserved)	-	03 (Three)
ST (Reserved for ST)	-	01 (One)
<u>TOTAL VACANCIES</u>	-	<u>04 (Four)</u>

- Copy of 'Vacancy Notification' published in the 'News paper' by the Chief Post Master General, Shillong is submitted as ANNEXURE-A/3.

4.3. The applicant, who came across the aforesaid vacancy notification, decided to apply for the post of Postal Assistants in Nagaland Postal Division. Accordingly, the applicant bought the 'prescribed application-form' and 'prospectus' from the post office counter on payment of Rs.10/- [Rupees Ten] only by cash. As per prospectus supplied with the prescribed application form, the following eligibility conditions are to be fulfilled by the candidate who intends to apply for the post of 'Postal Assistants' in a particular unit:

- (i) The candidate should be within 18-25 years of age as on the last date of receipt of application ie. 10.04.2005;
- (ii) The candidate should have passed the 10+2 or 12th Class Examination from a recognized University or Board of School Education or Board of Secondary Education (excluding vocational streams);
- (iii) The candidate should possess the knowledge of local language of the state [ie. The candidate should have studied the language declared as local language by the

State Government as a subject at least up to Matriculation level (SSLC); and

- (iv) Although not compulsory, it is desirable that the candidate has the knowledge of typing and computer data entry operation.

4.4. The applicant fulfilled the eligibility conditions stated above, as submitted below:

- (i) The applicant who born on 30.12.1980, as per school leaving certificate, is 24-years 3-months and 12-days as on the last date of receipt of application on 10.04.2005. **Thus, the applicant is within 18-25 years of age; and**

- **Copy of School Leaving Certificate is submitted as ANNEXURE-A/4.**

- (ii) The applicant has already passed Intermediate(Science) Examination in the year 2000 from the Bihar Intermediate Education Council. Intermediate [Science] Examination is a 12th Class Examination, and Bihar Intermediate Education Council is a recognized Board under the Govt of Bihar. The applicant secured 79.67% of marks in Intermediate (Science) Examination by scoring 717 out of 900 marks.

- **Copy of Intermediate (Science) Examination Marks Statement, 2000 is submitted as ANNEXURE-A/5.**

- (iii) The state of Nagaland consists of various tribes who do not maintain a common language. Although 'Nagamese' is widely spoken in the State of Nagaland, 'Nagamese' is only a local dialect and not a recognized language as per

the 'Eighth Schedule' of Constitution of India. Further, 'English' is the official language of state of Nagaland. The applicant studied 'Hindi', 'Sanskrit' and 'English' as language papers Secondary School level [equivalent to matriculation]. Since 'English' being the common language used in the state of Nagaland; and the applicant has also studied 'English' along-with the "Official National Language of our country namely 'Hindi' " up to SSC as well as 12th Class (I.Sc) level, the applicant fulfilled the 'knowledge of local language qualification' prescribed in the 'Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002'.

- Copy of School Leaving Examination Mark Sheet is submitted as ANNEXURE-A/6.

(iv) The applicant also possesses 'knowledge of computer data entry operation' and 'typing knowledge in computer'.

- Copy of Computer knowledge certificate issued by 'APTECH Computer Education' dated 18.01.2001 is submitted as ANNEXURE-A/7.

4.5. As per the existing instructions available in Prospectus supplied along with the application form, selection to the post of Postal Assistant in Post Offices is done on the basis of merit comprising of the 3(Three) items: -

Sh

Sl. No	Items for which weightage/marks are allowed	Marks
1	Weightage for the percentage of marks secured in 10+2 or 12 th Class Exam	40-Marks
2	Weightage for the marks secured in Aptitude Test/Written Test	50-Marks
3	Marks to be awarded for Computer Test (including Typing skill on computer) [Computer operation - 5 Marks Typing in computer - 5 Marks]	10-Marks
TOTAL MARKS		100-Marks

- 4.6 Further, as per the existing instructions available in the Prospectus supplied with the prescribed application form, 'only a short-listed candidates equal to 10 times of vacancies (for each community separately) will be called for to appear for the Aptitude Test/ Written Test and the Computer Test (including typing skill in computer)'. The short-listing of candidates equal to 10 times of vacancies will be done on the basis of marks in the aggregate secured by the candidates (applicants) in 10+2 or 12th Class Examination.

Copy of 'METHOD OF SELECTION' as printed in the Prospectus supplied with the prescribed application form is submitted as ANNEXURE-A/8.

- 4.7 For the facts mentioned in Para-4.6 above, the Respondent No.3 is duty bound to prepare a merit list of candidates on the basis of marks secured by them in 10+2 or 12th Class Examination, and call for the candidates equal to 10 times of vacancies to appear in the Aptitude Test/Written Test

and the Computer Test (including typing skill on computer) based on the said merit list. But, the Respondent No.3, prepared the 'list of short-listed candidates' as per his own personal whims by disallowing the candidature of the applicant who has secured 79.67 % in 'Unreserved category'. The Respondent No.3 has also not shown any reason for the rejection of applicant's candidature in the Recruitment of Postal Assistants in Nagaland Postal Division. As per the list published vide Respondent No.3 letter No.B-2/Recruitment/2003-04 dated 07-05-05 (ANNEXURE-A/1), the first candidate listed against 'Unreserved Category' vacancy namely: Kum Thejangunuo Keyie has scored only 68.60 % of marks in 10+2 standard. This clearly proves that the applicant who has secured 79.67 % in 10+2 standard has been denied opportunity whereas other 30(Thirty) candidates who have scored less marks than the applicant in the 10+2 standard have been permitted to take part in the Recruitment process.

Copy of Respondent No.3 Letter No.B-2/ Recruitment/2003-04 dated 07-05-05 has already been submitted as ANNEXURE-A/1.

- 4.8 When the applicant tried to personally enquire the reason for rejection of his candidature by the Respondent No.3, it was verbally informed by the office staff that the applicant did not opt 'Additional English'/'Alternative English' as one of the language subjects in matriculation level. As per the hearsay information, 'Additional English' and 'Alternative

English' are being treated as 'local language' by the Respondents in the Recruitment of Postal Assistants in the state of Nagaland [Nagaland Postal Division]. But it is unfortunate that the Respondents, instead of treating 'English' as a language have wrongly/falsey treating 'Additonal English'/'Alternative English' as separate languages to discriminate the candidates who have applied for the post of Postal Assistants in Nagaland Postal Division. It is thus, reliably leant that the name of the present applicant who has secured 79.67 % marks in 10+2 standard has been omitted from the list of short-listed candidates published vide ANNEXUARE-A/1, under the personal whims of the above Respondents. The applicant is therefore seriously prejudiced by the arbitrary omission and illegal rejection of his candidature, from the recruitment of Postal Assistants in Nagaland Postal Division by the above Respondents, particularly the Respondent No.3. The applicant has, therefore, approached the Hon'ble Tribunal for immediate redressal and justice.

