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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 154/2005

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SECTION OFFICER (Judl.)

24/11/2017

FORM NO. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 154/05
Misc. petition No. _____
Contempt petition No. _____
Review Application No. _____
Applicant(s) Manish Kumar
Respondents U.O.I. Govt.
Advocate(s) for the Applicant(s) U.K. Nair, B.K. Talukdar, B. Sarma
Arum C, Mrs. B. Chakrabarty
Advocate(s) for the Respondents Case

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 10/- deposited vide IPC/DB No. <u>11628887-8</u> Dated <u>11.6.05</u></p> <p><u>Deep</u> Dy. Registrar</p> <p><u>MS</u> <u>21/6/05</u></p> <p><u>Steps not taken</u></p> <p><u>Steps taken on</u> <u>1/7/05.</u></p> <p><u>Notice & order</u> <u>sent to D/Section</u> <u>for issuing to</u> <u>resp. Nos 1 & 2</u> <u>by regd. A/P</u> <u>post.</u></p> <p><u>6</u> D/No = <u>1057 to</u> <u>1058</u> <u>17/05</u> Dt = <u>5/7/05.</u></p>	<p>23.6.2005</p>	<p>Heard Mr. U.K. Nair, learned counsel for the applicant and also Ms. U. Das, learned Addl. C.G.S.C. for the respondents.</p> <p>We have already admitted two other cases i.e., O.A. Nos. 111/05 and 112/05 in respect of the same advertisement. It also admit this application and order notice to the respondents. Written statement, if any, within four weeks. Post along-with other two cases on 22.7.2005.</p> <p>Needless to say that may any selection and appointment pursuant to the impugned notification shall be subject to the outcome of the O.A.</p> <p><u>V. V. V.</u> Vice-Chairman</p>

22.7.2005

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

Notice duly
served on
resp. No. 1.

[Signature]
Member

[Signature]
Vice-Chairman

bb

21-7-05

no W/S filed.

24.8.2005

Post this matter before the
next available Division Bench.

Notice duly
served on
resp. No. 2.

[Signature]
Vice-Chairman

nkm

8.8.06

Heard counsel for the parties.

Hearing concluded. Judgment delivered
in open Court, kept in separate sheets.

The application is dismissed in
terms of the order recorded separately.
No order as to costs.

[Signature]
Member

[Signature]
Vice-Chairman

pg

Service Completed.

No. W/S has been
filed.

23
23.8.05

24.3.06

W/S filed by
the Respondents.

W/S has been
filed.

27
27.8.06

29.8.06

Copy of W/S has been
sent to the
Office for its filing
and to the applicant
well as his Address.

Received
Althia Das
Addl Clk
29/8/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

154 of 2005

O.A. No.

08.08.2006

DATE OF DECISION

Shri Manish Kumar

Applicant/s

Mr U.K. Nair, Mr B.K. Talukdar, Mr B. Sarma and Mr Auna C and Mrs. B. Chakraborty

Advocate for the
Applicant/s.

- Versus -

Union of India & Others

Respondent/s

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

Advocate for the
Respondents

CORAM

HON'BLE MR K.V. SACHIDANANDAN, VICE-CHAIRMAN
HON'BLE SRI GAUTAM RAY, ADMINISTRATIVE MEMBER

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

Vice-Chairman

9/8/06

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 154 of 2005.

Date of Order : This the 8th day of August 2006.

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

The Hon'ble Sri Gautam Ray, Administrative Member.

Shri Manish Kumar, Aged 21 years
S/o Shri Narendra Kumar Singh
Care: Nirmal Grocery Shop
Power House Road, Burma Camp
P.O. & P.S.: Dimapur
PIN - 797 112
State : Nagaland.

... Applicant

By Advocates Mr U.K. Nair, Mr B.K. Talukdar, Mr B. Sarma and Mr
Auna C and Mrs. B. Chakraborty.

- Versus -

1. Union of India
Represented by the Director General (Posts),
Government 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.

... Respondents

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

.....

ORDER (ORAL)

K.V. SACHIDANANDAN, (V.C.)

In response to a notification at annexure - A/1, the Applicant applied for the post of Postal Assistant. Annexure - A/5 is the photocopy of the School Leaving Certificate showing the date of birth of the Applicant. Annexure - A/6 is the photocopy of the Intermediate (Commerce) Examination Marks obtained in the examination. Annexure - A/7 is the photocopy of the official web site


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showing the official language of Nagaland State as 'English'. The Applicant also submitted certificates of Computer and typing knowledge. The Applicant's contention is that he is eligible for the post of Postal Assistant, SBCO, and N.E. Postal Circle. But he was not considered for the said post. Therefore, he has filed this Application seeking the following reliefs: -

- "(i) Issue appropriate order(s)/direction(s) to the Respondent No. 2 to submit the 'Names of short-listed candidates for the Recruitment of Postal Assistants who have been called for to appear in the Written/Aptitude Test and Computer Test [including typing skill on computer] duly showing the percentage of marks secured by each candidate in the order of merit in 10+2 standard or 12th Class Examination' along-with other relevant recruitment records for the kind perusal of the Hon'ble Tribunal; and issue such further order(s)/direction(s) as the Hon'ble Tribunal may deem proper in the circumstances of the case, after perusing the relevant records to be submitted by the Respondent No. 2;
- (ii) Issue such further order(s)/direction(s) to the Respondents to declare the recruitment process as null and void, if the Hon'ble Tribunal is satisfied, after perusing the relevant recruitment records, that the present applicant has illegally and discriminately been denied opportunity to take part in the 'Recruitment of Postal Assistant (SBCO) conducted by the Respondent No. 2; and also pass any other order(s)/direction(s) as the Hon'ble Tribunal may deem fit and proper as to the circumstances of the case warrant;
- (iii) Make the declaration absolute that the Recruitment of Postal Assistant (SBCO) conducted by the Respondent No. 2 through the Recruitment Test held on 25-05-2005 (WEDNESDAY) as irregular, null and void, and"

2. The Respondents have filed a detailed reply statement contending that at para - 2 of the notification, it was specifically

mentioned that "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". In the prospectus, at para 3.2(iii) it was clearly mentioned "The candidates should have knowledge of local language of the State, i.e. should have studied the language declared as local language by the State Govt. as a subject at least up to Matriculation level (SSLC)." The Applicant passed the Intermediate Examination, equivalent to XIIth Class examination in the year 2001 from the Bihar Intermediate Education Council and presently staying in the State of Nagaland. The Applicant claimed that the official language of the State of Nagaland is 'English' and no other language is available for the State of Nagaland where the Applicant presently resides. As per the Deputy Secretary (Examination), Nagaland Board of School Education, Kohima letter No. NBE-6/EX-Misc./2002-03, (i) Ao, (ii) Lotha, (iii) Sema and (iv) Tenyidie are recognized as local languages for the State of Nagaland. The Applicant did not read in any of the local languages recognized and mentioned in the letter of the State Government, which is evident from the copy of the Mark-sheet issued by the Bihar Intermediate Education Council. Therefore, he was not found eligible for the said post as per the eligibility criteria and his candidature was rejected. It is the policy of the Government to encourage the local youth to join the main stream of the country by providing them with the scarce employment opportunities in the relatively backward North Eastern States. The Respondents conducted the Computer test fully in accordance with the method of selection as mentioned in the prospectus published and supplied to



the candidates for the purpose. The Applicant did not study the local language recognized by the State of Nagaland upto Matriculation level which was compulsory as per the conditions laid down in the prospectus. Therefore, the Applicant has not made out a case and the O.A. is liable to be set aside.

