IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

Writ Petition Nos.14657 & 14658 of 2016
and
W.M.P.Nos.12828 and 12829 of 2016

1.A.Prabhu ... Petitioner in W.P.No.14657/2016
2.S.Parthiban ... 2nd Petitioner in W.P.Nos.14657 & petitioner in 14658/2016

vs.

1.The Post Master General
Tamil Nadu Circle
Anna Salai, Chennai - 600 002

2.The Senior Superintendent of Post Offices
Chennai Central Division
T.Nagar, Chennai - 600 017

3.Central Administrative Tribunal
Madras Bench, Madras High Court Campus,
Chennai - 104

... Respondents in both Writ petitions

Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in No.OA/310/1079/2014 and OA/310/01078/2014 dated 02.03.2015 passed by the Central Administrative Tribunal, Madras Bench and quash the same.

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For Petitioners in both writ petitions : Prof.M.Udhayabhanu

For Respondents : Dr.D.Simon, CGSC for R1 and R2 in W.P.No.14657
Mr.K.Raju, CGSC for R1 and R2 in W.P.No.14658
R3-Tribunal

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COMMON ORDER

S.MANIKUMAR, J.

Material on record discloses that Notification for appointment of meritorious sports persons in the Department of Posts, in the cadre of Postal Assistant/Sorting Assistant, Postman and Multi Tasking Staff was issued by the Office of the Chief Postmaster-General, Tamil Nadu Circle, Chennai - 600 002, on 06.06.2012. As per the notification, for Chennai City Central Division, the following vacancies of Multi Tasking Staff (MTS) were notified.

For Sports Quota in Football Discipline

Stopper back	- 1
Mid Fielder	- 1
Striker	- 1
Total	: 3

2. A separate Selection Committee consisting of a Chairperson with four persons was constituted for each post of division for finalising selection under Sports quota and before finalising the selection, the Minutes of the Committee should be approved by the Competent Authority at regional level. In respect of Chennai Central Division, the duly constituted Committee scrutinized all the applications and among the applications received, a list of eligible and wait list candidates were prepared. Certificates of the petitioners were verified. They attended the interview. A fitness trial was done on 01.08.2012.

3. As there was no response from the respondents, writ petitioners made representation dated 01.08.2003. Finding no response to the representation, they joined together and filed O.A.NoS.517 and 521 of 2014, for a direction to the respondents to consider their representation dated 10.08.2013 and to issue a direction to the Senior Superintendent of Post Offices, Chennai City Central Division, T.Nagar/ 2nd respondent therein, to issue an order of appointment for the post of Multi Tasking Staff under Sports Quota. Vide common order dated 07.04.2014, Original Application Nos.517 and 521 of 2014 were disposed of, with a direction to the Senior Superintendent of Post Offices, Chennai City Central Division, T.Nagar, second respondent herein, to consider the representations of the writ petitioners dated 10.08.2013, in accordance with law and as per rules and to pass a speaking order, within a period of eight weeks from the date of receipt of a copy of the said order.

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4. Pursuant to the above directions, the Senior Superintendent of Post Offices, Chennai City Central Division, has passed orders on 20.05.2014 stating that the candidature of the writ petitioners has not been considered by the Selection Committee, as one of the conditions in the notification has not been satisfied. Details of the orders passed by the Senior Superintendent of Post Offices, Chennai City Central Division dated 20.05.2014 are here under:

Department of Posts

Office of the Senior Superintendent of Post Offices,
Chennai City Central Division
Chennai 600 017.

No.B3/OA 310/517/2014 dated at Chennai 600017 the 20.05.2014

ORDER

Read the following

1) Order dated 07.04.2014 of Hon'ble Tribunal in OA No.517/ 2014 filed by Shri A Prabhu
2) Representation dated 08.08.2013 of Shri A Prabhu
3) Other records

_____

This is a case of OA No.517/2014 filed by Shri A Prabhu claiming appointment of MTS under sports quota in Chennai City Central division. The Hon'ble Tribunal, in the order dated 07.04.2014 directed the 2nd respondent viz. SSPOs, Chennai City Central Division to dispose of the representations dated 10.08.2013 of the applicant within a period of 8 weeks.