5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS:

- 5.1. 'Equality of opportunity in matters of public employment' is a fundamental right guaranteed in the Article-16 of the Constitution of India. In addition, Article-14 of the Constitution of India expressly states that **the State shall not deny to any person equality before the law or the equal protection of the laws within the**

territory of India. But, the 'knowledge of local language qualification' prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002 vehemently denies 'equality before law' and extremely 'discriminates few citizens in the matter of public employment'. While 'English' is a recognized language, those who have studied 'Additional English or Alternative English' as languages in matriculation level have been given opportunity to compete in the Recruitment of Postal Assistants in Nagaland Postal Division and those who have studied 'English' as a language have been denied the opportunity in the same recruitment. Thus, a direct discrimination has been caused to certain candidates including the present applicant on the basis of indirect application of the grounds of race, place of birth and residence. Therefore, the action of the above Respondents to disallow the applicant from the recruitment process of Postal Assistants in Nagaland Postal Division either on the ground of 'knowledge of local language qualification' or on any other ground is not only arbitrary, but totally violates the Article-16 & the Article-14 of the Constitution of India.

- 5.2. As per Article-343 of the Constitution of India, 'Hindi' is the 'Rashtra Basha' of the Country. In other words, 'Official National Language' is the language recognized by the Govt of India as the language of the nation, recognized official language of every citizen of the country, and the recognized official language allowed in every part of the country

throughout the extent territory of the Nation. Therefore, differential treatment to 'Hindi language' in any part of the country as well as exclusion of 'Hindi' as a local language in any part of the country are the acts apparently tantamount to dishonouring the great values and basic structure of our Constitution of India. Hence, any effort to exclude any candidate, who has studied 'Hindi' as one of the languages up to SSLC level, from the recruitment of Postal Assistants, in any part of India, on the ground that the candidate does not fulfill the 'knowledge of local language qualification', will be totally against the spirit and basic structure of the 'Constitution of India'. Therefore, such provisions of the Recruitment Rules [i.e. Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002], which expressly disqualifies certain citizens from participating in the Recruitment process of Postal Assistants in Nagaland Postal Division and else-where, is arbitrary, illegal and unconstitutional for being violative of Article-16 and Article-14 of the Constitution of India.

- 5.3. Even though the 'knowledge of local language qualification' prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002 can be made applicable else-where in the country, the same cannot be applied in the North Eastern Postal Circle and the North Eastern Regional as a whole for the reason that many people in this part of our country does not have a common local language. While each tribal community maintaining

their own tribal dialect for their own communication, only 'English' and 'Hindi' are being used to communicate with other community people permanently settled and staying in this region/area. It may be noticed that the 'Official language' of the State of Nagaland is 'English'. Therefore, imposition of the 'knowledge of local language-qualification' in the Recruitment of Postal Assistants by the Department of Posts in the North Eastern Region is meaningless, discriminatory, and irregular and the same completely defeats the fundamental rights and constitutional guarantees given to the citizens of the country in the Constitution of India.

- 5.4. It has been held by the Hon'ble Supreme Court in "Ganga Ram Moolchandani's case Vs State of Rajasthan [2001 SCC (L& S) 928, decided together with Civil Appeals filed by Shivcharan Sharma & Budh Dev Yadav Vs The State of Rajasthan, that 'to exclude the candidates on the ground of not having knowledge of local laws and regional language the Rules violate Articles 14 and 16 of the Constitution'. In the said case, the Hon'ble Supreme Court has specified 2(Two) tests for determining the validity of any Rule or Statutory provision with reference to Article-14 and Article-16 so as to see whether such rule or statutory provision contravenes the constitutional guarantees enshrined in Article-14 & Article-16. The 2(Two) tests, so prescribed by the Hon'ble Supreme Court are- (i) the classification on which it is founded must be based on an intelligible

differentia; and (ii) the differentia must have a reasonable relation to the object sought to be achieved by the Rules or Statute. In this instant case, the 'knowledge of local language qualification' prescribed in the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002 does not satisfy any of the above 2(Two) tests. Therefore, the provisions included in "the clause-(ii) of Column-8 in the schedule attached to the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment Rules 2002" prescribing 'knowledge of local language qualification' is *ultra-vires* and contravenes the Article-14 & Article-16 of the Constitution of India.

- 5.5. As per the list of short-listed candidates published vide ANNEXURE/A-1, the first 'unreserved category candidate' has scored 27.44 points for the 40% weightage of marks secured in 10+2 standard with 68.60 %. But, the present applicant who has secured 79.67 % marks in 10+2 standard with 31.87 points score in the 40% weightage for 79.67 % has been denied the opportunity to participate in Recruitment process of 'Recruitment of Postal Assistants in Nagaland Postal Division'. The applicant has thus been discriminated and prejudiced by the arbitrary acts of the above Respondents, particularly the Respondent No.3. Therefore, the 'List of short-listed candidates' published vide ANNEXURE-A/1 is irregular, illegal and to be struck down in the interest of justice.

[Signature]

5.6. The Respondent No.2, who is responsible and duty bound to ensure that the recruitment being done by the Respondent No.3 is completed strictly in accordance with to the provisions of relevant Recruitment Rules for the time being in force, has not stepped in so far to stop the arbitrariness of the Respondent No.3. The Respondent No.1 also has not taken any action to monitor the 'Recruitment Process', being undertaken by the Respondent No.2 & 3, to ensure that the recruitment is done strictly in accordance with the relevant Recruitment Rules with strict compliance to the Constitutional guarantees available to the citizens of India. Therefore, the whole recruitment process is to be struck down as illegal and unconstitutional for want of constitutional sanctity of 'local 'knowledge of local language qualification" prescribed in "the Clause-(ii) of Column-8 in the Schedule attached to the Department of Posts (Postal Assistants and Sorting Assistants) recruitment Rules 2002.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant humbly submits that the applicant has no statutory remedy to be exhausted in this case.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any

other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in Para-6 above, the applicant prays the Hon'ble Tribunal that:

- (i) The 'List of short-listed candidates' published vide Director Postal Services, Nagaland, Kohima Letter No.B-2/Recruitment/2003-04 dated 07.05.2005 (ANNEXURE-A/1) may be declared as irregular and be set-aside;
 - (ii) The 'knowledge of local language qualification' prescribed in "the Clause-(ii) of Column-8 in the Schedule attached to the Department of Posts (Postal Assistants and Sorting Assistants) recruitment Rules 2002, may be declared as illegal and unconstitutional, and be struck down;
 - (iii) The Respondent No.3 may be directed to prepare a fresh short-list of eligible candidates on merit basis based on the percentage of marks secured by the candidates in 10+2 standard by including those candidates who have studied 'Hindi' and 'English' as languages in matriculation level; and also the Respondents may be directed to complete the recruitment process strictly in accordance with relevant recruitment rules;
 - (iv) The applicant may be allowed the cost of this application; and
- [Signature]*

- (v) The applicant may be allowed any other benefit(s), which the Hon'ble Tribunal may deem proper to render justice.