3. Heard Mr U.K. Nair, learned Counsel for the Applicant and Ms. U. Das, learned Addl. C.G.S.C. for the Respondents.

4. Learned Counsel appearing for the parties submitted that the O.A. is squarely identical and similar to that of the O.A. Nos. 111/2005 and 112 of 2005, which were disposed off by a Division Bench of this Tribunal on 13.06.2006 dismissing the said O.A.s. Learned Counsel appearing for the parties submitted that same method may be adopted and followed in this case also. For better illustration, the operative portion of the said order is reproduced below: -

"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 studied 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)
Nagaland 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."

5. 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 of India and the object sought to be achieved is reasonable. It is also 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.

6. In the conspectus of facts and circumstances, considering the above discussions and legal position, we are of the considered view that the Applicant has not made out a case and, therefore, the

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O.A. deserves to be dismissed. Accordingly, we dismiss the O.A. In the circumstances, no order as to costs.

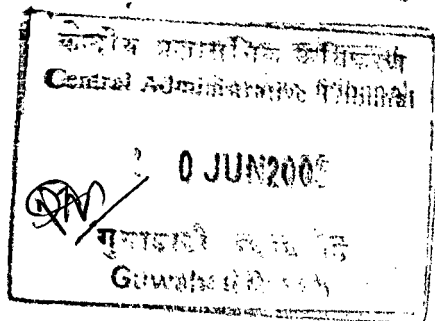


(GAUTAM RAY)
ADMINISTRATIVE MEMBER



(K.V. SACHIDANANDAN)
VICE-CHAIRMAN

/mb/



THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

O.A. No. 154 of 2005

BETWEEN

Shri Manish Kumar

..... Applicant.

-VERSUS-

Union of India & Ors.

..... Respondents.

SYNOPSIS

This instant application under Section 19 of the Administrative Tribunals Act, 1985 is directed against the arbitrary, discriminatory and malafide action/inaction on the respondent part in not permitting your applicant to participate in a Recruitment Test held on 25.05.05 for the Recruitment to the post of Postal Assistants (SBCO) in the N.E. Postal Circle inspite of his fulfilling all the eligibility criteria's thereby violating all the norms and principles as contained in the provisions of the prospectus enclosed with the application form (Annexure - 4). As contemplated vide the provisions contained therein in the said prospectus, a merit list of the applicants on the basis of the marks in aggregate secured by them in 10+2 or 12th standard Examination be prepared and out of the said merit list only short-listed candidates equal to 10 times of vacancies (for each community

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separately) should have been called for appearing in the above mentioned Recruitment Test. The said select list of candidates as envisaged in the prospectus was never prepared and the Recruitment test was held on 25.05.05 in violation of the said mandatory provisions. That the applicant has been discriminated against inasmuch as candidates securing lesser marks in aggregate in the 10+2 or 12th standard then your applicant have been permitted to participate in the said Recruitment Test while denying the said opportunity to him. Hence, this application praying for appropriate orders/ directions from this Hon'ble Tribunal seeking redress of his grievances.

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APPENDIX - A
[FORM - I]
[See Rule 4]
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

ORIGINAL APPLICATION No: ¹⁵⁴ of 2005.
APPLICATION UNDER SECTION-19 OF THE A.T ACT 1985

Shri Manish Kumar

..... Applicant.

- Versus -

Union of India & Others.

..... Respondents.

I N D E X

Sl No	Description of documents relied upon	ANNEXURE	Page number
1	Application		01-14
2	Copy of 'Vacancy Notification' published in the local daily 'News paper' by the Chief Post Master General, Shillong [Respondent No.2]	ANNEXURE-A/1	
3	Copy of Imphal HPO Speed Post Receipt No. EE 853188208 IN dated 25.03.2005	ANNEXURE-A/2	
4	Copy of web-page showing the movement particulars of Speed Post Letter No. EE 853188208IN booked at Imphal Speed Post Centre on 25 Mar 2005 as available in the web-site of Department of Posts 'www.indiapost.gov.in/speednet/Track2.aspx'	ANNEXURE-A/3	
5	Copy of relevant instructions in the prospectus showing the 'Scale of Pay', 'Probation', 'Eligibility Conditions', 'Method of Selection', 'Special instructions to the applicants', 'Details of Enclosures', 'Instructions relating to submission of Application' etc related to the recruitment	ANNEXURE-A/4	
6	Copy of Secondary School Examination Mark sheet containing the date of birth of the applicant	ANNEXURE-A/5	
7	Copy of Intermediate (Commerce) Examination Marks Statement, 2001	ANNEXURE-A/6	
8	Copy of web page of official web-site of Nagaland State, http://nagaland.nic.in/profile/aglance/htm , showing the official language of Nagaland State as 'English'	ANNEXURE-A/7	
9	Copy of Computer knowledge certificate issued by 'NIT/Calcutta Centre'	ANNEXURE-A/8	
10	Copy of 'Typing Qualification' certificate	ANNEXURE-A/9	
11	VAKALATNAMA		

Date: 15-6-05

Place: Guwahati

Manish Kumar
Signature of the applicant

For use in Tribunal's office

Date of filing :

Or

Date of Receipt by post :

Registration No. :

Signature
For Registrar

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Filed by → the Applicant
through → Bijesh Sharma.
Advocate.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION No: 154 of 2005.

Shri Manish Kumar, Aged 21-years
S/o Shri Narendra Kumar Singh,
Care : Nirmal Grocery Shop,
Power House Road, Burma Camp,
PO & PS : Dimapur PIN: 797 112.
State: Nagaland.

..... Applicant.

- VERSUS -

1. Union of India
Represented by: -
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

..... 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:

**Unfairness and Discrimination, in the
matter of public employment, in
violation of Article-14 and Article-16 of
the Constitution of India, in the
ANNUAL RECRUITMENT OF POSTAL
ASSISTANTS IN N.E-POSTAL CIRCLE for
SAVINGS BANK CONTROL
ORGANISATION (in short called as
'SBCO').**

- AND -

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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 SBCO [SAVINGS BANK CONTROL ORGANISATION];

- AND -

In the matter of:

Irregular holding of Recruitment Test/ Written Aptitude Test for the RECRUITMENT OF POSTAL ASSISTANTS (SBCO) IN N.E-POSTAL CIRCLE without publishing the names of Short-listed candidates.