The Representation dated 10.08.2013 of the applicant annexed to OA 517/2014 and stated to have been submitted was not actually received at the office of SSPOs, Chennai City Central Division and only representation dated 08.08.2013 was received. However, complying with the order of Tribunal, the representation dated 10.08.2013 annexed to the OA is taken into consideration.

The case is that the notification for appointment of meritorious Sports persons in the Department of Posts in the cadre of Postal Assistant/Sorting

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Assistant/Postman and Multi Tasking Staff (MTS) was issued by the Office of Chief Postmaster General, Tamil Nadu circle in memo No.PSB/400-29/2011 dated 06.06.2012. As per the above notification, for Chennai City Central Division, the following vacancies for MTS were notified for Sports quota in foot ball discipline.

Stopper Back	1	(Men)
Striker	1	(Men)
Mid Fielder	1	(Men'

A separate Selection Committee consisting of Chairperson with 4 members was constituted for each Postal Division for finalising selection under Sports quota and before finalising the selection, the minutes of the committee should be got approved by the competent authority at Regional level. In respect of Chennai City Central Division, the duly constituted Committee scrutinised all the applications and among the applications received the list of eligible and waitlisted candidates were prepared. As per the list, the applicant in OA Shri A Prabhu was selected and fitness trial was done on 01.08.2012.

The competent authority at Regional level while approving the minutes of Selection Committee of all Divisions observed that there was no uniformity in selection process and different yardsticks were adopted by the Members of Committee regarding production of position certificate, apart from production of Sports Certificate in Form I/II/III/IV.

Therefore the case was referred to the higher authorities at Circle level for clarification regarding production of position certificate. It was clarified by Circle office in letter No.PSB/400-29/2012 (PtIV) dated 18.12.2012 that for ensuring suitability of the applicants, as prescribed in DOPT OM No.14015/1/76 Estt (D) dated 04.08.1980, as amended by DOPT OM No.15012/3/84-Estt (D) dated 12.11.1987, the production of position certificate issued by the authority competent to issue Form I/II/III/IV was also necessary. It was further clarified that the candidates who have not produced the position certificate obtained from the competent authority were not to be considered.

Therefore the Selection Committee of all Divisions were directed to confirm and ensure that the selection made was as per the above instructions of Circle Office and if otherwise to make selection afresh.

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Shri A Prabhu, the applicant of OA 517/2014 has applied for the post of MTS in Chennai City Central Division. The applicant in his representation dated 10.08.2013 has stated that he was selected as MTS at the end of Foot Ball Selection trial on 01.08.2012 and after that he has not received any communication in connection with his appointment and requested for reply.

The Selection Committee of Chennai City Central Division which met on 22.04.2013 observed that the applicant has not produced the position certificate issued by the competent authority who has issued Form I, II, III and IV as prescribed by the DOPT OM No.14015/1/76-Estt (D) dated 04.08.1980 and as stipulated as one of the conditions in the notification and therefore his candidature has not been considered by the Selection Committee of Chennai City Central Division.

The representation dated 10.08.2013 of the applicant is disposed of accordingly.

/S.Ranganathan/
Senior Superintendent.

5. Being aggrieved by the order stated supra, S.Parthiban, has filed O.A.No.1078/2014 and A.Prabhu has filed O.A.No.1079/2014. In O.A.No.1078/2014, Mr.S.Parthiban, has contended inter alia he has represented in School State's Foot Ball tournament held at Vellore in 2001 to 2002 and also represented 42nd Junior National Championship Tournament (South Zone) held at Varanasi from 22.12.2005 to 01.01.2006 and also represented the 65th Senior National Foot Ball Championship for Santhosh Trophy, held at Guwahati from 6.5.2011 to 30.5.2011 and played in quarter finals.

6. In O.A.No.1079/2014, Mr.A.Prabhu, has contended that he has represented 26th Sub-Junior National Foot Ball Championship (South Zone) held at Kolar from 25.7.2003 to 30.7.2003 and obtained a winner shield. He has also represented the 26th Sub-Junior National Foot Ball Championship (Final Round) held at Aizwal, Mizoram from 20.8.2003 to 30.8.2003. They have further contended that they ought to have been selected for the post of Multi Tasking Staff, based on their merit.