9. INTEIM ORDER, IF ANY PRAYED FOR:

The Respondent No.2 and the Respondent No.3 have decided to hold the Aptitude Test/Written Test and the Computer Test (including typing skill in computer) on 25.05.2005 (25th May 2005 - WEDNESDAY) for the 'ANNUAL RECRUITMENT OF POSTAL ASSISTANTS, N.E.CIRCLE'. The said Aptitude Test/Written Test and the Computer Test is indicated in the first paragraph of the Letter No.B-2/Recruitment/2003-04 dated 07.05.2005 (ANNEXURE-A/1). Due to the irregular short-listing, the present applicant has been denied permission to take part in the Aptitude Test/Written Test and the Computer Test fixed on 25.05.2005. [ie. The present applicant with 79.67 % marks in 10+2 standard, (scoring 38.87 points in the 40% weightage for 79.67 percentage), has been denied opportunity to take part in the Aptitude Test/Written Test and the Computer Test fixed on 25.05.2005, while 30(Thirty) candidates (ie. from Sl - 1 to Sl - 30 of 'Unreserved candidates scoring less than 38.87 points') with less than 79.67 % marks in the 10+2 standard have been short-listed for appearing in the Aptitude Test/Written Test and Computer Test on 25.05.2005]. Therefore, unless the Aptitude Test/Written Test scheduled to be held on 25.05.2005 is not stayed, the applicant will suffer irreparable loss.

Hence, it is fervently prayed that Hon'ble Tribunal be pleased to issue appropriate orders/directions to stay the Aptitude Test/Written Test proposed to be held on 25.05.2005 in the interest of justice.

10. IN THE EVENT OF APPLICATION BEING SENT BY REGISTERED POST:

The applicant declares that the application is filed through his advocate.

**11. PARTICULARS OF BANK DRAFT / POSTAL ORDER
FILED IN RESPECT OF THE APPLICATION FEE:**

Indian Postal Order Number : 204160769
Office of Issue : 17-05-05
Date of Issue : Guwahati
Office of Payment : Guwahati

12. LIST OF ENCLOSURES:

1. Application accompanied by Index in Appendix-A
2. ANNEXURE-A/1 to ANNEXURE-A/13.
3. Indian Postal Order for Rs.50/- for application fee.

VERIFICATION

I, Shri Jitendra Kumar Singh, S/o Shri Brijmohan Prasad Singh, aged 24 years, resident at C/o Shri Shankar Mahto, Nagaland Glass House, Near : War Cemetery, PO & PS : Kohima [PIN: 797 001] State: Nagaland, do hereby verify that the contents of Paras 1 to 12 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Date : 18-5-2015

Place : Guwahati

Jitendra Kumar Singh
Signature of the applicant

Filed by: -

B.K. Sahadev
Advocate

To

The Registrar,
Central Administrative Tribunal,
Rajgarh Road, Guwahati -781 005.

-19-

ANNEXURE-A-1
DEPARTMENT OF POSTS : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
NAGALAND : KOHIMA 797 001

No. 2-2/Recruitment/2003-04

Dated at Kohima 07-05-05

To

All shortlisted candidates as mentioned in Annex. I, II & III (By Name) By Registered post with AD.

Sub. List of Shortlisted candidates for PA Rectt. Exam for the first list equal to 10 times the number of vacancies under each category.

The following candidates under different category have been shortlisted for appearing in the subsequent written/computer/typing examination to be held on 25-05-05 (Wednesday). Under UR category, candidates belonging to ST/SC/OBC, who fulfilled the eligibility criteria of UR candidates, have been considered. Under ST category only ST candidates have been considered, including those not found eligible under UR category. (UR - Annex-I, ST - Annex - II)

2. Under GDS quota of vacancy, 6 posts are to be filled up and all together 22 GDS candidates had applied for the same. Most of the GDS candidates were not found eligible on the criteria of not having local language/Alt. Eng. as an additional subject in the HSLC examination or did not submit HSLC certificate or were overage. As per recruitment rules, the minimum 10+2 academic qualification marks should be equal to or more than the marks obtained by the last candidate under each category during the previous year's examination minus 10% of marks. The marks obtained by last candidate of UR/ST candidates during the recruitment done in 2004 was 54.98 and 62.77 respectively. Therefore, the minimum marks required for selection for UR and ST category during this year's recruitment from GDS quota for inclusion in first list was therefore fixed as 44.98% and 52.77%. But, except for one, none of the eligible candidates were found having the minimum required marks. Therefore, only one GDS candidate was found fulfilling the criteria for inclusion in the first list. (Annex-III).

3. The hall permits are enclosed which should be duly filled up and produced during the time of written test/computer test and typing test. The shortlisted candidates should credit 'examination fee' of Rs. 100/- for UR candidates and Rs. 50/- for SC/ST/OBC/Ex-servicemen under 'Unclassified Receipt' (UCR) in any Post Office and the original UCR receipt should be brought along with the Hall Permit for joining admission to aptitude test.

4. The Aptitude Test/Computer Test/Typing Test will be held on 25-05-05 (Wednesday). The timings of the tests are given below:

Aptitude Test	-	10.00 hrs to 11.00 hrs (1 hour)
Computer/Typing Test	-	12.00 hrs (15 minutes each)

The venue of the Computer Test and Typing Test will be the office of the Director, Postal Services, Kohima (2nd floor of Kohima H.O). The Aptitude Test will be held in Kohima, but its exact location may be ascertained from the Office of The Director, Postal Services, Kohima well in advance. The typewriting test will be conducted on the computer itself & will contain text of 450 words to be typed in 15 minutes. The marking of typing test will be done in 0 or 5 depending on whether the candidates have been able to type the entire text or not & graded marking will not be done.

5. The shortlisted candidates are advised to report for aptitude test at least 1 hour in advance to Kohima H.O on 25-05-05 so that they are aware of any last minute changes in the venue of the examination.

