

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15576 of 2015

- =====
1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Postmaster General, Bihar Circle, Patna.
 3. The Director of Postal Services (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna.
 4. The Assistant Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
 5. The Sr. Superintendent of Post Offices, Bhojpur Division, Ara.

.... Petitioner/s

Versus

1. Raj Shekhar Son of Sri Ravindra Nath Karan Resident of Mohalla - Anand Nagar, O.P. Bikramganj, District - Rohtas.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 15409 of 2015

=====

1. The Union Of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Assistant Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Sr. Superintendent of Posts Offices, Saran Division Chapra.

.... Petitioner/s

Versus

- Bipin Patel, son of Sri Narendra Prasad, Resident of Village-Amber Nai Sarai Road, Bind Kothi (W), P.O- Biharsharif, District-Nalanda.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 16027 of 2015

=====

1. The Union Of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (HQ) O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Assistant Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Sr. Superintendent of Post Offices, Gaya Division, Gaya.

.... Petitioner/s

Versus

Govind Kumar, Son of Sri Bindeshwar Ray, Resident of Village and P.O-
Raghopur, Police Station- Jurvanpur, District-Vaishali.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 15234 of 2015

=====

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Assistant Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Superintendent of Post Offices, Bhojpur Division, Ara.

.... Petitioner/s

Versus

1. Rakesh Kumar Son of Sri Kameshwar Prasad Resident of Mohalla - Machchhal
Hatta, Ward No. 17, P.O. and Police Station - Barh, District - Patna.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 15190 of 2015

=====

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Assistant Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Sr. Superintendent of Post Offices, Saran Division, Chapra.

.... Petitioner/s

Versus

1. Abhay Kumar Son of Sri Ajit Prasad Resident of Village - Larhrawan, P.O. -
Pachauri, Police Station - Deep Nagar, District - Nalanda.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 15260 of 2015

=====

1. The Union Of India through the D.G. Cum Secretary, Depatment of Posts, Dak Bhawan, New Delhi.

- 2. The Chief Postmaster General, Bihar Circle, Patna.
- 3. The Director of Postal Services (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna.
- 4. The Assistant Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
- 5. The Sr. Superintendent of Posts Offices, Gaya Division Gaya.
- 6. The Sr. Postmaster, Gaya Head Post Office, Gaya.

.... Petitioner/s

Versus

- 1. Ajit Kumar Sinha, Son of Sri Mithilesh Kumar Singh, Resident of Village and P.O- Basadhi, Police Station- Bodh Gaya, District- Gaya.

.... Respondent/s

Appearance :

(In CWJC No. 15576 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Manish Prakash, Advocate

(In CWJC No. 15409 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Manish Prakash, Advocate

(In CWJC No. 16027 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Manish Prakash, Advocate.

(In CWJC No. 15234 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Manish Prakash, Advocate

(In CWJC No. 15190 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Manish Prakash, Advocate

(In CWJC No. 15260 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Mr. Manish Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 01-12-2015

The Union of India has filed this lis of group of writ



petitions challenging the order of the Central Administrative Tribunal, Patna Bench, Patna, by which the Tribunal allowed the original applications. The applicants before the Tribunal had appeared for the posts of Postal Assistants/Sorting Assistants. In the qualifications that were provided for this post, English was a compulsory subject requirement. The applicants had English as an alternative subject. The Tribunal, following its earlier orders, held that the alternative English could not be distinguished from compulsory English, as the requirement was of having English as a paper. In these cases, some of the applicants had been selected and had joined; some having been selected, had not yet joined, when the Department took the decision not to treat alternative English as English, and thus either it terminated the employment of people, who had already joined or refused to permit the qualified persons to join. As a consequence of the order of the Tribunal, they have now to join or continue having joined. It is this that the Union of India is aggrieved by.

2. We have heard Sri Sanjay Kumar, Assistant Solicitor General for Union of India and learned counsel for the sole contesting respondent in each cases, who were the applicants before the Tribunal. With their consent, we dispose of these writ petitions at this stage itself.

3. This question we have already decided in several writ



petitions filed by Union of India, including C.W.J.C. No. 11816 of 2015 (Union of India and others Versus Ajeet Kumar), disposed of on 24-9-2015, and we have agreed with the view taken by the Tribunal. We have consequently held that no distinction can be made between English as an alternative subject or English as a main paper. Learned counsel for the Union of India fairly states that he has instruction that the Department has accepted the Judgment and implemented the same.

4. In view of the aforesaid, there being no other distinction, we would follow our judgment aforesaid, more so, when the Department has implemented the same, and dismiss all these writ petitions with a direction that those, who were not allowed to join would now be permitted to join immediately, and those, who have been dismissed on this count alone, would be reinstated with their continuity, but they would not be entitled to back wages for the period they were not in service in the peculiar facts and circumstances.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Nilu Agrawal, J)

U			
---	--	--	--