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7. Respondents in their counter affidavit have contended that as per notification published in the newspapers, the preferential criteria prescribed by DoPTOM dated 4.8.1980, includes the following:

First Preference : Candidates who have represented the country in an international competition with the clearance of the Department of Youth Affairs and Sports.

Second Preference:Candidates who have represented and won medals or positions up to third place in the Senior or Junior Level National Championship organised by the recognised Sports Federations or National Games organised by the Indian Olympic Association. Between the Senior and Junior Levels, candidates who have won the medal in Senior National Championship get preference.

Third preference: Candidates who have represented a Univerity in an Inter-University competition conducted by Association of Indian Universities/Inter-Universities Sports Board and have won medals or position up to third place in finals.

Fourth Preference: Candidates who have represented State Schools in the National Sports/Games for Schools conducted by All India School Federation and have won medals or positions up to third place.

Fifth preference: Candidates who have been awarded National Award in physical efficiency under National Physical Efficiency Drive.

Sixth preference: Candidates who have represented a State/Union Territory/University/State School Teams at the levels (ii) to (iv) above but could not win a medal or position in the same order of preference.

The educational qualifications prescribed for the post of Multi Tasking Staff is a pass in matriculation or equivalent. Besides, it was specifically mentioned that attested copies of certificates for educational qualification, proof of sports qualification in Form I, II, III and IV from the competent sports authority should be enclosed along with the application.

8. It was further stated in the notification that the sports certificate for required position/category from the competent sports authority, duly attested, should also be enclosed. Respondents have further submitted that for the purpose of

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scrutinising the applications received and to finalise the selection of meritorious eligible sports persons, a separate selection committee consisting of chairperson with 4 members was constituted for each division, for finalising selection under Sports quota, vide Memo dated 26.6.2012 of the Postmaster General, Chennai City Region, Chennai. Chairmen of the Recruiting Committees of all the divisions were directed to submit a report and about the completion of scrutiny of all applications and finalisation of list of eligible candidates. It is further contended that within the last date, 49 applications were received by the office of the Senior Superintendent of Post Offices, Chennai Central Division, T.Nagar, Chennai - 600 017, respondent No.2. As per the instructions issued by the office of the Postmaster-General, Chennai City Region dated 24.03.2010, for one vacancy, the total number of candidates to be called for fitness trial should be in the ratio of 1:2. Therefore, among the applications received, two applications under each category were shortlisted for one eligible meritorious candidate for one vacancy under the Sportsman quota.

9. The shortlisted candidates were called for verification of educational qualifications, certificates and for attending fitness trial on 1.8.2012. Both the writ petitioners were shortlisted for the respective categories notified.

10. Based on the fitness trial and verification of certificates, selection of candidates for the posts notified, were recommended by the Committee and the report of the committee about the completion of scrutiny of all applications and finalisation of list of eligible candidates, was forwarded to the office of the Postmaster General, Chennai City Region, Chennai, respondent No.1. While scrutinising the report of the selection committees of all the divisions under his control, the Chief Postmaster General, respondent No.1, noticed that there was no uniformity in the selection and different yardsticks were adopted by the members of the Committee regarding production of position certificate, apart from production of Sports Certificate in Form I/II/III/IV. Therefore, the case was referred to a higher authority at circle level for verification. Vide letter dated 18.12.2012, the Chief Postmaster General, Tamil Nadu circle, also clarified that the candidates, who have not produced the position certificate obtained from the competent authority, need not be considered. Further, directions were issued to the selection committees of all the divisions to confirm and ensure that the selection made was in the light of the above instructions of the office of the Chief Postmaster General, Tamil Nadu Circle. Accordingly, all the applications were taken up for scrutiny afresh, by the selection committee of the Senior Superintendent of Post Offices, Chennai Central

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Division, T.Nagar, Chennai - 600 017 and it was found that only one candidate was eligible under the Mid Fielder category. Accordingly his candidature was recommended for selection.