Enclosed: Annex-I, II & III

54/-
(RAKESH KUMAR)

Director, Postal Services

Copy to:

1. Postmaster Kohima H.O, ASPO's/ SDIPO's/ All the SPM's of Nagaland and Dn, for displaying it prominently on notice board/public hall or other prominent places where public has easy access to it.

and 7 to the same copy
B.K. Chelie
ADH

Rakesh Kumar
(RAKESH KUMAR)
Director Postal Services
Nagaland, Kohima. 797001

ANNEXURE - I

-20-

UNRESERVED CATEGORY:

40%

ROLL NO	NAME	COM	%AGE (10+2)	WEIGH TAGE	DATE OF BIRTH
KHM - 01	Kum. Thejangunuo Keyle	ST	68.60	27.44	24-10-1984
KHM - 02	Shri Dinu Nair	UR	65.44	20.18	10-06-1984
KHM - 03	Shri Thanpenlo Woch	ST	63.68	25.47	06-12-1981
KHM - 04	Shri Suhozo Khazo	ST	63.00	25.40	21-02-1982
KHM - 05	Shri R. Imounungang	ST	63.00	25.40	13-12-1982
KHM - 06	Shri Kevillelle	ST	62.84	25.14	20-07-1980
KHM - 07	Shri Daniel Domeh	UR	62.33	24.93	05-09-1983
KHM - 08	Kum. Vizalenu Khatso	ST	61.89	24.76	20-12-1981
KHM - 09	Kum. Sungjemlila	ST	61.44	24.58	19-08-1980
KHM - 10	Kum. Iluzule Zeliang	ST	61.40	24.56	04-02-1983
KHM - 11	Kum. Lanusenla Longchar	ST	61.00	24.40	30-11-1982
KHM - 12	Shri Janthuiyang R.K John	ST	60.80	24.32	24-10-1983
KHM - 13	Kum. Bulti Roy	SC	60.40	24.16	07-04-1984
KHM - 14	Kum. Lily Lotha	ST	59.40	23.76	10-05-1983
KHM - 15	Kum. Thungbeni Tungoe	ST	59.22	23.69	20-02-1981
KHM - 16	Kum. Rebeca Khuvung	ST	58.60	23.44	12-01-1985
KHM - 17	Shri Jitendra Kumar Mahto	OBC	58.00	23.20	10-08-1983
KHM - 18	Kum. Tingneilam Haokip	ST	57.83	23.13	19-09-1981
KHM - 19	Kum. Kikumsangla Jamir	ST	57.66	23.06	26-01-1981
KHM - 20	Kum. Grace Kent	ST	57.60	23.04	30-09-1981
KHM - 21	Kum. L. Nyuime Konyak	ST	57.44	22.98	26-10-1980
KHM - 22	Kum. Mhasikhonuo	ST	57.33	22.93	30-09-1982
KHM - 23	Kum. Vivi L. Shohe	ST	57.20	22.88	25-07-1980
KHM - 24	Kum. N. Akhole Sophie	ST	57.20	22.88	21-10-1981
KHM - 25	Kum. Joshline Sangma	ST	57.11	22.84	31-03-1983
KHM - 26	Shri T. Zanthungo Ngullie	ST	56.40	22.56	24-04-1985
KHM - 27	Shri Pausuigong Sephe	ST	56.00	22.40	30-09-1984
KHM - 28	Shri Krishna Konwar	OBC	56.00	22.40	09-10-1985
KHM - 29	Shri Ajeanmei Longmei	ST	54.80	21.92	14-11-1981
KHM - 30	Shri Akum Sashi Jamir	ST	54.40	21.76	14-08-1980

ANNEXURE - II

ST QUOTA CATEGORY:

40%

ROLL NO.	NAME	COM	%AGE (10+2)	WEIGH TAGE	DATE OF BIRTH
KHM - 31	Shri Limawapang	ST	80.66	32.26	24-01-1979
KHM - 32	Shri. Lalminthang Khongsai	ST	74.80	29.92	26-07-1979
KHM - 33	Shri Masao Phesao	ST	74.66	29.86	21-09-1975
KHM - 34	Kum. Kimnei	ST	71.00	28.40	06-03-1979
KHM - 35	Shri Khumtsabo	ST	66.56	26.62	29-12-1979
KHM - 36	Kum. Zuchoben Lotha	ST	66.00	26.40	15-04-1977
KHM - 37	Shri. Kesalhoukho Casavi	ST	65.12	26.05	30-03-1978
KHM - 38	Kum. Visahole Ester Rolnu	ST	64.32	25.73	20-07-1979
KHM - 39	Kum. Ketoulhoubeinu	ST	63.684	25.47	02-08-1977
KHM - 40	Kum. Kivini Sema	ST	61.33	24.53	16-11-1977

ANNEXURE - III

GDS QUOTA CATEGORY

ROLL NO	NAME	COM	%AGE (10+2)	WEIGHTAGE	DATE OF BIRTH
KHM - 41	Shri. Tamsüzungba	ST	45.33	18.13	04-07-1982

and for the same GDS
B.K. Sankh
ASB

ANNEXURE A/2

→ (i) DoP No. 60-29/98-SPB-I dated 25-1-2002.

Sub :- Department of posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 2002.

I am directed to forward herewith a copy of Notification dated 9/1/2002 published in the Gazette of India, Extraordinary, Part -II Section 3, Sub-section (I) dated 10/1/2002 promulgating the Revised Recruitment Rules for the posts of Postal/Sorting Assistants. These rules are effective from 10.1.2002, the date of publication of the Notification in the Gazette of India. Recruitment to the post of PA/SA will be in accordance with the notified Rules. Special attention is attracted to the following provisions:-

(a) In Column 8 of the Schedule to the Recruitment Rules, Knowledge of local language of the State Concerned has been made as an essential qualification. The candidate should have studied the local language as a subject at least upto Matriculation level to be eligible for the post.

(b) The minimum educational qualification for direct recruits for the post is 10+2 standard or 12th class pass of a recognized University or Board of School Education or Board of Secondary Education with English as a compulsory subject (excluding vocational streams).

(c) The educational qualification of GDS candidates for the post of PA/SA, minimum marks to be secured by them, and age limit have been provided for in column. 11.

(d) As per para 6 of the Revised Recruitment Rules, any person appointed to the said posts shall be liable to serve in the Army Postal Service in India or abroad as required.

It is requested that the provisions of Recruitment Rules may be brought to be notice of all concerned. Relevant revised provisions may be suitably incorporated in future notifications of vacancies.

Cont. for the
Lone G.P.
B.K. Zuhul
S.D.

-21-

NOTIFICATION (DoP) dated 9th Jan, 2002.

G.S.R. _____ In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 1990, except as respect things done omitted to be done before such supersession, the President hereby makes the following rules regulating in the Department of Posts, Ministry of Communications, namely :-

1. Short title and Commencement :- (1) These rules may be called Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application :- These rules shall apply to the posts specified in columns of the Schedule annexed to these rules.

3. Number of Posts their classification and scale of pay :- The number of Posts their classification and the scale of pay attached thereto shall be as specified in col No. (2) to (4) of the said Schedule.

4. Method of recruitment, age limit, qualifications, etc. :- The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the said Schedule.

5. Disqualifications :- No person :-

(a) Who has entered into or contracted a marriage with a person having a spouse living, or
(b) Who, having a spouse living, has entered into or contracted a marriage with any person.

Shall be eligible for appointment to the said post.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

6. Requirement to serve in the Army Postal Service :- Any person appointed to the said posts shall be liable to serve in the Army Postal Service in India or abroad as required.

