

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10699 of 2015

1. Raj Son of Late Ravindra Nath Singh Resident of Village+ P.O.- Kahauli, P.S.- Dararuli District- Siwan

.... Petitioner/s

Versus

1. The Union of India through the Director General, Department of Posts, New Delhi
2. The Chief Postmaster General, Bihar Circle, Patna
3. The Superintendent of Postal Service, Siwan Division, Siwan
4. The Sub-Divisional Inspector, West, Sub- Division, Siwan
5. Mr. Chandan Rai (GDSMC) Son of Sri Dhruvdeo Rai, Resident of Village- Keotola, P.S.- Darauli, P.O.- Keotola, Siwan Postal Division, District- Siwan.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11672 of 2015

1. Sanjay Kumar Son of Bachha Prasad Singh, Resident of village- Done, P.S.- Darauli, District- Siwan

.... Petitioner/s

Versus

1. The Union of India through the Secretary-cum-Director General, Department of Posts, Dak Bhawan, New Delhi
2. The Chief Postmaster General, Northern Region, Muzaffarpur
3. The Postmaster General, Northern Region, Muzaffarpur
4. The Director of Postal Service, Northern Region, Muzaffarpur
5. The Superintendent of Postal Service, Siwan Division, Siwan
6. The Inspector of Posts, Siwan West, Sub Division, Siwan
7. Chandan Rai, Son of Sri Dhruvdeo Rai, Resident of village- Keotala, (Kewtaliya), P.S.- Darauli, P.O.- Deotala (Kewtaliya), District- Siwan

.... Respondent/s

Appearance :

(In CWJC No. 10699 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Mr. S.D. Sanjay,ASGI & Mr.Anshay Bahadur Mathur,CGS

(In CWJC No. 11672 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar

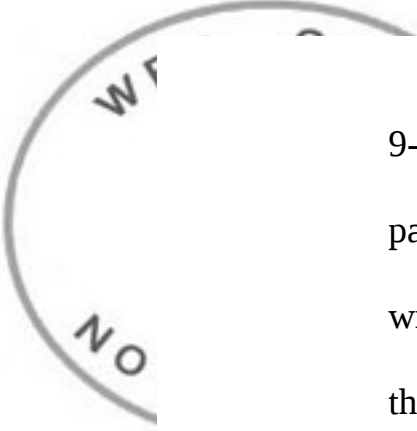
For the Respondent/s : Mr. Abhay Shankar Jha,CGS

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 17-08-2015



Both these writ applications arise out of the order dated 9-4-2015 of the Central Administrative Tribunal, Patna Bench, Patna, passed in O.A. No. 524 of 2013 and two analogous cases. The two writ petitions are by two persons, who had moved the Tribunal against the selection of one Chandan Rai on the post of Gramin Dak Seva Mail Carrier in Mathia Block Office under Siwan Headquarter. Their prayer before the Tribunal was that the Inspector of Post Offices issued advertisement for the said recruitment of one person. The last date for filing applications was 25-5-2013, which was a gazetted holiday. The next day was Sunday. On Monday they came to know that appointment letter had already been issued. According to them, as the last date, falling on a gazetted holiday, the same(last date) would be the next working day. The next day being Sunday, Monday would be the last date for filing applications. Accordingly, 27th would have been the last date and therefore there could not have been any selection on 27th itself. Before the Tribunal, the Department took a strong stand. They stated that the Inspector of Post Offices had issued the advertisement without approval of the competent authority. The advertisement was for general category candidate, but Chandan Rai was appointed in the category of handicapped person. The



advertisement was wrongly issued, showing the last date a gazetted holiday. They stated that the Inspector of Post Offices did not accept the postal applications till 27th and on 27th, treated them beyond time. Appreciating these facts and circumstances, the Tribunal agreed with the applicant before it that the selection process was vitiated on the ground of malafide. It then appreciated the manner in which the advertisement was issued and held that there should be a fresh advertisement, giving wide publicity, and then the matter should proceed. It is the second part of the direction of the Tribunal that the writ petitioners are aggrieved by. According to them, the applicants had not prayed for any such direction. Once the Tribunal was satisfied that the selection process was vitiated on the ground of malafide, the Tribunal ought to have set aside the selection process and left it at that. The Tribunal, thus, has erred in going a step further and set aside the advertisement itself.

2. Having heard learned counsel for the petitioners at length and the learned counsel for the respondents, we are of the view that it is not a fit case for grant of any interim protection, much less warranting an interference in the writ petition itself. The reason is simple. When the Union of India itself took a stand that the advertisement was issued without prior approval of the competent authority, that itself was sufficient to cancel the advertisement and the

consequential selection process. The Tribunal and the Union of India were correctly of the view that the selection process was also vitiated and actuated by malafide.

3. Mr. S. D. Sanjay, the learned Additional Solicitor General appearing for the Central Government states that the disciplinary proceedings have been initiated against the Inspector of Post Offices, West Sub-Division, Siwan. It is hoped that the Chief Post Master General will see to it that the proceedings are expedited and proper disciplinary action be taken, against such malafide steps taken by him, including advertisement without prior approval , and the malafide manner in which the selection process was concluded.

4. For the reasons aforesaid, we are not inclined to interfere with the impugned order. These writ application are, accordingly, dismissed. Thus, the Interlocutory applications stand disposed of.

(Navaniti Prasad Singh, J)

BK.Roy/-

(Nilu Agrawal, J)

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