

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19576 of 2015

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1. Sachin Kumar, S/o Sri Vishwanath Singh, Resident of Village- Bhakuraiya, P.O.- Sariaya Gopal, P.S.- Patahi, Distt- East Champaran (Bihar).

2. Murli Kumar Dwivedy, S/o Sri Bhola Nath Dwivedy, Resident of village- Mahamada Chaubey Tola, P.O. & P.S.- Mehshi, Distt- East Champaran (Bihar).

3. Kumar Ram Prakash, S/o Sri Bijay Kumar Rai, Resident of village & Post- Bagar, P.S.- Shikrata, Distt- Bhojpur (Bihar).

4. Vaibhav Anand, S/o Sri Ram Vijay Singh, Resident of village & P.O.- Kurmuri, P.S.- Shikrata, Distt- Bhojpur (Bihar).

5. Durga Shankar Singh, S/o Sri Ramjee Singh, Resident of Village- Barni, P.O.- Siyadih, P.S.- Charpokhari, Distt- Bhojpur (Bihar).

6. Niraj Ranjan, S/o Bipin Bihari Rao, Resident of village- Deuliya, P.O.- Seegari-Beegari, P.S.- Ramnagar, Distt- West Champaran (Bihar).

7. Sanjeev Kumar, S/o Sri Raj Kumar Chaudhary, Resident of Mohalla- Belbagh, South Side from Forest Office, P.O. & P.S.- Bettiah, Distt- West Champaran (Bihar).

8. Amrit Narayan S/o Sri Umakant Tiwari Resident of village Ambika Nagar, P.O.- Motihari, P.S.- Banjariya, Distt- East Champaran (Bihar).

9. Abhishek Raj S/o Abhay Kumar Shrivastava Resident of Mohalla- Dharm Samaj Road, Mathiya Zirat, P.S.- Motihari, Distt- Motihari (Bihar)

10. Anand Kumar, S/o Sri Kanhaiya Kuwar, Resident of village- Govindpur, P.O.- Pokharia Ray, P.S.- Chanpatia, Distt- West Champaran (Bihar)

11. Gaurav Kumar, S/o Punyadeo Tiwari, Resident of village- Jahingra, P.O.- Damodarpur, P.S.- Pipra, Distt- East Champaran (Bihar)

12. Bhartendu Kazi, S/o Sri Umesh Kazi, Resident of village-Parsauni, P.O.- Bakhari Bazar, P.S.- Gobardhan, Distt- East Champaran (Bihar).

13. Divyanshu Kumar, S/o Baliram Singh, Resident of Mohalla-Parsauna Jyoti Sadan, Shree Krishna Nagar, P.O. & P.S.- Motihari, Distt- East Champaran (Bihar).

14. Vinod Yadaw, S/o Sri Ambika Yadaw, Resident of Village-Maghariya, P.O.- Bharawalia, P.O. & P.S.- Malahi, Distt- East Champaran (Bihar).

15. Vikash Kumar Ray, S/o Sri Ramakant Ray, Resident of village & P.O.- Bagar, P.S.- Shikrata, Distt- Bhojpur (Bihar).

.... Petitioners

Versus

1. The Union of India through the Secretary-cum-Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.

2. The Chief Post-Master General, Jharkhand Circle, Ranchi.

3. The Director (HQ), Department of Posts (Recruitment Division), Office of the CPMG, Jharkhand Circle, Meghdoot Bhawan, Doranda.

4. The Asstt. Director Postal Service (P), O/o Chief Postmaster General, Jharkhand Circle, Ranchi.

.... Respondents

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Appearance :

For the Petitioners : Mr. Shashi Nath Jha, Advocate

For the Respondents : Mrs. Kanak Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 04-02-2016

Heard Sri Shashi Nath Jha, learned counsel

for the writ petitioner and Smt. Kanak Verma, learned

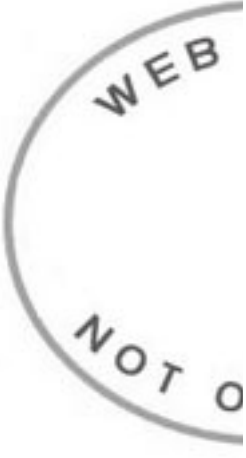
Central Government Counsel.

The petitioners are aggrieved by the judgment and order dated 31.10.2015 passed by Central Administrative Tribunal, Patna Bench, Patna, in O.A. No. 66/2015, whereby their application has been dismissed.

With consent of the parties, the writ petition is being disposed of at this stage itself instead of dealing with Interlocutory Application for stay.

The applicants had applied as against advertisement issued on 28.05.2014 for the post of Postman/Mail Guard for the Jharkhand Circle of the Postal Department, and offline test was held on 20.07.2014 by the Agency M/s C.M.C. Limited, Kolkata. Thereafter, the results, as tabulated by the same was sent to the Postal Department. In the meantime, other tests like typing and shorthand were held. It appears that the vacancies were for the year 2011 & 2012. It appears that when the merit list was examined by the Department, they found lots of strange variations. There had been written complaints also with regard to leakage of question papers with names of candidates benefiting. The Department set up a confidential enquiry committee, who submitted a report,





pointing out that, the use of unfair means and leakage of question paper cannot be denied. There were some instances also cited as has been noticed by the Tribunal also. Upon that, the Department took a decision to cancel the entire examination. It is challenging that decision, that the application was filed before the Tribunal with a prayer to issue directions to declare the results and make selection and appointment accordingly. The Tribunal noting that there had been serious irregularities which had been found by the enquiry committee, did not interfere. Hence, the present writ petition.

Having considered the matter, in our view, it would not be permissible for this Court to interfere in such a matter. The decision to scrap or cancel the examination as a whole, is not direct against any individual nor can it be said to be actuated by malafide or malice by reason of cancellation of examination. Bonafide students are undoubtedly affected, that is a natural consequence of such an exercise. Therefore, we are unable to interfere in the matter.

However, learned counsel for the petitioners submits that, so far as vacancies for the year 2011 & 2012

are concerned, which were reserved for the said examination, would now be advertised again, but the petitioners or some of them would be over-age by the time the examinations are held. They would suffer unjustly.

Considering this aspect of the matter, we deem it proper to direct the Postal Department that as and when they advertise or take steps for filling up the vacancies for the year 2011 & 2012 again, they would have to permit all the persons who had applied for this examination irrespective of their age, in other words, they would have to relax the condition of age, because, not all of these candidates would be blamed for cancellation of the results, they have been selected, may not have participated in any other examination in the meantime, becoming over-age.

With this limited relief, this writ application stands disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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