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

The application is made against the irregular, arbitrary and illegal holding of Recruitment Test/Written Aptitude Test & Computer Test etc on 25-05-2005 (WEDNESDAY) by the Respondent No.2 without publishing the 'Names of Short-listed candidates'; and also against the denial of opportunity to the applicant to take part in the Recruitment Tests held on 25-05-2005 for the Recruitment of Postal Assistants (SBCO) in N.E-Postal Circle.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter in which the present application is filed and the applicant wants redressal is within the jurisdiction of the Hon'ble Tribunal.

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, presently, is a resident of Dimapur Town in Nagaland State.

4.2. The applicant, who was born and brought up in Chandmari Mohalla of Motihari in Champaran District of Bihar State, completed his High School Education in the year 1998 under the Bihar School Examination Board, Patna; and thereafter completed his Intermediate Commerce Examination in the year 2001. The applicant, although had passed his Secondary School Examination in 3rd Division, passed his Intermediate Commerce Examination in 1st Division with the record 82.44 % marks. That is, the applicant has scored 742 marks out of 900 marks in Intermediate Commerce Examination.

4.3. In the month of March 2005, the applicant visited Imphal Town in Manipur State in connection with his personal affairs and during that time, the applicant came across a recruitment notification published by the Respondent No.2 in a local daily newspaper. As per the said recruitment notification published on 18.03.2005, the Respondent No.2 called for applications from the eligible candidates for recruitment of Postal Assistant (SBCO) in N.E-Postal Circle. And, as per the said notification, 1(One) 'OC-category vacancy' had been notified in respect of Postal Assistants [SBCO] in North Eastern Postal Circle. Further, as per

Column-10 of the notification, applications for the Postal Assistants [SBCO] are to be submitted to the Respondent No.2. And also, as per Para-2 of the said notification, prescribed application form and prospectus could be purchased from all Head Post Offices, mail sub post offices situated in Sub Divisional Head quarters and other important sub post offices on payment of Rs.10/- [Rupees Ten] only by cash at the concerned post office counter. The Respondent No.2 had also fixed the last date for the receipt of application as 10.04.2005.

- Copy of 'Vacancy Notification' published in the local daily 'News paper' by the Chief Post Master General, Shillong [Respondent No.2] is submitted as ANNEXURE-A/1.

- 4.4. The applicant, who is one of the job-aspirants, immediately visited Imphal Head Post Office and obtained the prescribed application and prospectus on cash payment of Rs.10/- [Rupees Ten] only at Imphal Head Post Office Counter. Thereafter, the applicant also called for his documents, certificates and testimonials from Dimapur and submitted his application to the Respondent No.2 along-with required documents prescribed in Para-7 of the prospectus. The applicant's application for the Postal Assistants [SBCO] in N.E-Circle was forwarded to the Respondent No.2 vide Imphal HPO Speed Post Receipt No.EE 853188208 IN dated 25.03.2005.

- Copy of Imphal HPO Speed Post Receipt No. EE 853188208 IN dated 25.03.2005 is submitted as ANNEXURE-A/2.

- AND -

- Copy of web-page showing the movement particulars of Speed Post Letter No. EE 853188208 IN booked at Imphal Speed Post Centre on 25 Mar 2005 as available in the web-site of Department of Posts 'www.indiapost.gov.in/speednet/Track2.aspx' is submitted as ANNEXURE-A/3.

4.5. As per Para-3.2 of the prospectus supplied with the prescribed application form, the candidate for the post of Postal Assistants [SBCO] should fulfill the following eligibility conditions:

- (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.

- Copy of relevant instructions in the prospectus showing the 'Scale of Pay', 'Probation', 'Eligibility Conditions', 'Method of Selection', 'Special instructions to the applicants', 'Details of Enclosures', 'Instructions relating to submission

of Application' etc related to the recruitment is submitted as ANNEXURE-A/4.

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

- (i) The applicant who born on 01/10/1983, as per school leaving certificate, is 21-years 6-months and 10-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 Secondary School Examination Mark sheet containing the date of birth of the applicant is submitted as ANNEXURE-A/5.

- (ii) The applicant has already passed Intermediate(Commerce) Examination in the year 2001 from the Bihar Intermediate Education Council. Intermediate [Commerce] Examianation is a 12th Class Examination, and Bihar Intermediate Education Council is a recognized Board under the Govt of Bihar. The applicant secured 82.44 % of marks in Intermediate (Commerce) Examination by scoring 742-marks out of 900-marks in the aggregate.

- Copy of Intermediate (Commerce) Examination Marks Statement, 2001 is submitted as ANNEXURE-A/6.

- (iii) The official language of the State of Nagaland is 'English' and no other local language is available for the State of Nagaland where the applicant presently resides. It is

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also further submitted for the kind information of the Hon'ble Tribunal that the various 'Naga' tribes inhabited in the State of Nagaland do not have any language but maintain their own tribal dialect. Therefore, the applicant, who has studied 'English' language at High School level [ie. Secondary School Examination level- ANNEXURE-A/5], fulfills the required 'knowledge of local language' criteria prescribed in the relevant recruitment rules and instructions contained in the prospectus supplied with the application form. Further, the applicant also studied 'Hindi' as a language subject in High School Level, and 'Hindi' being 'Official Language of the Nation' in accordance with Article-343 of the Constitution of India possesses the status and recognition that 'Hindi' is the language recognized by the Govt of India for the whole territory of the country. Thus, the applicant fulfilled the knowledge of local language condition at all counts.

- Copy of web page of official web-site of Nagaland State, <http://nagaland.nic.in/profile/aglance/htm>, showing the official language of Nagaland State as 'English' is submitted as ANNEXURE-A/7.

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

- Copy of Computer knowledge certificate issued by 'NIIT/Calcutta Centre' is submitted as ANNEXURE-A/8.

- AND -

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- Copy of 'Typing Qualification' certificate is submitted as ANNEXURE-A/9.

4.7. As per the existing instructions available in Para-5 of the 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 following 3(Three) components: -

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 Para-5.2 & 5.3 of the Prospectus supplied with the prescribed application form, '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; and out of this merit list, 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).'