11. Before the Tribunal, respondents have further contended that a specific certificate, position certificate of the candidate in the field, was insisted upon with a view to strengthen the team of the respective sports discipline for participation in All India Postal Tournaments. As the petitioners did not satisfy the condition of production of position certificates, their cases were not considered. They further submitted that mere participation in the fitness trial, would not give any right for selection, as it was a part of the recruitment process. They also denied the contention that no association would give a position certificate.

12. Adverting to the rival submissions and taking note of the office memorandum dated 04.08.1980 and 12.12.1987, stated supra, and also a decision of the Tribunal in O.A.No.979/2011 dated 31.01.2013, by which, a similar claim made by one Mr.M.Arun Prasath, was rejected by observing that when the instruction to the candidate prescribed a particular manner in which an application has to be made, writ petitioners herein ought to have followed the same and non-adherence to the same, is a valid ground for rejection, vide common order dated 02.03.2015 made in O.A.Nos.1078 and 1079 of 2014, the Tribunal dismissed the original applications, as hereunder:

> " ...As the appointments under sports quota have to be made strictly as per the rules, we do not find that the respondents have acted in an arbitrary manner in rejecting the candidature of the applicants. The action of the respondents cannot be faulted, which in our opinion is in accordance with the rule position and as per the conditions prescribed in the advertisement."

13. Being aggrieved by the common order dated 02.03.2015 made in O.A.Nos.1078 and 1079 of 2014, S.Parthiban, has filed W.P.No.14658/2016 against O.A.No.1078/2014 and A.Prabhu has filed W.P.No.14657/2016 against O.A.No.1079/2016.

14. Taking this court to the certificate issued by the State Association of Tamil Nadu in the game of Football, in Form No.2 (for representing a State in India/in a National competition in one of the recognised Games/Sports), Mr.M.Udayabanu, learned counsel for the petitioners submitted that the position obtained by their team alone is mentioned. State Association of Tamil Nadu In the game of Football has issued certificates to meritorious sports person, for employment in Class III and Class IV post services under the Central Government. When the

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certificates issued by the above said State Association have been duly verified, on 01.08.2012, a fitness trial was conducted, and that the names of the writ petitioners were also recommended for selection, against the posts notified, the respondents cannot turn around and contend that they have not produced the required position certificate from the competent sports authorities.

15. According to the learned counsel for the petitioners that the notification issued also does not contain any specific condition that production of position certificate in the field, from any competent sports authorities and therefore, the respondents ought not to have relied on any subsequent clarification issued in the matter of selection for the posts notified.

16. Before this court, respondents have filed separate counter affidavits reiterating the averments made before the Tribunal. They have contended that in the notification, it was specifically stated that a sports certificate required position/category from the sports authority should also be enclosed duly attested. Production of the position certificate was insisted upon with a view to strengthen the team of the respective sports discipline for participation in All India Postal Tournaments due to the fact that there is every likelihood of selecting the same candidate for the same position again and again and verification of certificates and attending fitness trial would not guarantee appointment.

17. Selection Committee of the Chennai City Central Division, which met on 22.04.2013, scrutinised the applications received under the Sports Quota, in the light of the instructions of Postmaster General, Tamil Nadu Circule office letter dated 18.12.2012, according to which, production of position certificates issued by the authority competent to issue Form I, II, III and IV was necessary and those who have not produced the position certificate from the competent authority, as stated supra were not considered. Instructions issued by the Department of Personnel and Training dated 04.08.1980 and 12.12.1987 were also pressed into service. However, the respondents have admitted that the writ petitioners were shortlisted for Midfielder/Stopper Back categories. Added further, Dr.Simon, learned Central Government Standing Counsel for the respondents submitted that posts invited have been filled up. For the reasons stated supra, respondents prayed for dismissal of the writ petitions.

18. Heard the learned counsel for the parties and perused the materials available on record. Files produced by the respondents were also perused.

