

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18549 of 2016

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1. The Union of India through the Secretary cum D.G. of Posts, New Delhi.
 2. The Chief Postmaster General, Bihar Circle, Patna.
 3. The Postmaster General, Northern Region, Muzaffarpur.
 4. The Director Postal Services, Northern Region, Muzaffarpur.
 5. The Superintendent of Post Officer, Samastipur Division, Samastipur.
 6. The Assistant Superintendent of Post Offices, Rosera Sub Division, Samastipur.

.... Petitioners

Versus

1. Satendra Kumar Choudhary S/o Shri Bhajle Ram Choudhary R/o Village and P.O.- Ber Dharshyam, P.S. Kusheshwar Asthan, District- Darbhanga.
2. Sri Minnatullah S/o Moqueem GDSMD/MC at Ber Dharshyam Branch Post Office, in account with K. Asthan S.O. Rosera Sub Division, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sharan, A.S.G.
Mr. Ravinder Kumar Sharma, C.G.C.
For the Respondent/s : Mr. Jayant Karan, Advocate
Mr. Hemant Kumar Karan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 04-09-2017



Heard learned counsel for the Union of India and learned counsel for the private respondents.

2. The limited issue which is required to be considered in the present writ application preferred against the order of Central Administrative Tribunal (hereafter referred to as the "Tribunal"), Patna Bench, Patna in O.A. No. 167/2010 is whether it is open to a forum or a court to read something more into the terms of eligibility when the rules or guidelines are firmly place.

3. The submission of learned Assistant Solicitor General for the Union of India is that there is rule in place meant for Postal Gramin Dak Sevak, and Rule (iv) provides for method of recruitment. Nowhere the provision talks in terms of grant of any weightage for experience. It only shows that people with matriculation would be required to be given preference. The minimum qualification is 8th pass.

4. If that be so, then, naturally the petitioners i.e. the Postal Department selected private respondent no. 2 on the basis of having more marks than private respondent no. 1. However, the Tribunal has got carried away by the fact that



the private respondent no. 1 had intermittently worked as a substitute and, therefore, despite less marks a weightage should have been given for experience especially for such people like the private respondent who has worked between the years 2001 to 2008.

5. No doubt, the Tribunal has relied on a decision of the Hon'ble Apex Court rendered in the case of ***Union of India and others Vs. Bikash Kumar*** since reported in ***(2006) SCC (L&S) 1937***; but the said decision was rendered in the facts of the case and in absence of the provision for granting weightage for work experience, the Tribunal ought not to have exceeded its jurisdiction by reading more into the requirement which are already in place and which forms the basis for such recruitment.

6. The rationale of the Tribunal could have been valid if there was a vacuum as to the terms and conditions for such consideration but the present case is not of that kind.

7. In view of the above, the writ application is allowed. Order dated 11.02.2014 passed in O.A. No. 167/2010 by the Tribunal is quashed.

8. The private respondent no. 7 in O.A. No. 167/2010,



i.e., respondent no. 2 in the present writ application, would
continue to hold the post now.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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