

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3844 of 2017

=====

Raj Mohan Jha, S/o Sri Rewati Raman Jha, Resident of Village- Nari
Kala, P.O.- Narikhurd, Via- Singhara, District- Vaishali.

.... Petitioner

Versus

1. The Union of India, through the Director General, Department of Posts, New Delhi.
2. The Chief Postmaster General, GPO, Patna.
3. The Postmaster General, GPO, Patna.
4. The Director, Personnel, Office of Postmaster General, GPO, Patna.
5. The Assistant Director, Personnel, Office of the Postmaster General, GPO, Patna.
6. The Superintendent of Post Offices, Vaishali Division, Hajipur.
7. Inspector of Post Office, Mahua Post Office, Mahua, Vaishali.
8. Pankaj Kumar, Son of Birendra Kumar Verma, Resident of Village- Chand Sarai, P.S.- Jandaha, District- Vaishali.
9. Bihar Sanskrit Shiksha Board, through its Secretary, Bihar, Patna.

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Sr. Advocate Mr. Hemant Kumar Karan, Advocate Mr. Jayant Kr. Karan, Advocate Mr. Sujeet Kumar, Advocate
For the Respondent No.8	:	Mr. Gajendra Kr. Jha, Advocate Mr. Surya Kant Mishra, Advocate
For the Respondent No.9	:	Mr. Stayam Shivam Sundram, Advocate
For the U.O.I.	:	Mr. S.D SANJAY (Addl. Soc. Gen.) Mr. Rajesh Kr. Verma, C.G.C.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-04-2017

Heard Sri P.N. Shahi, learned Senior
counsel for the petitioner, Sri S.D. Sanjay, learned Senior
Counsel for the Union of India assisted by Sri Rajesh Kumar
Verma, C.G.C. as well as learned counsel for the private
respondents.

2. The private respondent no. 8, Pankaj Kumar, was



an applicant before the Central Administrative Tribunal (for Short the "Tribunal"), Patna Bench, Patna. His O.A. application No. 680/2012 was allowed vide order dated 27th January, 2017. Appointment of the present petitioner was set aside and the respondent Postal Authorities were directed to appoint Pankaj Kumar, private respondent no. 8 of this writ petition, on the post of Gramin Dak Sevak Mail Deliverer-cum-Mail Carrier (in short the "GDSMD-cum-MC").

3. Though, there is a detailed narration of the facts of the dispute in the order of the Tribunal, the core fact is that the private respondent, who was initially appointed, was removed and the petitioner appointed against that vacancy, because, at that point of time, on a so-called verification of the mark-sheet, which was declared to be fake by the authorities the order of removal was passed. However, it seems that such declaration with regard to the mark-sheet of the private respondent was not true. After proper ground work, when the private respondent armed with information and authenticity as to his marks sheet approached the Tribunal, even Sanskrit Shiksha Board this time supported him that his result and the marks are authentic. Since he had higher marks i.e. 87.88% and the petitioner who had only 84% marks, the Tribunal allowed the O.A. application and quashed the appointment of the present petitioner and directed the authorities to reappoint the private respondent, on the post.

4. Since the private respondent could not get



appointment since his certificate was initially said to be fake, which it was not, therefore, non-appointment in the very first place was illegal and irrational. It is that position which has been set right by the Tribunal in the O.A.

5. In the above background, the decision of the Tribunal cannot be said to be irrational. There is no dispute about the private respondent having more marks and since the basis for such appointment is performance in the examination and the overall percentage of marks he has rightly been ordered to be appointed.

6. This writ application is, therefore, dismissed being devoid of merit.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

U			
---	--	--	--