- Copy of relevant instructions in the Prospectus regarding the 'Eligibility Conditions', 'METHOD

**OF SELECTION' etc are already available in the
ANNEXURE-A/4.**

- 4.7 For the facts mentioned in Para-4.6 above, the Respondent No.2 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.2 did not publish the names of 10(Ten) eligible candidates who are short-listed for appearing in the recruitment tests, but conducted the Recruitment Tests on 25-05-2005 (WEDNESDAY) at Shillong centre only for the recruitment of Postal Assistants [SBCO] in N.E-Circle against the 1[one] notified OC-category vacancy. In the said test, although many candidates who have secured less marks than the present applicant were allowed to participate, the applicant has been denied opportunity to take part in the recruitment tests for the reasons best known to the Respondent No.2. As per the reliable information available to the applicant, the candidate, who has secured around 68 % of marks in the 10+2 standard, has been allowed to take part in the Recruitment Test held on 25.05.2005(WEDNESDAY) at Shillong Centre for the recruitment of Postal Assistants [SBCO] by the Respondent No.2. The applicant has therefore been seriously aggrieved of the said action of the above Respondent No.2; and has therefore moved the present O.A before the Hon'ble Tribunal for securing justice.

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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, in this instant case, the present applicant has been denied opportunity to participate in the recruitment process of Postal Assistants(SBCO) in N.E. Postal Circle by the above Respondent No.2, despite the applicant has fulfilled all the required eligibility conditions for the post. It is also pertinent to mention here that the applicant with high percentage of marks in 10+2 standard [ie. Intermediate Commerce Examination] has been denied opportunity to take part in the recruitment process, while many candidates who have secured less percentage of marks than the present applicant have been allowed to take part in the recruitment process. In other words, the applicant who has secured 82.44% marks in the aggregate in 10+2 standard/12th Class has been denied opportunity to take part in the recruitment process while candidates who have secured less percentage of marks than the present applicant, so to say the candidates who have secured as less around 68% marks in 10+2 standard/12th Class have been given opportunity to participate in the recruitment process. Thus, a grave injustice has been caused to the present applicant in violation of Article-16 & Article-14 of the Constitution of India.
- M

5.2. The applicant, who fulfills all the eligibility conditions; and who has submitted application for the post in the prescribed application form; and who has submitted his application for the post so as to reach within the last date of receipt of application; and who has secured 82.44 % marks in the aggregate in 10+2 standard/12th Class Examination, is fully eligible for the opportunity to participate in the recruitment process. But, the applicant has been denied the opportunity at the sweet will of the above Respondent No.2 while many candidates who have secured less percentage of marks than the present applicant have been given opportunity to participate in the recruitment process. Thus, the applicant has been discriminated in the matter of public employment in violation of constitutional provisions guaranteed to the citizens of the country in the 'Constitution of India'. Therefore, the action of the Respondent No.2 to deny opportunity to the applicant to take part in the recruitment process for the 'Recruitment of Postal Assistants [SBCO]' is violation of fundamental rights guaranteed in the constitution of India.

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant humbly submits that the applicant has no statutory remedy to be exhausted in this case. Further, as per Para-6 (d) of the prospectus, "only short-listed candidates will be informed to appear for tests and finally selected candidates only will be informed of their selection; and no correspondence will be entertained regarding applications/selection". Therefore, the

applicant has no other alternative remedy, but to approach the Hon'ble Tribunal for redressal.

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 that the Hon'ble Tribunal be pleased to:

- (i) Issue appropriate order(s)/direction(s) to the Respondent No.2 to submit the 'Names of short-listed candidates for the Recruitment of Postal Assistants [SBCO] who have been called for to appear in the Written/Aptitude Test and Computer Test [including typing skill on computer] duly showing the percentage of marks secured by each candidate in the order of merit in 10+2 standard or 12th Class Examination' along-with other relevant recruitment records for the kind perusal of the Hon'ble Tribunal; and issue such further order(s)/direction(s) as the Hon'ble Tribunal may deem proper in the circumstances of the case, after perusing the relevant records to be submitted by the Respondent No.2;
- (M)

- (ii) Issue such further order(s)/direction(s) to the Respondents to declare the recruitment process as null and void, if the Hon'ble Tribunal is satisfied, after perusing the relevant recruitment records, that the present applicant has illegally and discriminately been denied opportunity to take part in the 'Recruitment of Postal Assistants [SBCO] conducted by the Respondent No.2; and also pass any other order(s)/direction(s) as the Hon'ble Tribunal may deem fit and proper as to the circumstances of the case warrant;
- (iii) Make the declaration absolute that the Recruitment of Postal Assistants [SBCO] conducted by the Respondent No.2 through the Recruitment Test held on 25-05-2005 (WEDNESDAY) as irregular, null and void; and
- (iv) Award the cost of this application to the applicant; and
- (v) Pass any other order(s)/direction(s) as the Hon'ble Tribunal may deem fit and proper to render justice to the applicant.

9. INTERIM ORDER, IF ANY PRAYED FOR:

In the interim, the applicant prays that the Respondent No.2 be directed not to announce the result of RECRUITMENT TESTS held/conducted on 25-05-2005 (WEDNESDAY) under the franchise, "ANNUAL RECRUITMENT OF POSTAL ASSISTANTS IN N.E-POSTAL CIRCLE". Otherwise, the present application before the Hon'ble Tribunal will be infructuous and meaningless.

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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 : 11 G 388878
Office of Issue : Imphal H.P.O
Date of Issue : 11-06-2005
Office of Payment : Guwahati

12. LIST OF ENCLOSURES:

1. Application accompanied by Index in Appendix-A
2. ANNEXURE-A/1 to ANNEXURE-A/8.
3. Indian Postal Order for Rs.50/- for application fee.

VERIFICATION

I, Shri Manish Kumar, S/o Shri Narendra Kumar Singh, aged 21 years, resident of Burma Camp, P.O & P.S: Dimapur, 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 : 15-6-05

Manish Kumar
Signature of the applicant

Place: Guwahati

Filed by: -

Brijesh Sharma

Advocate

To

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

ANNEXURE - A/1

1533

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 office 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. Serv. cemen	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	9	2	1	1	25	

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Advocate

(M)

Annexure-A/2

16 34

IMPHAL HQD 795001
Counter No: 2 OP-Code: 02
To: CPMG
SHILLONG, PIN: 793
From: MANISH KUMAR IP
Wt: 30 grams
Amt: 30.00 INR 25/03/2005 09:53
HAVE A NICE DAY



Certified to be true Copy

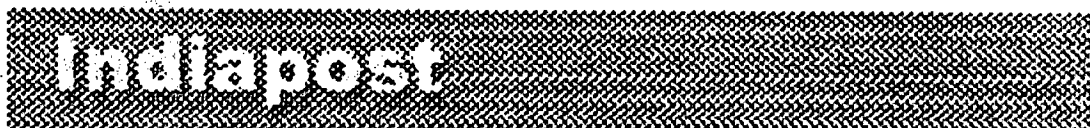
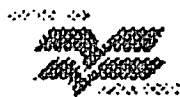
[Signature]

Advocate

[Initials]

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Tracking Movement

The Movement Particulars of EE853188208IN are as follows:

Date & Time	From Office	To Office	Event	Remarks
25 MAR 2005 09:54:00	IMPHAL SPC		Article Booked	

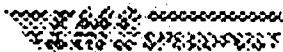
[Other Countries](#)

