

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.21911 of 2016

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Date: 08.07.2016

Between:

RV.Satyanarayana Chary

..Petitioner

and

Union of India, rep. by its
Chief Postmaster General,
A.P.Circle, Hyderabad and 4 others

..Respondents

Counsel for the petitioner: Mr.Kowturu Pavan Kumar

**Counsel for the respondents: Mr.B.Narayan Reddy,
Asst. Solicitor General**

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner and one M.Balaraju, who were holding the posts of Postman, appeared for limited departmental competitive examination in the panel year 2014-2015 for promotion to the post of Postal Assistant. Though Mr.M.Balaraju has secured 126 marks as against 124 marks secured by the

petitioner, the latter was selected as Postal Assistant and sent for training. On a representation made by the said M.Balaraju, the respondents have realised their mistake, recalled the petitioner from the training and appointed the said M.Balaraju as Postal Assistant in the place of the petitioner. Feeling aggrieved by this action of the respondents, the petitioner approached the Central Administrative Tribunal at Hyderabad Bench (for short 'the Tribunal') by way of OA.No.1566 of 2015. On a thorough consideration of the case, the Tribunal has dismissed the OA. Assailing the said order, the petitioner filed this Writ Petition.

Mr.Kowturu Pavan Kumar, learned Counsel for the petitioner, submitted that the action of the respondents is in violation of the principles of natural justice as the petitioner was not put on notice before his selection was cancelled. He has further argued that as per notification, dated 20-06-2016, issued by the respondents for conduct of the limited departmental competitive examination for promotion of Lower Grade Officials to the cadre of Postal Assistants for the panel year 2015-2016, two posts of OC are available and that having regard to the injustice caused to the petitioner, the respondents

may consider him against one vacancy without there being any need for his participating in the limited departmental competitive examination.

Mr.B.Narayan Reddy, learned Assistant Solicitor General appearing for the respondents, submitted that as there was only one vacancy for the panel year 2014-2015, Mr.M.Balaraju, who secured higher marks than the petitioner, was entitled to be promoted as Postal Assistant; that as a result of the mistake of the respondents, the petitioner was selected and sent for training in place of Mr.M.Balaraju; and that therefore, the petitioner cannot claim any vested right.

We have carefully considered the submissions of the learned Counsel for the parties.

The petitioner has not disputed the fact that M.Balaraju had secured two marks more than what he had secured. Therefore, even if a notice was issued to the petitioner, that would not have altered the situation. The 'Useless Formality Theory' propounded by the Supreme Court in **State Bank of Patiala vs. S.K.Sharma**^[1] and **Aligarh Muslim**

University vs. Mansoor Ali Khan^[2] squarely applies to the case on hand. Hence, the action of the respondents impugned before the Tribunal was not liable for interference on the ground of violation of the principles of natural justice.

As regards the submission of the learned Counsel for the petitioner that the respondents may consider the case of the petitioner atleast in the subsequent panel year, we refrain from expressing any opinion in this regard as it is for the respondents to apply their mind and take a decision in the event such a request is made by the petitioner.

Therefore, the petitioner is permitted to make a representation to the respondent concerned and if such a representation is made, the same may be considered, an appropriate decision thereon may be taken and communicated to the petitioner.

Subject to the above observations and directions, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.26913 and 26914 of 2016 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam Prasad, J)

Dt: 8th July, 2016
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[\[1\]](#) (1996) 3 SCC 364
[\[2\]](#) (2000) 7 SCC 529