

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8255 of 2014

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1. Shashi Bhushan Kumar Son of Sri Narayan Paswan R/o Village- Gospur,
P.O- Goriari, P.S- Salkhua, District- Saharsa.

.... Petitioner/s

Versus

1. The Union of India through Chief Postmaster General, Bihar Circle,
Patna.
2. The Postmaster General, North Zone, Muzaffarpur.
3. The Superintendent of Post Offices Saharsa Division, Saharsa.
4. Mahendra Rajak Son of Sri Baidanath Rajak Resident of Village- Balua,
P.O- Karhari, P.S- Laukahi, District- Madhubani.
5. Preetam Kumar Son of Late Rajeshwar Ram R/o Madhepura, Ward no. 2,
District Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Respondent/s : Mr. S D Sanjay, Sr. Advocate
ASG, GOI
Mr. Anshuman Singh, CGC, UOI

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 01-03-2016 The challenge in the present writ petition is to an order dated 03.03.2014, passed by the Central Administrative Tribunal, Patna Bench, Patna, in OA No. 393 of 2011, filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, whereby his prayer for setting aside the selection and appointment on the post of Postal Assistant was rejected.

The merit list of the candidates as per their marks is as under:-

Sl. No.	Name of the Candidate	Marks obtained
1.	Sri Pritam Kumar	67.13

2.	Sri Mahendra Rajak	59.96
3.	Sri Arbind Kumar	55.88
4.	Sri Abinash Kumar	55.22
5.	Sri Dharendra Paswan	54.8
6.	Sri Yash Choudhary	51.8
7.	Ruby Bharti	51.4
8.	Sri Sumit Prakash	51.33
9.	Sri Shashi Bhushan Kumar	47.92

The grievance of the petitioner is that the candidate at Sl. No.1 has not filed his caste certificate in the prescribed form, whereas candidate at Sl. No.2 is not qualified as he is not having English as the subject in the qualifying examination. Since the aforesaid candidates have been appointed, therefore, the selection process is not tenable.

The learned Tribunal has found that the petitioner has no chance of being appointed as he is the last person in the merit list being at Sl. No. 9. There are two candidates above him in the waiting list. Therefore, the petitioner has no *locus standi* to file the present application.

We do not find any illegality in the order passed by the learned Tribunal. The petitioner being the last person in the merit list cannot succeed in seeking appointment for him even if the appointment of one of the candidates is found to be not proper.

In view of the said fact, we do not find any error in

the order passed by the Tribunal in OA No. 393 of 2011. The writ petition is accordingly dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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