[Speed Post Centres](#)

Date and Time noted above are GMT+5:30

[Contact Details of
Speed Post Managers](#)

Thank you for using the Speed Post



<http://www.indiapost.gov.in/speednet/Track2.aspx>

6/11/200

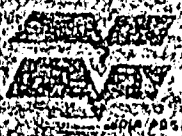
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[Signature]

Advocate

(M)

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL,
N. E. CIRCLE, SHILLONG-793001



PROSPECTUS AND FORM

FOR RECRUITMENT OF POSTAL ASSISTANTS
& SORTING ASSISTANTS OF
POST OFFICES, SBCO, RMS, APS, RLO, CIRCLE OFFICE
IN

N. E. CIRCLE

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ANNEXURE- III
PART 'A'
PROSPECTUS

- The details in this prospectus are applicable for recruitment for the following posts:
- ✓ a) Postal Assistant in Post Offices.
 - b) Postal Assistants in Circle Offices and Regional Offices
 - c) Postal Assistants in Returned Letter Offices.
 - ✓ d) Postal Assistants in Saving Bank Control Organization.
 - e) Sorting Assistants in Railway Mail Service.
 - f) Postal and Sorting Assistant in Army Postal Service.

1. **SCALE OF PAY:** The Scale of Pay is Rs. 4000-100-6000+ admissible allowances.
2. **PROBATION:** The candidates selected will be appointed and will be on probation as per rules till the successful completion of probation as per rules.

3. **ELIGIBILITY CONDITIONS:**


- 3.1 ✓ **Age:** (a) Between 18 to 25 years as on last date prescribed for receipt of application as shown in the advertisement and in the list containing vacancy position supplied with this prospectus.

Upper age limit is relaxable for-

- (a) SC/ST by 5 years;
- (b) OBC by 3 years;
- (c) Physically handicapped by 10 years; and
- (d) Ex-Servicemen by the length of military service plus three years.

3.2 **Educational and other qualifications required:-**

- a) **Postal/Sorting Assistants:**
 - i) Pass in 10+2 or 12th Class Examination from a recognized University or Board of School Education or Board of Secondary Education (excluding vocational streams)
 - ii) Candidates for the posts of Postal Assistants in Post Offices, Sorting Assistants in Railway Mail Services and Postal/Sorting Assistants in Army Postal Service should have the above educational qualifications with English as a compulsory subject.
 - iii) The candidates 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 at least upto Matriculation level. (SSLC).
 - iv) Candidates with higher qualifications are also considered. But they have to fulfill the requirements mentioned in Sub paras (i) to (iii) above.
 - v) Candidates who have passed Vocational Course or Job Oriented Course (JOC) only are NOT eligible.
 - vi) Desirable qualification:- Typing knowledge and Computer knowledge.
 - vii) For Postal Assistants of Circle Office and Regional Office typing skill in Hindi at the speed of 25 words per minute or in English at the speed of 30 words per minute and Computer Knowledge are essential.
- b) **Postal Assistants in Army Postal Services:**
 - i) Applications should be super scribed as "APPLICATION FOR POSTAL ASSISTANTS TO Army Postal Service" and sent to the Chief Postmaster General, N.E. Circle, Shillong - 793001.
 - ii) The vacancies reserved for APS are open only for males.

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- iii) The candidates should produce a medical certificate in prescribed format available in this prospectus at **Appendix I** from a Government Medical Officer.
- iv) All other conditions applicable to the Postal/Sorting Assistants mentioned in sub para (a) above will apply.
- v) Special terms and conditions for Postal Assistants in Army Postal Services:
 - o The selected candidates will be given provisional appointment order and sent to the nearest Branch Recruiting Officer (BRO) for physical and medical check up.
 - o Candidates found to be physically fit by the BRO will only considered for appointment and further deputed to Army Postal Service as per their seniority in merit list. Candidates who are not found physically fit by BRO will be dismissed. They will have no right to claim any appointment either in civil or in APS, even if they are in merit list for APS.
 - o Candidates declared physically fit by BRO as indicated above will be given appointment order by the appointing authority.
 - o Candidate have to fulfill the required medical and physical standards prescribed by the Army Headquarters. The selected candidates will be governed by Army Act and Army Rule during their service in APS, which entails Field service anywhere in India or abroad, wearing of uniforms as applicable to Army personnel and appropriate rank structure. The induction will be in the rank of Warrant Officer.
 - o Selected candidates have a liability to serve in Army Postal Service for as long as their services are required by APS Repatriation to civil appointment can be done only with consent of both parties. Viz., civil appointing authorities, Army Postal Services.
 - o The selected candidates will undergo Basic Recruit Training at APS Center, Kamptee for a period of six months. Appointment is subject to successful completion of training.
 - o If a candidate is found to be "Unlikely to become an efficient soldier" his training will be terminated and appointment order issued to the candidate will be treated as cancelled.
 - o A waiting list will be maintained to replace the candidates who are medically disqualified during medical examination. The next candidate according to the merit will be selected as replacement.

3.3 Physically Handicapped (PH) (Column 7)

- (a) Applicants may apply to the divisions where vacancies have been reserved under PH Quota. Application to be super scribed as "APPLICATION FOR RECRUITMENT UNDER PH QUOTA".
- (b) The recruitment of persons with disabilities will be governed by Government instructions issued from time to time.
- (c) Physically handicapped candidates should produce handicapped certificate form Medical Board attached to the special employment exchange and vocational rehabilitation center in the prescribed Form I or II, as the case may be as furnished in Appendix IV. The selection of the candidates is liable to be cancelled if it is found later on that they do not come under the category of physically handicapped as defined in the relevant orders.
- (d) **The vacancy position attached with this prospectus indicates the category of physically handicapped persons who can apply for the post reserved.** Only such applicants who come under the category and within the intensity of the disability can apply supported by requisite certificate.

3.4 **EX-SERVICEMEN:**

- (a) Ex-servicemen may apply to the divisions where the vacancies have been reserved under Ex-servicemen quota. Application to be super scribe as "APPLICATION FOR RECRUITMENT UNDER EX-SERVICEMAN". Attested copy of discharge certificate should be enclosed.
- (b) Armed Forces Personnel applying for civil posts under ex-serviceman category should submit the certificate in the following Proforma along with the application.

"I hereby, with the information available, certify that Sri _____

_____ (Name) No. _____, (Rank) _____
_____ would complete prescribed period of appointment on _____
_____ (dates)"

Place:

Date:

Signature:

Commanding Officer:

Office Seal:

- (c) The Ex-servicemen should apply in the separate application form available in this prospectus furnishing all the details as required.

