

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19483 of 2014

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Ram Suresh Manjhi, son of late Bigu Manjhi, resident of village- Lejuar, P.O. + P.S.- Daudpur, District- Saran at Chapra. At present posted as Postman Chhapra Head Quarter under Saran Division.

.... Petitioner/s

Versus

1. Union of India through the Secretary cum Director General, Department of Post Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Beghdoot Bhawan, Patna
3. The Postmaster General, Northern Region, Muzaffarpur.
4. Senior Superintendent of Post Offices, Saran Division, Chapra.
5. Senior Post Master, Chapra Head Post Office, Chapra at Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate.
Mr. Sanjay Kumar Pandey, Advocate.

For the Respondent/s : Mr. S.D.Sanjay, Additional Solicitor General
Mr. Anjani Kumar Sharan, CGC.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-04-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the “Tribunal”) on 12th August, 2014 in O.A. No. 738 of 2012 whereby the claim of the petitioner for appointment to the post of Postal Assistant has been rejected.

3. As per the facts on record, the petitioner applied for Lower Grade Officer (LGO) Examination, 2001, which was held on 22nd April, 2001. The petitioner was permitted to appear in the said



examination though there was a criminal case pending against him. In the said examination, 27 candidates appeared, but only 03 candidates were declared successful. Subsequently, a review was made and result of surplus candidates, after review, was published on 18th January, 2002. 20 candidates of Scheduled Castes were declared successful in the supplementary list, but the petitioner did not qualify in the test as his name did not figure in the supplementary list. Thus, the Tribunal found that the petitioner has failed to clear the Departmental Promotional Examination and thus, is not entitled to be promoted. The Tribunal also found that the criminal case has nothing to do with his promotion as due procedure was adopted and he was permitted to appear in the examination, but he could not succeed in the examination.

4. Learned counsel for the petitioner argued that even after 15 years, the petitioner is continuing on the same post and has not earned any promotion.

5. We do not find that petitioner can be permitted to claim promotion only for the reason that he has not got any chance for promotion. The promotion will depend upon the availability of vacancies. It is not the case of the petitioner that after 2001, any candidate, junior to the petitioner, has been promoted. The petitioner did not qualify in the Departmental Promotion Examination held in

the year 2001 and hence, cannot be permitted to raise his grievance after having failed in such examination.

6. We do not find any error in the order passed by the Tribunal, which may warrant inference in this writ application. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar
N.A.F.R.

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