

GAHC010150432022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4954/2022

MANJUR AHMED
S/O TURFAN ALI, R/O SRIPUR PT-I, P.O.-FULBARI, DIST-CACHAR, ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS.
MINISTRY OF COMMUNICATIONS, DEPARTMENT OF POSTS (GDS
SECTION), REPRESENTED BY ITS SECRETARY, GOVT. OF INDIA,
DEPARTMENT OF POSTS AND TELECOMMUNICATIONS, DAK BHAWAN,
NEW DELHI-110001

2:THE DIRECTOR GENERAL OF POSTAL SERVICES
DAK BHAWAN
NEW DELHI-110001

3:THE ASSISTANT DIRECTOR GENERAL
GRAMIN DAK SEVAKS (GDS)
DAK BHAWAN
NEW DELHI-110001

4:THE ASSISTANT DIRECTOR
OFFICE OF THE CHIEF POST MASTER GENERAL
ASSAM CIRCLE
MEGHDOOT BHAWAN
GHY-781001

5:THE SENIOR SUPERINTENDENT OF POST OFFICES
CACHAR POSTAL DIVISION
CACHAR
P.O.-SILCHAR
DIST- CACHAR
ASSAM
SILCHAR-0

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

03.05.2023

Heard Mr. M. Khan, learned counsel for the petitioner. None has appeared for the respondents despite the name of the learned counsel is shown in the Cause List.

Being aggrieved by the letter dated 19.07.2022 issued by the Senior Superintendent of Post Offices, Cachar, Silchar i.e. the respondent No.5 rejecting the application on the petitioner at the stage of document verification on the ground that the petitioner's father's name did not tally, the instant writ petition has been filed.

The petitioner herein had earlier submitted On-line application invited by the authorities for engagement of 38,926 Gramin Dak Sevaks (GDS) as Branch Post Master (BPM)/Assistant Branch Post Master (ABPM)/ Dak Sevak. While filling up the On-line form, the petitioner had stated the name of his father as Turfan Ali. However, subsequently, at the stage of document verification it transpired that in the OBC certificate as well as Class-X marksheet of the petitioner, his father's name differed from what was mentioned by the petitioner while filling up the On-line application form. In the documents, his father's name is mentioned as "Md. Turfan Ali". However, in the application he did not add "Md" as a prefix before his father's name. On such ground, it was held that the name of the petitioner's father did not tally and hence there was discrepancy in his

application.

I have perused the affidavit filed on behalf of the respondents. The above facts have also been mentioned in the affidavit-in-opposition filed on behalf of the respondents.

The respondents have nowhere denied or disputed the fact that the father's name of the petitioner is "Turfan Ali". The prefix 'Md.' is usually attached to the names of the persons belonging to Mohammedan community as a matter of salutation just the way titles such as "Sri/Mr" are used. The use of such title or failure to use the same before a name does not in any way alter the name of the person nor does it raise any cloud or doubt as regards the true identity of the person. Notwithstanding the same, the petitioner's candidature has been rejected on such a flimsy and untenable ground, in the manner indicated herein above. This Court is, therefore, of the opinion that the impugned order dated 19.07.2022 is completely arbitrary and hence, unsustainable in the eye of law.

The impugned order dated 19.07.2022 is accordingly set aside. The candidature of the petitioner shall now be processed in terms of the advertisement notice and in accordance with law whereafter, consequential orders in light of the order of this Court, shall be issued by the respondents. The aforesaid exercise be carried out and completed within a period of six weeks from the date of receipt of a certified copy of this order.

Writ petition stands disposed of.

JUDGE

Comparing Assistant