(4) **Disqualification:**

- (a) No person- who has entered into or contracted a marriage with a person having spouse living; or
- (b) No person – who has a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to service, Provided that Central government may, if satisfied that such marriage is permissible under the personnel law applicable to such person and to the other marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

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.**
6. **SPECIAL INSTRUCTIONS TO THE APPLICANTS:**
- The aptitude test for all Divisions/Units in the Circle will be held on the same day and at the same time. Hence even if a candidate applies for different Divisions/Units, he/she will be considered only for the Division/Unit in which he/she takes the test.**
 - Original certificate should not be submitted.** Only attested Xerox/photo copies should be sent.
 - All the required documents and certificates should be sent along with the application. The documents/marks lists/certificates submitted at a later date will not be entertained.
 - Only short-listed candidates will be informed to appear for tests and finally selected candidates only will be informed of their selection. No correspondence will be entertained regarding applications/selections.
 - Community certificates for SC/ST & OBC in the prescribed form from the competent authorities, as in Appendix II and III respectively are to be submitted. Certificates submitted in any other form or from authorities not competent to issue the same will be ignored.
 - The applications should be sent through Speed Post/Registered Post Only. Those sent through any other means and given by hand will not be accepted.
 - Applications wrongly addressed or received after due date are liable to be rejected, whatever may be the reason for delay. Applications without required certificates and incomplete applications are liable to be rejected. No intimation will be sent in this regard.
 - The nature of work in the Railway Mail Service requires rotation of duties including night shift/detention on overtime duty in the exigencies of service.
 - The selected candidates for the post of Postal Assistants in Post Offices and Sorting Assistants in Railway Mail Services are required to undergo induction training at any

one of the Postal Training Centers or any other place as directed by the appointing authority.

- (j) The selected candidates of all posts are liable to serve anywhere in the Circle and in Army Postal Services in India or abroad as and when required at the sole discretion of the appointing authority.
- (k) The candidates selected for the post of Postal Assistants in Savings Bank Control Organization are liable to be posted to any Head Post Office in the Circle.
- (l) No traveling allowances or other expenses will be paid or arrangements made for stay for attending tests. Candidates have to bear their own cost and make their own arrangements for stay.
- (m) Selection of candidates to various posts will be in accordance with the relevant recruitment rules and administrative instructions issued by the Department of Posts from time to time.
- (n) The Department reserves the right either to revise the number of vacancies or to cancel the recruitment, if so warranted and the Department will not be liable to return the fee or pay any compensation on the applicant's application.

7. DETAILS OF ENCLOSURES: (List of attested Xerox copies of Certificates and documents to be sent).

- a) All Marks lists of Education qualifications.
- b) Proof for Date of Birth.
- c) Medical certificate given by the Government Medical Officer in the Prescribed format as in Appendix I for candidates applying for Postal/Sorting Assistants in Army Postal Services.
- d) Cast/Community Certificates in the prescribed form for SC, ST and OBC candidates issued by competent authorities. (Please see Appendix II and III)
- e) 2 Pass Port Size Photographs (one to be pasted on the application and other sent loose with name and address written on the reverse).
- f) Physically Handicapped Certificate from the competent authority in case of physically handicapped candidates. (please see Appendix IV)
- g) Discharge certificate in case of ex servicemen or prescribed certificate in case of serving Armed Forces Personnel, if any.
- h) Duly filled in Application Form itself.

8. The application in the form attached to this prospectus, completed in all respects may be sent to the officer of concerned division/unit as at col. 10 of VACANCY POSITION chart. Vacancy Position chart is supplied along with prospectus and application form. The application along with attested copies of requisite certificates should reach on or before the date mentioned in the vacancy position chart. Applications received after due date are liable to be rejected.

9. IMPORTANT:

a) Original certificates should **Not** be submitted. Only certified copies should be submitted. However, SC/ST/OBC/PH & Ex-servicemen candidates should produce relevant original certificates at the examination center for claiming examination fee concession.

- b) If the prescribed/required documents are not submitted along with the application, application will be rejected and no request for revival will be considered.
- c) Incomplete or unsigned applications or applications without photographs/late applications will be rejected.
- d) Before submitting his/her application, the candidate must carefully read the eligibility

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conditions and satisfy himself that he fulfills all the eligibility conditions for the post for which he has applied.

- e) For Postal Assistant/Sorting Assistant posts, the candidate who comes under the zone of consideration will be called for the written aptitude test. Each such candidate will be issue a Hall Permit and will be assigned a Roll number. The Hall Permit will be sent to the candidates in due course. Time table and venue of the examination will be indicated in the hall permit. However, candidates can sit for the examination only on payment of the prescribed examination fee.

10. **INSTRUCTIONS RELATING TO SUBMISSION OF APPLICATION.**

- (i) Write the require information in English or in Hindi.
- (ii) One envelope should contain application of one candidate only.
- (iii) The envelope containing the application must be super scribed in bold letters as "APPLICATION FOR RECRUITMENT OF (post for which applied).
- (iv) An application will be rejected at any stage of recruitment process for not having been submitted in the official format/ having incomplete information/ wrong information / mis-representation of facts / unsigned/ without photographs / not accompanied by attested copies of required certificates.
- (v) If a candidate has changed his/her name or dropped/added part of his/her name after Matriculation/SSC/Hr. Secondary or he/she changed his/her name after Matric etc., proof for the change in the name such as Affidavit, Gazette Notification, etc., should be enclosed.

NOTE: Only certificates issued by the competent authorities, for example, the Universities/ concerned Boards would be accepted as proof for having possessed the minimum educational qualifications or date of birth. Only those certificates issued by the competent authorities and in the prescribed form would be considered.


11. **CHECK LIST: Before submission of application the following points may be checked carefully and the corresponding columns are filled correctly.**

- (a) - Check whether you have firmly pasted your Passport size Photograph (5cm x 7 cm) in the prescribed place in the application form.
- (b) Check your Eligibility carefully
- (c) Check whether you have filled in all the columns of the application form correctly and no columns have been left blank.
- (d) Check whether you have filled in your COMMUNITY/CATEGORY STATUS correctly in the relevant column.
- (e) Check whether application form has been signed in full by you.

ABBREVIATIONS USED IN THE PROSPECTUS MEAN THE FOLLOWING:

OC	:	Other Community
SC	:	Scheduled caste
ST	:	Scheduled Tribe
OBC	:	Other Backward Classes
OPH	:	Orthopaedically Handicapped
HH	:	Hearing Handicapped
Ex- SM	:	Ex-Serviceman.

