

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1286 of 2015

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Rekha, Wife of Sri Sanjay Kumar Singh, Resident of Village - Belchi, Post - Bali
Belchi Via - Harnaut, District - Nalanda.

.... Petitioner

Versus

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, G.P.O. Patna.
3. The Director of Postal Services, C/o the Chief Post Master General, Bihar Circle, G.P.O. Patna.
4. The Superintendent of Post Offices, Nalanda Division, Bihar Sharif.
5. The Sub Divisional Inspector of Post Offices, Nalanda Central Sub Division, Bihar Sharif.
6. Smt. Snehlata Kumari, Wife of Sri Balmiki Kumar, Village - Baburbana, P.O. - Sohsarai, GDSMC at Bali Belchi Branch Post Office in Account with Harnaut Sub Post Office in Nalanda Postal Division, Bihar Sharif now resigned.

.... Respondents

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Appearance :

For the Petitioner : Mr. R.K. Bariyar Advocate.
Mr. Sanjay Kumar Chaubey, Advocate

For the Respondents : Mr. Sanjay Kumar, A.S.G.

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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: 02-05-2016

Heard learned counsel for the petitioner and the
respondents.

2. The order dated 16th of January, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “the Tribunal”) in O.A. No. 290 of 2010 is subject matter of challenge in the present writ application, whereby the Original Application filed by the petitioner was dismissed.

3. The petitioner challenged the appointment of Respondent No. 6 on the post of Gramin Dak Sewak Mail Carrier (GDPMC) and also claimed her right of appointment in lieu of Respondent No. 6. Though there is a controversy as to whether Snehlata Kumari, Respondent No. 6, is the same Snehlata Kumari whose documents were furnished, but admittedly as per the petitioner Respondent No. 6 has since resigned. It is also admitted that there was only one post of Gramin Dak Sewak Mail Carrier against which Snehlata Kumari was appointed.

4. Once the appointed candidate joins, the selection process comes to an end and the candidates lower in merit in the same selection-list does not get any right to seek appointment on the basis of vacancy. Still further, the Tribunal has found that petitioner is not the next candidate in the merit. It was found that one Gayatri Kumari scored 63.77 per cent marks i.e. more than the marks obtained by the petitioner. Therefore, it cannot be said that the petitioner would have any right of appointment against the post which fell vacant after the

resignation of Snehlata Kumari, Respondent No. 6.

5. In the circumstances, we do not find any merit in the writ application, which is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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