7. Power to Relax :- Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

8. Saving :- Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, the scheduled Tribes, the Other Backward Classes, the Ex-Serviceman and other categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

("Schedule" attached)

-22-

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees:	Period of Probation, if any:	Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods.
(9)	(10)	(11)
No.	<p>Two years or passing of confirmation examination specified in the Director General of Posts and Telegraphs letter No. 63-56/67-SPB-I dated the 21st June 1973, whichever is earlier.</p> <p>Note: In case a direct recruit fails to pass the said confirmation examination in 4 chances within 2 years, the probation period will be extended to a maximum of 4 years, within which he shall be allowed two additional chances of normal confirmation examination and/or two special chances. Failure to do so will entail stoppage of increments or confirmation on both.</p>	<p>(a) 50% by direct recruitment.</p> <p>(b) 50% by promotion through a Limited Department Competitive Examination failing which the unfilled vacancies shall be offered to Gramin Dak Sevaks of the Recruiting Divisions or Units subject to their fulfilling the following conditions, and if vacancies remain unutilized by the Gramin Dak Sevaks, they shall be filled by subsequent direct recruitment of other open market candidates fulfilling the age and qualification conditions laid down in Columns 7 and 8:-</p> <p>(a) They possess the minimum educational qualification of 10+2 standard (Senior Secondary) excluding Vocational Streams) and have put in a minimum service of 3 years.</p> <p>(b) Only those Gramin Dak Sevaks shall be eligible for being considered who have secured marks, not below the marks secured by the last direct recruit of the relevant category selected, as the case may be, of other Communities, Scheduled Castes, Scheduled Tribes or Other Backward Classes of the same year.</p> <p>(c) They should be within 28 years of age (33 years for Scheduled Castes or Scheduled Tribes communities and 31 years for Other Backward Classes community as on the crucial date fixed for the direct recruitment of the same year.</p> <p>Note: The procedure for recruitment shall be governed by the Administrative instructions issued by the Department from time to time.</p>

In case of recruitment by promotion or deputation or absorption, grade from which promotion or deputation or absorption to be made.	If a Department Promotion Committee exists, its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(12)	(13)	(14)
<p>Promotion</p> <p>Permanent officials belonging to following categories who have rendered not less than 3 years of regular service in that grade namely:-</p> <p>(1) Letter Box Peon, (2) Mail Peon, (3) Packer, (4) Porter, (5) Runner, (6) Van Peon, (7) Orderly, (8) Attendant-cum-Khansama, (9) Chowkidar/Watchman, (10) Safaiwala/Scavenger, (11) Gardener/Mail (12) Waterman/Bhisti, (13) Cleaner, (14) Rest House Attendant, (15) Daftry, (16) Selection Grade Daftry, (17) Selection Grade Group 'D' (Jamadar) (18) Gestetner Operator, (19) Postman/Village Postman, (20) Reader, (21) Sorting Postman, (22) Head Postman, (23) Check Overseer, (24) Head Mail Guard, (25) Driver, (26) Mechanic (27) S.S. Tradesman (28) Gateman, (29) Mazdoor, (30) Pumpman, (31) Workman, (32) Lascar, (33) Carpenter, (34) Water Carrier, (35) Despatch rider, (36) Tradesman, (37) junior Caretaker, (38) Farash, (39) Messenger, (40) Ayah (Lady Attendant) (41) By Hand Peon (42) Liftman (43) Head Packer (44) Office Peon (45) wireman/Assistant Wireman (46) Hamal (47) Gestetner Operator (48) Tinsmith and (49) Mail Guard.</p>	<p>Department Promotion Committee:-</p> <p>For the post of Postal Assistant:-</p> <p>(1) Senior Superintendent of Post Offices (SSPOs) or Superintendent of Post Offices (SPOs) of the concerned Division Chairman</p> <p>(2) A Group 'A' or Group B (Gazetted) officer from any other Central Government Department/office at the station or in the Region Member.</p> <p>(3) Senior Superintendent of Railway Mail Service (SSRM) or Superintendent of Railway Mail Service (SRM) of the nearest Railway Mail Service Division -Member</p> <p>For the post of Sorting Assistants:-</p> <p>(1) Senior Superintendent of Railway Mail Service (SSRM) or Superintendent of Railway Mail Service (SRM) of the concerned Railway Mail Service Division - Chairman.</p> <p>(2) A Group 'A' or Group 'B' (Gazetted) Officer from any other Central Government Department/Office at the station or in the Region - Member.</p> <p>(3) Senior Superintendent of Post Offices (SSPOs) or Superintendent of Post Offices (SPOs) of the nearest postal Division -Member.</p>	Not Applicable

-23-

Name of Post	No. of posts	Classification	Scale of Pay	Whether selection by merit or Selection-cum-seniority or nonselection post.
(1)	(2)	(3)	(4)	(5)
1. Postal Assistants and Sorting Assistants (in offices other than Foreign Post Organisation)	1,29,640* (2001) * Subject to variation dependent on workload.	General Central Service Group 'C' non-gazetted (Ministerial)	Rs. 4000-100-6000/-	Not applicable

whether benefit of added years of Service admissible under Rule 30 of the Central Civil Service (Pension) Rules, 1972	Age limit for direct recruits.	Educational and other qualifications required for direct recruits.
(6)	(7)	(8)
No.	<p>Between 18 and 25 years. (Relaxable for Government servants upto 35 years in accordance with orders or instructions issued by the Central Government in this behalf).</p> <p>Note :- The crucial date for determining the age limit shall in each case be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of J & K State, Lahaul and Spiti district and Pangri Sub-division of Chamba district of Himachal Pradesh, Andaman and Nicobar Islands and Lakshadweep).</p> <p>In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be the last date upto which Employment Exchange is asked to submit the names.</p>	<p>(i) 10+2 standard or 12th class pass of a recognized University or Board of School Education or Board of Secondary education with English as a compulsory subject. (excluding vocational streams.)</p> <p>(ii) Knowledge of local language of the state concerned. The candidate should have studied the local language as a subject at least up to matriculation or equivalent level.</p>

ANNEXURE A/3

-24-

DEPARTMENT OF POSTS N.E. POSTAL CIRCLE ANNUAL RECRUITMENT OF POSTAL ASSISTANTS, IN N.E. POSTAL CIRCLE

Applications in the prescribed format are called for from candidates for the posts of Postal Assistants.

2. Prospectus containing eligibility conditions such as age, qualifications, etc., recruitment procedure, prescribed application-form and details about the number of vacancies to be filled in the officer to whom applications are to be addressed can be obtained from all the Head Post Offices, main Sub-post Offices situated in Sub-Divisional Head quarters and other important Sub-Post Offices, on payment of Rs. 10/- by cash at the concerned post office counter.

3. Application duly completed along with attested copies of the certificates should be submitted to the officer concerned on or before 10-4-2005 by Registered Post or Speed Post. Applications sent by other means will not be considered. Applications received after the due date will be rejected and no correspondence will be entertained.