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19. Notification dated 06.06.2012 is for filling up of three posts of Multi Tasking Staff in Football (1) Stopper Back, (2) Mid Fielder; and (3) Striker. As per the orders of the Postmaster-General, Chennai City Region, Recruitment Committee consisting of a Chairman and three persons, was made on 22.04.2013, to review the shortlisting of the candidates, for the post of Multi Tasking Staff under direct recruitment quota, to fill up the vacancies under Sports Quota for the year 2011 and recorded as hereunder:

DEPARTMENT OF POSTS

MINUTES OF THE RECRUITMENT COMMITTEE MEETING HELD ON

22-04-2013 MONDAY

In accordance with the orders of Postmaster General, Chennai City Region, Chennai 600 002 in Memo No.REP/2-2/2011/CCR/Sports quota dated 26.6.2012, the Recruitment Committee consisting of the under mentioned officers met at Chennai on 22-04-2013 at 1100 hrs to review the short-listing of candidates for the post of MTS under Direct Recruitment quota to fill up the vacancy under sports quota for the year 2011 and reviewed the minutes of Recruitment Committee dated 17/07/2012.

Ms/Shri./Smt

S.Kandasamy, SSPOs, Pondicherry Division Chairman

V.Sampath, SSOPs, Chennai City North Division Member I

R.Pandi, Chief Postmaster, Chennai GPO Member II

V.Shenbagavalli, ASP(HQ), Chennai City Central Women Member

Division

(2) As per the notification dated 06.06.2012, the vacancies notified for Direct Recruitment for the cadre of MTS for the year 2011 is Three. Name of the discipline is football, and the position is as follows:

(1) Mid Fielder (2) Striker (3) Stopper back

(3) Out of 50 applications received for the three categories one application is rejected on account of late receipt and 49 applications have been received within the last date of receipt of application i.e., 09/07/2012 in response to the notification No.PSB/400-29/2011 dated 06.06.2012 of Chief Postmaster General, Chennai 600 002.

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(4) Last Recruitment committee met on 01.08.2012 scrutinised the applications and shortlisted the following candidates based on the declaration furnished by them regarding position in category of sports and the position certificate submitted by them.

STOPPER BACK

Sl.No	Application No	Name and address of the candidates	Community	Date of birth	Form Details	Preference category
1	36	A Prabhu	SC	30.04.1983	Form II	Under second preference form II winner in 2003
2	29	T Gokulnath	SC	11.09.1993	Form II	Under Sixth preference Form II lost in pre-quarter finals

MID FIELDER

Sl.No	Application No	Name and address of the candidates	Community	Date of birth	Form Details	Preference category
1	09	S Parthiban	SC	07.02.1985	Form II	Sixth preference enter quarter finals in 2011
2	07	D Senthil Kumar	OBC	21.07.1985	Form II	Under Sixth preference language quarter finals in 2008

STRIKER

Sl.No	Application No	Name and address of the candidates	Community	Date of birth	Form Details	Preference category
1	28	M Saravana Kumar	OBC	01.10.1989	Form II	Under sixth preference latest participation in 2008-2009

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Sl.No	Applic a-tion No	Name and address of the candidates	Comm-unity	Date of birth	Form Details	Preference category
2	15	M Ruthu	OBC	01.07.1987	Form II	Under Sixth preference participation in 2003

Now RO has directed vide letter No.REP/2-2/2011/CCR/Sports Quta dated 10/01/2013 that position certificate issued by the same authority who issued the forms I/II/III/IV should be enclosed by the applicants.

(5) Hence the recruitment committee reviewed all 49 applications mentioned in the annexure I placed before the recruitment committee scrutinised and found that following candidate is eligible in mid fielder category under football discipline.

Sl.No	Appli ca-tion No	Name of the candidat e	Comm-unity	Date of birth	Form Detai ls	Period	Positio n	Preferen ce category
1	29	T Gokulnat h	SC	11.09 .1993	II	05.06. 10 27.06. 10	Lost in Qtr finals	Under 6th preferen ce Form II lost in pre-quarter final

All the other candidates listed in the annexure are ineligible for the reasons noted against each. Hence this Recruitment Committee did not recommend any candidate eligible for the post of MTS under sports quota in football discipline - stopper back and striker.

