

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA050/00967/2018 &
MA050/00498/2018

Date of order 03.12.2018

CORAM

HON'BLE MR. JAYESH V. BHAIKAVIA, MEMBER (J)

Raj Shekhar Kumar, S/o Late Sidheshwar Paswan, Resident of Village-Salempur, P.O. & P.S.-Sohsarai, District- Nalanda.

..... Applicant.

By advocate: Sri J.K. Karn.

Verses

1. The Union of India through the D.G. Cum Secretary, Department of posts, Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Patna-800001.
3. The Post Master General, Northern Region, Muzaffarpur-842002.
4. The Director of Postal Services, O/o Postmaster General, Northern Region, Muzaffarpur-842002.
5. The Superintendent of Post Offices, Sitamarhi Division, Sitamarhi-843302.

..... Respondents.

By advocate: Sri Rabindra Kumar Choubey.

ORDER (ORAL)

Per Mr JAYESH V. BHAIKAVIA /M (J):- MA 498/2018 filed for condonation of delay in filing OA 967/2018 is allowed.

2 Learned counsel for the applicant submits that in response to recruitment process initiated by the respondents for the post of Postal Assistant/Sorting Assistant 2012, the applicant was remained successful in the said process and vide letter dated 27.12.2013

(Annexure-A/3), the applicant was called upon by the respondents for verification of genuineness of Matriculation and Intermediate (10+2) Mark Sheet certificate, Admit Card, Certificate of enlistment receipt of Intermediaste Examination, College Leaving Certificate etc. The applicant was also requested to remain present for verification of the said certificates including other documents such as certificate of age, community certificate etc. In response to it, the applicant remained present before the concerned authority and submitted his documents. Thereafter, the applicant was waiting for his appointment order. However, respondents have not communicated anything nor it is informed what decision they have taken with respect to verification of his credential/certificates.

3 It is submitted by the l/c for the applicant that due to some reasons, the respondents have cancelled the selection of some of the candidates on the ground that such candidates have passed alternative English Examination of 50 marks. The said selected selectees approached this Tribunal in OA 870/2014. This Tribunal vide its order dated 06.05.2015 allowed the OA with an observation that the candidates who have taken Alternative English of 50 marks will be deemed to be meeting the requirement of educational qualification with regard to English as a compulsory subject so far as the present notification is concerned. It was also made clear by further observation

that “as a matter of principle, the respondents have full authority to make their intent clear that Alternative English will not be treated as fulfilling the qualification, provided this is made clear in the notification in future examinations.” The said order of the Tribunal was challenged before the Hon’ble Patna High Court by the respondents in CWJC No. 13700/2015. Vide order dated 05.10.2015, the said writ petition was dismissed. Thereafter the respondents have issued an order dated 10.11.2015 to comply the order passed by this Tribunal. Meaning thereby, the termination of selection was ordered to be cancelled and such selectees were declared to be legible for appointment/joining of their duty. It is the categorical contention of the counsel for the applicant that in fact, the name of the present applicant was never empanelled in the termination order which was subsequently quashed and set aside by this Tribunal and, therefore, the applicant has the reason to believe that for reasons best known to the respondents, his candidature was not considered in its true spirit.

4 It is further contended by the counsel for the applicant that the applicant was supplied with information under RTI by the respondents vide their communication dated 28.08.2017 that in the vacancy year 20.11.2012, the candidates who have passed the I.Sc. Examination with 50 marks in English has been holding the post of Postal Assistant in the department. The said communication has been

placed on record along with the present OA. Based on all these details, the applicant has submitted detailed representation on 06.09.2017 before the Chief Postmaster General, and copy was also sent to other authorities of the respondents. (Annexure-A/9 series). The said representation of the respondents has not yet been decided though 12 months have been passed. Hence this OA.

5 Learned counsel for the applicant further submits that he would be satisfied if a direction be issued upon the respondents to consider his pending representation within time frame.

6 On the other hand, learned counsel for the respondents submits that whether the claim of the applicant meets with eligibility criteria or not needs to be examined. He also submits that applicant's claim along with other candidates is also required to be scrutinized and only thereafter, the applicant can be allowed to join the duty.

7 Considering the above stated matrix of the present case and the submissions made by the parties, I am of the considered opinion that the applicant has made out his case for direction to the respondents with respect to the consideration of his pending representation. The claim of the applicant for his legitimate right to be considered for appointment on the basis of his selection under the recruitment process required to be examined and considered by the competent authority.

Therefore, respondent no.2, i.e. the Chief Postmaster General, Bihar Circle, Patna is hereby directed to consider the pending representation of the applicant in the light of the above discussion and pass a speaking and reasoned order within 30 days from the receipt of a copy of this order with intimation to the applicant.

8 The OA is disposed of accordingly. No costs.

[Jayesh V. Bhairavia]M(J)

BP/