Chief Postmaster General
North Eastern Circle,
Shillong - 793001

VACANCY POSITION (for the year 2003 & 2004)

Sl. No.	Name of Division/Unit	OC	SC	ST	OBC	Physical Handicapped	Ex Servicemen	Total	Address of the office to which applications are to be sent
1	2	3	4	5	6	7	8	9	10
1.	Agartala	2	-	1	-	-	-	3	Director Postal Services, Agartala Division, Agartala
2.	Arunachal Pradesh	2	-	3	-	1	-	6	Director postal Services Arunachal Pradesh, Itanagar
3.	Manipur	2	-	-	1	Nil	-	3	Supdt. of POs, Manipur Division, Imphal
4.	Meghalaya	2	-	2	-	-	-	4	Sr. Supdt. POs Meghalaya Division, Shillong
5.	Mizoram	-	-	2	1	-	-	3	Director Postal Services, Mizoram Division, Aizawl
6.	Nagaland	3	-	1	-	-	1	5	Director Postal Services, Nagaland Division, Kohima
7.	SBCO	1	-	-	-	-	-	1	Chief Postmaster General (Staff Section) N.E. Circle Shillong
Total		12	Nil	6	2	1	1	26	

checked by the line 6/3
B.K. Kishor
adviser

राजकीयकृत गौरी उच्च विद्यालय
कृष्णवाड़ा (पो०) वैशाली

विद्यालय परित्याग प्रमाण-पत्र
(School Leaving Certificate)

- १ छात्र का नाम जीरंद कुमार सिंह
रोल नंबर 5320 कम स. (नामांक) 45 वर्ष 1994 पंजीयन सं. 532-22-8531 वर्ष 93
- २ पिता का नाम श्री राजमोहन प्रसाद सिंह
- ३ वृत्ति (पेशा) कृषि
- ४ निवास-स्थान :-
(क) ग्राम प्रसवारी (ख) पञ्चालय तिरुचिञ्चोला
(ग) थाना तिरुचिञ्चोला (घ) जिला तिरुचिञ्चोला
- ५ प्रवेश पत्र में अंकित जन्म-तिथि (अक्षरों में) 30/12-80 (नील दिशान्तर अस्सी)
- ६ बिहार माध्यमिक विद्यालय परीक्षा में उत्तीर्ण होने का वर्ष बायिक प्रश्न 18/6
- ७ किस श्रेणी में उत्तीर्ण हुए (अक्षरों में) प्रथम श्रेणी
- ८ प्रवेशक एवं तिथि 28/6 स्वतंत्र
- ९ बिहार माध्यमिक विद्यालय परीक्षा में लिए गए विषय :-
ग्रुप (ए) अनिवार्य विषय (क) हिन्दी
(ख) संस्कृत
ग्रुप (बी) (क) अंग्रेजी (ख) गणित
(ग) प्राकृतिक विज्ञान (घ) इतिहास
- पाँचवा विषय - अतिरिक्त
- ग्रुप (सी) सामाजिक उपयोगी उत्पादक काम का ग्रेड बी
- १० आखरण - उत्तम

तिथि 22/7/94

निषिक्त

(Signature)

प्रधानाध्यापक

(Signature)
B. K. Pandey

ANNEXURE A-5

M.S. No. : 097383



PATNA

MARKS STATEMENT, 2000

JITENDRA KUMAR SINGH

S M R C K COLLEGE, SAMASTIPUR

Roll Code **5306** No **10054** Enlistment No **R0060 - 98**

SCIENCE

APRIL 2000

SUBJECT NAME							
RBH	100	030	065	065			065
ENG	200	060	057	069	126		126
PHY	200	065	054	057	111	046	157 D
CHE	200	065	056	053	109	047	156 D
MAT	200	060	080	076	156		156 D
ST	100	030	014	014	073		087

717
1st DIV

03/07/2000

Secretary

- 27 -

ANNEXURE-A/C

94/A 0518402

BIHAR SCHOOL EXAMINATION BOARD, PATNA
SECONDARY SCHOOL EXAMINATION



FOLLOWING ARE THE DETAILED MARKS OBTAINED BY:

ROLL CODE	ROLL NO.	NAME OF THE CANDIDATE	EXAMINATION														
05320	0451	JITENORA KUMAR SINGH	ANNUAL '94														
SCHOOL NAME → 03 G H S KRISHNAWARA			GRADE IN GROUP C → B														
GROUP-A																	
MIL				SIL					FIFTH SUBJECT	AGGREGATE	RESULT						
SUBJECT	PAPER 1	PAPER 2	TOTAL 150 45	SUBJECT	PAPER 1 PART 1	PAPER 1 PART 2	PAPER 2 PART 1	PAPER 2 PART 2				TOTAL 150 45					
HN	45	32	077	SNK	58		53		111	MTH	550	1ST DIV					
GROUP-B																	
ENGLISH			MATHEMATICS			SOCIAL SCIENCE			NATURAL SCIENCE				OPTIONAL				
PAPER 1	PAPER 2	TOTAL 150 45	PAPER 1	PAPER 2	TOTAL 150 45	HCV	GEO	TOTAL 150 45	THEORY 135			PRAC-TICAL 15	TOTAL 150 45	SUBJECT	PAPER 1	PAPER 2	TOTAL 150 45
									PHY	CH	BIO						
57	47	104	37	38	075	42	43	085	25	28	27	12	092	EC	40	41	081

[Handwritten signature]

SECRETARY.

*Ant. for the
one copy
B. K. Verma
m.d.*

55

Annexure - A/7

-28-

APTECH

COMPUTER EDUCATION

Sr. No.

47393

vidyā

58

This credential is awarded to

Jitendra Kumar Singh

on successful completion of the course

DESKTOP MANAGEMENT SKILLS

on the 8th *day of the month* January

in the year 2001

at the Hajipur *Centre.*

Date of Issue : 18/01/2001


Authorised Signatory

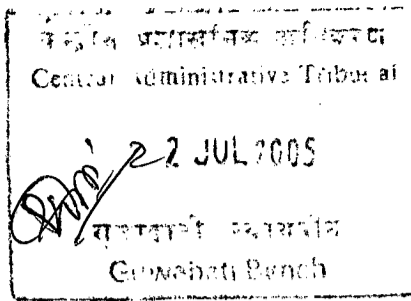
Issued by APTECH LIMITED HAVING ITS REGISTERED OFFICE AT ELITE AUTO HOUSE, 54 A, SIR M. VASANJI ROAD, ANDHERI (E), MUMBAI 400 093.

