

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5800 of 2017

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Anil Kumar Son of Nagendra Paswan Resident of Village- Bharwliya,
P.S. - Palanwa, District- Motihari, East Champaran, Bihar.

.... Petitioner

Versus

1. The Union of India, through the Chief Postmaster General, Bihar Circle, GPO Complex, Patna.
2. The Post Master General, Northern Region, Muzaffarpur.
3. The Superintendent of Post Office, Champaran Postal Division, Motihari.
4. The Sub Divisional Inspector of Post, North Sub Division, Raxaul Champaran Postal Division, Motihari.
5. Shashi Kumar Ranjan Son of Shri Ratan Ram Resident of Village- Chainpur, P.S.- Turkauliya, District- East Champaran, Motihari.
6. Bipin Kumar Son of Bhola Hajara Resident of Village- Surujpur, P.S.- Pipra Kothi, District - East Champaran, Motihari.
7. Sunil Kumar Son of Mahendra Paswan Resident of Village- Surujpur, P.S.- Pipra Kothi, District - East Champaran, Motihari.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Shishir Kumar, Advocate Ms. Archana Palkar Khopde, Advocate
For the U.O.I.	:	Mr. Anjani Kumar Sharan, Assistant S.G. Mr. Rajesh Kumar Verma, C.G.C.

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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 petitioner and learned counsel for the Union of India.

We have perused the order dated 27.02.2017 passed by Central Administrative Tribunal (hereinafter referred to as the "Tribunal"), Patna Bench, Patna in connection with O.A. No. 225/2013.

The Tribunal has done no wrong by setting aside the appointment of petitioner because some kind of a foul play was practiced by one Vishnu Dayal Ram, who, for unexplained reason, gave a conditional letter to the Postal Authorities that only in case Anil Kumar is appointed he is willing to forego his candidature, and, therefore, the appointment came about.

Vishnu Dayal Ram has appeared in person on our direction. He tried to explain that even though he was in employment from the year 2010, he took a chance by applying because he likes applying and when his turn for appointment came he decided to make a way for the petitioner namely, Anil Kumar.

If, Vishnu Dayal Ram was not interested in taking up the offer, the seat was not available for sale to any



candidate, automatically it should accrue to the next man on the merit position, and there cannot be a bargain by a candidate who does not seem to be interested in accepting the employment or by offering to vacate the slot may be for some monetary consideration in favour of a candidate whose merit position was nowhere near the next candidate.

In such circumstances, quashing of the appointment of respondent no. 5 in the O.A. No. 225/2013, i.e., the petitioner, cannot be said to be either irrational or illegal.

The writ application is dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2017
Transmission Date	NA