CHIEF POSTMASTER GENERAL
N.E. CIRCLE, SHILLONG -793 001

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BIHAR SCHOOL EXAMINATION BOARD, PATNA
MARKS SHEET OF SECONDARY SCHOOL EXAMINATION, 1998

SL No. 0358596

ANNUAL EXAM,

ROLL CODE	ROLL NO	NAME OF THE EXAMINEE								DATE OF BIRTH		
05528	0593	MANISH KUMAR								01/10/83		
SCHOOL NAME → MANGAL SEMINARY MOTIHARI											GRADE IN SUPW : A	
SUBJECT	LANGUAGE		MATH	SCIENCE								
	MIL	SIL		PHYSICS			CHEMISTRY			BIOLOGY		
	HND	SNK		THEORY	PRC	TOTAL	THEORY	PRC	TOTAL	THEORY	PRC	TOTAL
FULL MARKS	100	100	100	45	05	50	45	05	50	45	05	50
PASS MARKS	30	30	30	—	—	15	—	—	15	—	—	15
MARKS OBTAINED	40	54	38	13	04	17	13	04	17	24	05	29
SUBJECT	SOCIAL SCIENCE			COMPULSORY OPTIONAL				AGGREGATE	ENGLISH	RESULT 1ST DIV : 420 2ND DIV : 315 3RD DIV : 210		
	HIS	CIV	GEO	EC								
				THEORY	THEORY	PRC	TOTAL					
FULL MARKS	50	50	50	100	70	30	100	700	100	3RD DIV		
PASS MARKS	15	15	15	30	21	09	30	210	—			
MARKS OBTAINED	16	23	15	37				241	10			

REG. NO. 0551-202-20805-97


SECRETARY

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BIHAR INTERMEDIATE EDUCATION COUNCIL



PATNA

MARKS STATEMENT, 2001

AFTER SCRUTINY

The following are the marks obtained by **MANISH KUMAR**

College **PANDIT UGAM PANDEY COLLEGE, E. CH., MOTIHARI**

Roll Code **3434** No. **20036** Enlistment No. **R-0021-98**

at the Annual Intermediate **COMMERCE** Examination 2001 held in the month of **FEB' 2001**

SUBJECT NAME	Full Mks	Pass Mks	Mks. I	Mks. II	Theory Total	Practical Marks	R		Subject Total	Agg. Mks. Result
							Th.	Pr.		
01. COMPULSORY :										
RBH	100	030	075		075				075 D	
ENG	200	060	089	091	180				180 D	
02. OPTIONAL :										
BKA & BMD	200	060	091	052	143				143	
MNB & ELE	200	060	090	090	180				180 D	
TRD & TPT	200	060	048	055	103				103	
03. ADDITIONAL :										
04. VOCATIONAL :										
ST	100	030	012		012	079			091	742 1st DIV

Date : 23/06/2001

Dinendra Kumar
Secretary

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[Signature]
Advocate

Nagaland at a glance

1. Location : Approximately lies between 25°6' and 27°4' latitude, North of Equator and between the longitudinal lines 93°20'E and 95°15'E.
2. State Capital : Kohima (1444.12 mts above sea level)
3. Official Language : English ✓
Angami, Ao, Chakhesang, Chang, Khamniungan, Kuki,
4. Tribes : Konyak, Lotha, Phom, Pochury, Rengma, Sumi, Sangtam, Yimchungru, Zeliang.

5. General:

Area	Population	Population Density Sq. Km.	Literacy	NSDP (1996-97) (Rs. In lakhs)	Per Capita Income (1996-97)
16,527 Sq.Km	19,88,636	120 persons per	67.11%	172699/-	Rs. 11368/-

6. Climate:

Rainfall (2000mm-2500mm average)			Temperature	
May-Aug	Sept-Oct	Nov-Apr	Summer	Winter
Heavy Rain	Occasional Rain	Dry Season	16 C - 31 C	4 C - 24 C

7. Connectivity:

Air Port	Rail Head	Road Length in KM	
		National Highway	State Highway
Dimapur	Dimapur	370	1094

8. Educational Institutions

University	Colleges	High Schools	Middle Schools	Primary Schools	PolyTechnics	Industrial Training Institutes (ITI)
1	40	236	418	1399	2	5

9. Others:

Major Crops	Major Minerals	Forest	Fruits	Vegetables
Rice, Maize, Millet, Grams, Rubber, Tea etc.	Coal, Lime Stone, Petroleum, Marble etc.	8,62,930 hecs. (21% of total land area)	Banana, Pineapple, orange, Passion Fruit, Pears, plum, jack fruit etc.	Ginger, Garlics, Chilli, Tomato, potato, Cabbage etc.

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Ministry of Communications & Information Technology

National Informatics Centre,

Nagaland State Unit,

Room # 2, Central Block New Secretariat Complex,
Kohima-797004, Nagaland

<http://nagaland.nic.in/profile/nglance.htm>

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6/12/2005

Advocate



The Academic Council of
NIIT

having duly examined

MANISH KUMAR SINGH

during and after six months of study on the specified curriculum
and having found the candidate's performance to be

EXCELLENT

legend overleaf

have pleasure in recognising this attainment with the award of this

Advanced Certificate
in
Web Applications

given under our hand and seal on

this, the 21st day of January 2003
at CALCUTTA

Chairman
of the Academic Council

Vice-Chairman
of the Academic Council

Member of the
Academic Council

03CCZZZZZ6047
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Annexure - A/9

ESTD : 1991

GOVT. RECOGNISED

Annexure - A/9

SL. NO. 138/2000

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NATIONAL COMMERCIAL INSTITUTE



M. S. COLLEGE ROAD, CHANDMARI, MOTIHARI, EAST CHAMPARAN

CERTIFICATE



This is to certify that Manish Kumar
S/o Sri Narendra Kumar Singh of mohalla/village Chandmari
p.o. Motihari p.s. Motihari District East Champaran has
qualified and passed in Typing & Shorthand test in session 1.6.2000 to 1.12.2000
We wish him every success in life.

ENGLISH TYPE 40 (Forty) Wpm HINDI TYPE XXXX
ENGLISH SHORTHAND XXXX HINDI SHORTHAND XXXX

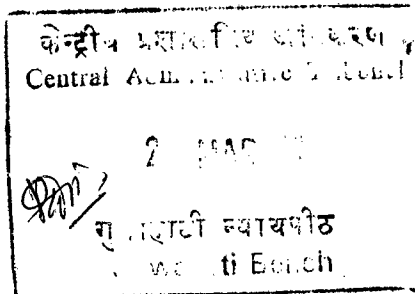
Certified to be true Copy

Advocate

Vinod Kumar
9.12.02
Vice-Principal
मुख्यालय हस्तिया

Vinod Kumar
9.12.02
Principal
मुख्यालय हस्तिया

मुख्यालय हस्तिया



Filed by
the Respondents through
Alka Das,
Addl. CSE's
22/3/06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

OA NO. 154/2005

SHRI MANISH KUMAR

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received copy of the OA and have gone through the same. Save and except the statement, which are specifically admitted here in below, rests may be treated as total denial. The statements, which are not born on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That before going through various paragraphs of the OA, the respondents beg to give brief history of the case.
 - (a) One post of Postal Assistant in saving Bank Control Organization (SBCO) for OC (Unreserved) candidate was declared vacant and applications were invited for recruitment against the vacancy along with other vacancies for Postal Assistants and the same was notified in the Daily Newspapers published in all the States of this North East Postal Circle, in the middle on March, 2005. Last date of receipt of applications for the posts was fixed on 10.4.2005.
 - (b) In the said Notification, in Para 2, it was specifically mentioned that "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.....".