certified for true copy
Mr. Rahul
ASD

5. METHOD OF SELECTION:

- 5.1 The aggregate marks for selection will be 100, consisting of 40% weightage of percentage of marks secured in 10+2 or 12th Class, 50% weightage of marks secured in aptitude test and 10 marks for computer test (including typing skill on computer).
- 5.2 A merit list of the candidates will be prepared on the basis of marks in the aggregate secured by them in 10+2 or 12th Class Examination from a recognized University or Board of School Education or Board of Secondary Education (excluding vocational streams). This merit list is on the basis of 40% of the percentage of marks secured by the candidates in 10+2 or 12th Class Examination. For example, if a candidate has secured 70% marks in 10+2 or 12th Class Examination, he would be awarded 40% of 70 i.e. 28 marks for the purpose of preparing merit list.
- 5.3 Out of this merit list, candidates equal to 10 times of vacancies (for each community separately as per the vacancies reserved for each community) will be called for to appear for the Aptitude test/written test. The candidates selected will be addressed to appear for Aptitude Test. Those who desires to appear for the Aptitude Test should credit an examination fee as under:-
- i) Rs. 100/- for general candidates.
 - ii) Rs. 50/- for Scheduled Castes Scheduled Tribes OBC Ex-servicemen Physically handicapped candidates in any Post Office and produce the receipt at the time of appearing for test.
- 5.4 The Aptitude Test will contain 50 objective type questions of 2 marks each and will include questions on English, mathematics, general knowledge and reasoning and analytical ability. The duration of the test will be 60 minutes. 50% of the marks secured in aptitude test will be given weightage for the final assessment.
- 5.5 The computer test consists of data entry knowledge and typing knowledge on computer. The test will consist of one passage in English or Hindi to be typed to test the typing knowledge (The passage for type test will consist of 450 words in English and 375 words in Hindi to be typed at the minimum speed of 30 w.p.m.) and data consisting of figures and letters to test the knowledge of data entry. The test shall be for 30 minutes - 15 minutes for each part, i.e. typing knowledge and data entry and each part will be given 5 marks each. Marks shall be given at 0 or 5 based on whether the candidate achieves minimum standard or not. There will not be graded marks. The weightage for computer test will be 10 marks.
- 5.6 The marks secured in computer test will be added to the marks already secured in the components referred to in paras 5.2 and 5.4 above and a final merit list will be prepared. The final selection will be made on the basis of this final merit list.
- 5.7 Attendance in Aptitude Test and Computer Test (including typing skill) is mandatory for selection. Those who fail to appear for these tests will not be selected.

cut for the line
G.P.
B.K. and
Mh.



Filed by
The Respondents through
Usha Das.
Addl Clk SC
22/7/05

Panel Chakraborty
(P. Chakraborty)
Supt. of Post Offices (HQ)
of Directorate of Postal Services
Nagaland : Kohima - 797001

1
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO. 111/2005

JITENDRA KUMAR SINGH

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received copy of OA and have gone through the same and have understood the contents thereof. Save and except the statements, which are specifically admitted herein below, rest may be treated as total denial. The statements, which are not borne on record, are also denied and the applicant is put to the strictest proof thereof.
- 2) That before giving parawise reply, the respondents beg to state the brief fact of the case.

The applicant Shri Jitendra Kumar Singh submitted the application for recruitment of Postal Assistant in Nagaland Division (Application No. 1941), which was received by the Director Postal Services, Kohima on 12.04.05. The applicant did not study the local language as a subject up to matriculation level or equivalent level and on that ground his application was rejected. The applicant studied up to 10+2 level in Bihar with additional subject as Hindi. Hence, as per procedure prescribed in Dept. of Posts memo No. 60-29/98-SPB-I dated 25.01.2002 and 51-2/2003-SPB-I dated (Annexure II & III) which were issued in exercise of the powers conferred by the proviso to article 309 of the Constitution of India, short listing of candidates was done and announced under No. B-2/Recruitment/2003-04 dated 07.05.05 (Annexure VI). There was nothing irregular in shortlisting the candidates in pursuance of the procedures laid down by the Department as mentioned above. Copy of the prospectus was supplied alongwith the application form (Annexure VII) wherein eligibility conditions were duly prescribed in detail at para 3, 3.1

and 3.2. the applicant did not fulfill the eligibility condition as prescribed under Para 3.2 (III) of Annexure VII and on that ground his application was rejected and his name was excluded from the shortlisted candidates as announced on 07.05.2005. The prescribed procedure for shortlisting of candidates is applicable only in respect of eligible candidates and not for the candidates whose applications are rejected for not fulfilling the eligibility conditions.

The applicant has not been discriminated as even the local Naga candidates who studied from CBSE or National Open School or any other Board but did not had local language or alternative English as additional subject were not considered while shortlisting the names.

It's the policy of the Govt. to encourage local youth to join the mainstream of the country by providing them with the scarce employment opportunities in the relatively backward Northeastern states.

- 3) That with regard to the statement made in paragraph 1 of OA, the respondents beg to state that the application for recruitment of Postal Assistant (Application No. 1941) submitted by the applicant was received by respondent No. 3 on 12.04.05 (Annexure-1). The applicant did not study local language as a subject up to matriculation or equivalent level and his application was rejected. Hence, as per procedure prescribed in Dept. of Posts memo No. 60-29/98-SPB-I dated 25.01.2002 (Annexure-II) and 51-2/2003-SPB-I dated 10.11.2004 (Annexure-III), which were issued in exercise of the powers conferred by the proviso to article 309 of the Constitution of India and Chief Postmaster General, Shillong letter No. Staff/126-2/87/Rlg (Corr) dated 11.05.2005 in reply to letter No. B-2/Rectt/2003-04 dated 02.05.05 (Annexure IV & V), short listing of candidates was done and announced under No. B-2/Recruitment/2003-04 dated 07.05.05 (Annexure VI). There was nothing irregular in shortlisting the candidates in pursuance of the procedures laid down by the Department.
- 4) That with regard to the statement made in paragraphs 2, 3, 4.1, & 4.2 of the OA, the respondents beg to offer no comment
- 5) That with regard to the statement made in paragraph 4.3 of the OA, the respondents beg to state that copy of the prospectus supplied along with the application from is annexed as Annexure -VII wherein eligibility conditions have been outlined in detail at Para 3, 3.1 and 3.2. The last date of receipt of the application was extended up to 20.04.05.

- 6) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to state that the applicant did not fulfill the condition as prescribed under Para 3.2 (iii) of Annexure VII and on that ground his application was rejected.
- 7) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to offer no comment.
- 8) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to state that the prescribed procedure for short listing of candidates is applicable only respect of eligible candidates and not for the candidates whose application are rejected for not fulfilling the eligibility condition. The applicant's application was rejected on the ground as mentioned in Para 6 of this WS.
- 9) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to offer no comment.
- 10) That with regard to the statement made in paragraph 4.8 of the OA, the respondents while denying the contentions made therein beg to reiterate and reaffirm the statements made in Para 6 & 8 of this WS. The respondents further beg to submit that the official language of Nagaland State is English but the local language in common use is not English but other languages like Ao, Angami, Sema, etc. The applicant is trying to confuse the Hon'ble Court on the matter of official language and local language. In the column 8 of the schedule to the Recruitment Rules notified on 25.01.2002, knowledge of local language of the state concerned has been made as an essential qualification. The candidate should have studied the local language as a subject at least up to matriculation level to be eligible for the post. The applicant lacked this eligibility.