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(V.Sampath) (R.Pandi) (V.Shenbagavalli)
Senior Superintendent of POs Chief Postmaster, Asst Supdt of POs (HQ)
Chennai City North Division Chennai GPO & Chennai City Central Dn.
& Member I Member II & Women Member

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(S.Kandasamy)
Senior Superintendent of POs.,
Pondicherry Division & Chairman

20. Perusal of files disclose that Mr.A.Prabhu (Stopper Back category), who has submitted Form II, has been shown under second preference category winner in 2003. Mr.S.Parthiban (Mid fielder), who has submitted Form II has been shown under the sixth preference, as quarter finals 2011 and accordingly, shortlisted and recommended by the Recruitment Committee, which held on 01.08.2012. However, their case have not been considered, on the grounds that the position certificates were not issued by the competent authority, who had issued Form II. Performance of the writ petitioners has been assessed only based on the declaration furnished by them regarding the position in the sports, namely football, and accordingly position certificates have been submitted by them. The only issue against them was non production of position certificates in the field. When the Recruitment Committee consisting of Chairman and other members, shortlisted the candidates, assessed their suitability, with reference to the position in the field, found them fit in the fitness trial held on 01.08.2012, they have been non-suited for selection, on the sole ground of non-production of the above said position certificate. At this juncture, it is relevant to consider the certificates produced by the writ petitioners.

21. Form II certificate issued by the Tamil Nadu Football Association, Chennai indicates only the position obtained by the team in a tournament. There is no provision for indicating the player's position in the field. That aspect has also been confirmed by the General Secretary of the Tamil Nadu Football Association in its certificate dated 6.6.2014, which is extracted here under:

"TO WHOMSOEVER IT MAY CONCERN

We hereby confirm that Tamil Nadu Football Association has issued the Form-2 bearing Serial No.004/20 and Serial No.450 in favour of S.Parthiban (Date of Birth: 07.02.90) Son of K.Selvam, resident of No.9, Ponnappan Street, Pulianthope, Chennai - 600 012. The format of Form-2 does not have the provision to mention the playing position of the player.

B.RAVIKUMAR DAVID
Date : 06.06.2014 GENERAL SECREATRY

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"TO WHOMSOEVER IT MAY CONCERN

We hereby confirm that Tamil Nadu Football Association has issued the Form-2 in favour of A.Prabhu, Son of A.Appave, resident of No.87, N.N.Nagar, 6th Street, Pulianthope, Chennai – 600 012. The format of Form-2 does not have the provision to mention the playing position of the player.

B.RAVIKUMAR DAVID
Date : 06.06.2014 GENERAL SECREATRY

22. As rightly pointed out, the notification dated 06.06.2012 does not specifically state anything about the position of the player in the field "football". Bare reading of the clause indicate that only the position certificate in Form 2. Tamil Nadu State Association of Football, Chennai has confirmed that no player has been issued position certificate in the field. As different Committees have adopted yardstick, clarifications have been sought for. Averments regarding the same by the Senior Superintendent of Post Offices, Chennai City Central Division, read as under:

"9. I humbly submit that in so far as the paragraph 10 of the affidavit is concerned, it is submitted that the averment of the petitioner that knowing the fact that no association will issue the position certificate, the 2nd respondent has specifically asked for it and cancelled his selection is denied. It is submitted that as per the clarificatory order issued by the office of the Chief Postmaster General, Tamil Nadu Circle in Letter No.PSB/400-29/2012 (PtIV) dated 18.12.2012, the authorities competent to issue the position certificate are those authorities who are empowered to issue Form I, II, III and IV. The averment of the petitioner that his selection is cancelled is denied. It is submitted that no order selecting the petitioner was issued by the respondents. Therefore, the question of cancellation does not arise. The Hon'ble Tribunal, in the order dated 02.03.2015 has rightly dismissed O.A.No.1078/2014 observing that the action of respondents cannot be faulted which is in accordance with the rule position and as per the conditions prescribed in the advertisement.