- (c) In the Prospectus, in Para 3.2 (iii) it was clearly mentioned "The candidates should have knowledge of local language of the State, i.e. should have studied the language the language declared as local language by the State Govt. as a subject at least up to Matriculation level (SSLC)."
- (d) The applicant applied for the post of Postal Assistant (SBCO). As per his statement, he passed Intermediate Examination, equivalent to XIIth Class examination in the year 2001, from the Bihar Intermediate Education Council and presently staying in the State of Nagaland. The applicant claimed, "the official language of the State of Nagaland is 'English' and no other language is available for the State of Nagaland where the applicant presently resides." {Para 4.6 (ii) & (iii) of the AO refers}
- (i) But as per Dy. Secretary (Examinations) Nagaland Board of School Education, Kohima, letter No. NBE-6/EX-Misc/2002-03, (I) Ao, (II) Lotha, (III) Sema & (IV) Tenyidie are recognized as local languages for the State of Nagaland. The applicant did not read any of the local languages recognized and mentioned in the letter of the State Govt., as per the copy of the Mark-sheet issued by the Bihar Intermediate Education Council and submitted by him along with his application for the post.
- Copies of the letter mentioned above and Mark-sheet of the applicant is annexed herewith and marked as Annexure-B & C respectively.
- (ii) As such he was not found eligible for the post as per eligibility criterion and his candidature was rejected.
- (e) it is the policy of the Govt. to encourage local youth to join the main stream of the country by providing them with the scarce employment opportunities in the relatively backward North Eastern States.

- 3) That with regard to the statement made in paragraph 1 of the OA, the respondents while denying the contentions made therein beg to state that the aptitude test and the computer test conducted on 25.5.2005 by the respondent No. 2 was fully in accordance with the Method of Selection as mentioned in Para No.5 of the Prospectus published and supplied to the candidates for the purpose. The short listed candidates, who were selected as per instructions/guidance, were called for aptitude test on 25.5.2005. There was no provision of publishing the names of the short listed candidates.
- 4) That with regard to the statements made in paragraph 2, 3 and 4.1 of the OA, the respondents beg to offer no comments.
- 5) That with regard to the statement made in paragraph 4.2 of the AO, the respondents beg to state that the applicant studied under the Bihar School Education Board, Patna, where he could not study any local languages recognized by the State Govt. of Nagaland in which State the applicant presently resides and from where he applied for the job. Study in any of the local languages recognized by the State Govt. of Nagaland up to Matriculation level was compulsory as per conditions laid down in Para No. 3.2.a) iii) of the Prospectus supplied to the candidates. The local languages recognized by the State Govt. of Nagaland are (a) AO, (b) Sema, (c) Lotha, (iv) Tenyidie vides the letter No. NBE-6/EX-MISV/2002-03:3275 dated 05.9.2002.
- 6) That with regard to the statement made in paragraph 4.3 of the OA, the respondents while denying the contentions made therein beg to state that the vacancies were notified and published in the local newspapers of all the States of North East.
- 7) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to state that the application of the applicant was received on 28.3.2005 along with the enclosures.
- 8) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to state that Para 3.2 of the prospectus supplied with the application form reads as follows and stipulates the following conditions.

(a) Postal/ Sorting Assistants:

- (i) Pass in 10+2 or 12th Class Examination from a recognized University or Bboard of School Education or Board of Secondary Education (excluding vocational streams).**
- (ii) Candidates for the posts of Postal Assistants in Post Offices, Sorting Assistants in Railway Mail Services and Postal/Sorting Assistant in Army Postal Service should have the above educational qualifications with English as a compulsory subject.**
- (iii) The candidates 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 at least upto Matriculation level.(SSLC)**
- (iv) Candidates with higher qualifications are also considered. But they have to fulfill the requirements mentioned in Sub Paras (i) to (iii) above.**
- (v) Candidates who have passed Vocational Course or Job Oriented Course (JOC) only are NOT eligible.**
- (vi) Desirable qualification: - Typing knowledge and Computer knowledge.**
- (vii) For Postal Assistants of Circle Office and Regional Office typing skill in Hindi at the speed of 25 words per minute or in English at the speed of 30 words per minute and Computer knowledge are essential.**

- 9) That with regard to the statement made in paragraph 4.6(i) and (ii) of the OA, the respondents beg to state that the applicant was born on 1.10.83 and he had passed the Intermediate (Commerce) in the year 2001 from Bihar Intermediate Education Council.**
- 10) That with regard to the statement made in paragraph 4.6 (iii) of the OA, the respondents while denying the contentions made therein beg to state that the candidates have not studied any local languages recognized by the State Govt., up to matriculation level under any school/Board of the States from where they applied for the job. It was one of the conditions under the item No. (a) (iii) of Para No. 3.2 of the Prospectus. The local languages have been recognized by the State Govt. of Nagaland as (i) Ao, (ii) Lotha,**

(iii) Sema and (iv) Tenyidie vide their letter No. NBE-6/EX-MISC/2002-03:3275 dated 05.9.2002.

- 11) That with regard to the statement made in paragraph 4.6(iv) of the OA; the respondents beg to offer no comment.
- 12) That with regard to the statement made in paragraph 4.7 of the OA, the respondents while denying the contentions made therein beg to state that the applications of the candidates were not considered for short listing as they have not studied any of the local languages recognized by the State Govt., up to matriculation level under any school /Board of the States from where they applied for the job.
- 13) That with regard to the statement made in paragraph 5 of the OA, the respondents while denying the contentions made therein beg to state that since the applicant could not fulfill the condition of study in any local languages up to Matriculation level, as per condition prescribed in the Prospectus, his candidature was rejected.
- 14) That with regard to the statement made in paragraph 6 of the OA, the respondents while denying the contentions made therein beg to state that under the terms and conditions prescribed for the recruitment of Postal Assistant (SBCO) in N.E. Circle, the candidate has not been found eligible for the post, as he did not study any of the local languages recognized by the State Govt. of Nagaland where he is presently residing, up to Matriculation level.
- 15) That in view of the facts and circumstances narrated above the respondents beg to state that the present OA, is devoid of merit and does not any relief from this Hon'ble Tribunal as sought for, hence the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

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VERIFICATION

I, Shri Sunil Das.....at present working as
Assistant Postmaster General (G).....at Shillong.....who is
taking steps in the present OA and competent to sign this verification, do hereby
solemnly affirm and state that the statement made in paragraph.....are
true to my knowledge and belief, those made in paragraph1 to 15.....are matter
of records, are true to my information derived there from and the rest are my submission
before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 15th day of Feb 2008 at Guwahati

Sunil Das
DEPONENT