A copy of the letter dated 5.9.2002 written by the Nagaland Board of School Education, Kohima to S P O, Kohima regarding recognition of local language is annexed herewith and marked as Annexure-1.

- 11) That with regard to the statement made in paragraph 5.1 of the OA, the respondents while denying the contentions made therein beg to state that an important consequence of the rights to equality is the element of reasonableness. Article 16 is a spread of Article 14. The applicant read up to 10+2 level in Bihar, so he did not study the local language as prescribed as eligibility condition up to matriculation level and due to that reason, he was not found fulfilling the eligibility criteria for the post of Postal Assistant in Nagaland Division and his application was rejected. In this connection provisions under article 309 of the Constitution may kindly be referred to. Though a person, by

making an application for a post pursuant to an advertisement, does not acquire any right to be appointed to that post, he acquires a right to be considered for selection according to the terms of that advertisement. The eligibility of a candidate for selection for a post depends upon whether he is qualified in accordance with the relevant rules as that existed at the date of the advertisement for recruitment. (N. T. Devin Katti V. Karnataka Public Service Commission, (1990) 3 SCC 157 : AIR 1990 SC 1233 : 1990 Lab IC 1009)

12) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to state that the official language and local language are two different terms. The candidates who studied Hindi up to matriculation level were not excluded but the candidates who did not study local language as a subject up to matriculation level as prescribed by the Department under memo dated 25.01.2002 were excluded. In this process there was no irregularity.

13) That with regard to the statement made in paragraph 5.3 of the OA, the respondents while denying the contentions made therein beg to state that recruitment process is being conducted as per guidelines/Rules issued by the Department on 25.01.2002 and 10.11.2004 which is uniformly applicable throughout the country and there is no violation in the matter. As per recruitment rules, knowledge of local language is essential. In the state of Nagaland, 'English' is official language, but every major tribe has a language of its own, like Ao, Angami, Sema, Lotha, etc. The applicant neither studied any of these languages nor has kept alternative English as additional subject in matriculation examination. Even the local Naga candidates did their education from CBSE or any other Board who did not have local language or alternative English as additional subject up to matriculation level were not considered while shortlisting the candidates. Further, the same rule applies in all of the states having different local language and candidates from any part of the country are similarly not considered because of non-opting of local language. *The knowledge of the local language is a mandatory condition for the appointment of the post.*

14) That with regard to the statement made in paragraph 5.4 of the OA, the respondents beg to state that the Department of Post is a public dealing Department and the officials working in the Department in a State have to interact with the public mainly in local language as the common people is the main customer/investor of the Department of Posts and these necessities pass the two tests as mentioned by the Hon'ble Apex Court.

The recruitment policy of the Govt. is framed to encourage local candidates as the P.A cadre is a state cadre and to provide scarce employment opportunities to the local youth. Further, it is not discriminatory as has been made out to be, as the same rule is applicable through out the country without any exception.

The Hon'ble Supreme Court in U. O has held it. I. – Vs- Syed, (1992)1 UJSC 590: 1992 Supp (2) 534 : AIR 1994 SC 605 : (1992) 2 CLR 38, paragraph 13 (3 Judges) ; Rangaswamy Vs Govt. of Andhra Pradesh, AIR 1990 SC 535 : (1990)1 SCC 288: 1990 1 LLJ 526 that in the absence of any constitutional bar, determination of the mode of recruitment to a service or post, say by promotion, transfer or direct appointment, is a matter of policy of the Govt. or other appropriate authority.

It has been held by the Hon'ble Supreme Court in Rangaswamy V. Govt. of Andhra Pradesh, (1990) 1 SCC 288: AIR 1990 SC 535: 1990 Lab IC 296 : (1990) 1 LLJ 526, paragraph 6 that the court would not interfere with the propriety of particular qualification for a post laid down by the Govt.

The Hon'ble Supreme Court in Mahendran V. State of Karnataka, (1990) 1 SCC 411: AIR 1990 SC 405: 1990 Lab IC 369, Paragraph 4-5 (3 Judges) has further held that being a matter of policy, it is open to the Govt. to change the qualifications for a post from time to time. But unless the amendment is given retrospective effect, it cannot affect the right of a candidate who was duly qualified according to the rules, which were in force at the time when the selection was made by the body authorized to make it.

15) That with regard to the statement made in Paragraph 5.5 & 5.6 of the OA, the respondents beg to rely and refer upon the statements made above.

16) That with regard to the statement made in paragraph 6 & 7 of the OA, the respondents beg to offer no comment.

17) That with regard to the statement made in paragraph 8 & 9 of the OA, the respondents while denying the contentions made therein beg to state that in view of the facts and circumstances of the case the present O. A. is devoid of any merit and hence the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

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VERIFICATION

I Shri Poanab Chakraborty at present
working as Supdt. of Post Offices (H.Q.), O/o Directorate
of Postal Services, Nagaland, Kohima who is taking steps in this
case, being duly authorized and competent to sign this verification, do
hereby solemnly affirm and state that the statement made in paragraph
1 are true
to my knowledge and belief, those made in paragraph
2 to 17 being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 18 the day of July 2005 at Kohima

Poanab Chakraborty
DEPONENT
(P: Chakraborty)
Supdt. of Post Offices (H.Q.)
O/o Directorate of Postal Services
Nagaland ; Kohima-797001

3/c
7 - Annexure - 1
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Nagaland Board of School Education
Kohima

NO.NBE-6/EX-MISC/2002-03: 3275 Dated Kohima, the 5-th Sept '2002.

To

✓ P. Chakraborty,
Supdt. of Post Office (HR)
Head Post Office,
Kohima.

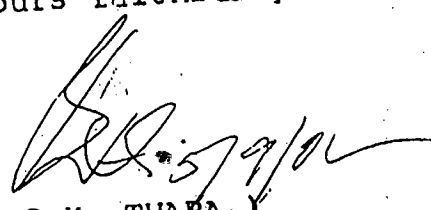
Subject:- RECOGNITION OF LOCAL LANGUAGES.

Sir,

With reference to your letter No. B-2/Rcctt/2001 dated 28-8-2002, I am to inform that the following local languages are recognised by Nagaland Board of School Education as Modern Indian Language for Secondary & Higher Secondary courses, where these languages are optional.

1. Ao
2. Lotha
3. Sema
4. Tenyidie.

Yours faithfully


(B.K. THAPA)
Deputy Secretary (Exams).
Deputy Secretary (Examinations)
Nagaland Board of School Education
Kohima.

Forwarded to
the office
see
5/9/02
18/9/02