

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 18282 of 2014

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Rajiv Kumar Son of Sri Ramakant Singh resident of village and P.O. Kumhrar, P.S. Phenhara, District - East Champaran

.... Petitioner/s

Versus

1. The Union of India through the D.G. - Cum - Secretary, Department of Post, Dak Bhawan, New Delhi
2. The Chief Post Master General, Bihar Circle, Patna
3. The Post Master General, Northern Region, Muzaffarpur
4. The Director, Postal Services, Northern Region, O/o the post Master General, Northern region, Muzaffarpur
5. The Superintendent of Post office, Champaran Division, Motihari
6. Sri Madhurendra Kumar Son of Sri Hirday Narain Singh resident of village and P.O. Kumhrar, P.S. Phenhara, District - East Champaran
7. Suwesh KUMar Son of Jamadar Ram resident of village and P.O. Barkagaon, P.S. Pakridayal, District - East Champaran, Motihari

.... Respondent/s

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For the Petitioner/s : Mr Dilip Kumar Tondon, Advocate

For Union of India : Mr Sujeet Kumar Sinha, CGC

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 23-02-2015

IA No 1311 of 2015 has been filed for stay of letter dated 29.01.2015 by which the fresh advertisement has been issued by the Postal Department for filling up vacancy.

2 We have heard learned counsel for the petitioner and

learned counsel for the Postal Department. Instead of deciding the interlocutory application, with consent of parties, we have heard them at length on the merit of this writ petition itself for its final disposal at this stage.

3 The case of the petitioner, who was petitioner before the Central Administrative Tribunal (Tribunal) as well, was that one post was advertised by the Postal Departmental initially shown as reserved for Schedule Caste candidates. Subsequently, a corrigendum was issued opening it to General Category. Large numbers of applicants were there. Petitioner was an applicant under General Category. One Madhurendra Kumar was also an applicant in General Category and one Suwesh Kumar was an applicant under Scheduled Caste category. According to the petitioner, when final merit list was prepared, petitioner Rajiv Kumar was No 1. After him was Madhurendra Kumar but wrongly petitioner and others were shown absent and Madhurendra Kumar was appointed. When Madhurendra Kumar tried to join, he was not permitted to join. Accordingly, all 3 that is the petitioner who is claiming to be first on the merit list and was not appointed, Madhurendra Kumar, who was selected but was not being permitted to join and Suwesh Kumar, who had applied for Schedule Caste category but was not selected, moved separate applications before the Tribunal in relation to the said singular

appointment. The Tribunal set aside the entire selection process and directed for issuance of fresh advertisement reserved for Schedule Caste category alone and proceed to finalize the same. By interlocutory application, it is this advertisement that is being sought to be stayed.

4 We have heard the learned counsels and perused the judgment and order of the Tribunal. The rational of the Tribunal's judgment is that there was already over appointment in the open category. There was shortage in Schedule Caste himself. Tribunal, thus, found that there was no reason to change the category by corrigendum from Schedule Caster to open category. These figures have remained unchallenged because there was change in the category. The Tribunal rightly, in our view, set aside the entire process and directed readvertisement reserved for Schedule Caste category. Thus, the petitioner, who is general category or open category, can have no grievance.

5 We are not inclined to interfere. This writ petition is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

M.E.H./-

(Jitendra Mohan Sharma, J)

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