

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5125 of 2014

Radha Devi W/O- Sri Tuntun Das, R/O- Vill+Post- Garh Baruari, P.S.+Dist.-
Supaul.

.... Petitioner

Versus

1. The Union of India through the D.G. cum Secretary, Dept. of Post, Dak Bahawan, New Delhi
2. The Chief Post Master General, Bihar Circle, Patna
3. The Post Master General, Northern Region, Muzaffarpur
4. The Superintendent of Post Office, Supaul Division, Supaul
5. The Assistant Superintendent of Post Office, Supaul, Sub-Division, Supaul
6. Sushil Kumar S/O- Sri Sukhdev Yadav R/O- Dhamsaini, Post- Sulindabad, Dist.- Saharsa, at present working on the post of GDS Packer At G. Baruari, Sub- Post Office, Dist.- Supaul.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate

For the Respondent/s : Mr. Anshuman Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-02-2016

The challenge in the present writ petition is to an order dated 20th January, 2014 passed in Original Application No. 244 of 2010 by the Central Administrative Tribunal, Patna Bench, Patna (in short the “Tribunal”), whereby selection of Sushil Kumar on the post of GDS Packer, at Garh Barauri Sub Post Office, District – Supaul, was dismissed. The learned Tribunal has found that Sushil Kumar has secured 74.71% marks as against 62.28% marks obtained by the petitioner. She further claimed that Sushil Kumar is not a resident of postal village.

The learned Tribunal found that one may not be permanent resident of postal village but could have a residence in the

village. It is the decision of the appointing authority that Sushil Kumar is having a residence in the village or not. In view of such facts, learned Tribunal did not find any merit in the Original Application and dismissed the same.

The petitioner has attached the certificate dated 11.02.2014 of Mukhiya Gram Panchayat, Baruari, Supaul, in the present writ application to the effect that Sushil Kumar is permanent resident of village – Ghamsaini, P.O. Sulindabad, District – Saharsa. But such certificate cannot be considered. Such document which was not produced before the Tribunal or before the respondent when the appointment of Sushil Kumar was being considered. The new documents cannot be produced before the Writ Court for the first time.

Thus, we do not find any illegality or irregularity in the order of learned Tribunal. Accordingly, this writ application is dismissed.

(Hemant Gupta, J.)

(Navaniti Prasad Singh, J.)

Rajeev/N.A.F.R.

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