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10. I further submit that in so far as the grounds (a) to (j) contained in the affidavit is concerned , it is submitted that the averment of the petitioner that the respondent has not taken any step regarding the appointment is denied. The averment of the petitioner that the selection committee was formed only to cancel the selection is also denied. It is submitted that for the purpose of scrutinising the applications received and to finalise the selection of meritorious eligible sports persons, a separate Selection Committee consisting of chairperson with 4 members was constituted for each division for finalising selection under Sports quota vide memo No.REP/2-2/2011/CCR/Sports Quta dated 26.06.2012 of the 1st respondent. The Chairman of the Recruiting committee of all the Divisions were directed to submit a report about the completion of scrutiny of all applications and the finalisation of list of eligible candidates.

With reference to the averment of the petitioner that he is eligible for the post, it is submitted that the petitioner was one among those applied for the post of MTS under Mid Fielder category and placed in the short list for that category. All the shortlisted candidates were called for verification of educational qualification certificates and for attending fitness trial on 01.08.2012. Mere submission of documents will not entitle a candidate to get appointment.

The averment of the petitioner that the OA order only made the respondent to work is also denied. It is submitted that as some doubts have arisen in the process of recruitment under sports quota, the case was referred to competent authorities for clarification. In Circle Office Letter No.PSB/400-29/2012 (Pt IV) dated 18.12.2012, it was clarified that the production of position certificate issued by the competent authority were not to be considered. Accordingly, the Selection Committee of Chennai City Central Division which met on 22.04.2013, scrutinised the applications received under sports quota and observed that the petitioner has not produced the position certificate issued by the competent authority who has issued Form I, II, III and IV as prescribed by the DOP&T O.M.No.14015/1/76-Estt (D) dated 04.08.1980 and therefore has not considered his case. It is submitted that the

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petitioner has filed OA No.521/2014 stating that he did not give any reply for his representation dated 10.08.2013.

The Hon'ble Tribunal also, in the order dated 07.04.2014 directed respondent to dispose of the representation dated 10.08.2013. It is submitted that the 2nd respondent has actually not received the representation. However, the 2nd respondent complying with the orders of the Hon'ble Tribunal, considered the representation of the petitioner annexed to the O.A. and passed speaking orders, vide Memo No.B3/OA310/521/2014 dated 20.05.2014 explaining the reasons for non-considering his case.

11. It is submitted that the Hon'ble Tribunal, having gone through the entire case in detail and the reply filed by the respondents, has disposed of the O.A.No.1078/2014 filed by the petitioner in the order dated 02.03.2015, observing that since the petitioner has not produced the position certificate as per the conditions mentioned in the notification dated 06.06.2012, he failes to establish their case for seeking appointment under sports quota and accordingly dismissed the O.A.

12. It is submitted when the instructions to the candidate prescribes a particular manner in which such application should be made, the candidate ought to have followed the same and non-adherence to the instructions can be a valid ground for rejection."

23. The respondents themselves have candidly admitted that there is no clarity in the notification. There was provision and instructions issued by the Department of Postal and Training governing the Recruitment of sports persons, to insist production of a particular category/position certificate, and as a result, different stand has been taken by the committees. Clarifications have been issued on 18.12.2012 by the Chief Postmaster General that the candidates, who have not produced position certificates obtained from the competent authority, as stated supra, need not be considered and that the authorities competent to issue such certificates are those authorities who are empowered to issue Form I, Form II, Form III and Form IV, as the case may be, even though this has not been specifically mentioned in the existing orders of the DoP&T. Reasons for insisting the production of position certificate in the field, appears to be that there should not be selection of same candidates, for the same position again and again, and that is why, in consultation with the Tamil Nadu Postal Sports Board,

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and with a view to strengthen the team of the sports discipline, for participation in All India Postal Tournaments, production of position certificate in the field, has been insisted.

24. Perusal of files categorically disclose that performance of the writ petitioners have been assessed based on the certificates and in the fitness trial held on 01.08.2012, in the respective positions, in the field, namely, mid fielder - Mr.S.Parthiban and stopper back - Mr.A.Prabhu and accordingly, recommended and therefore, it is not open to the department to contend that the writ petitioners were not qualified for selection, as Multi Tasking Staff, against the posts notified, namely, mid fielder and stopper back. Suitability has been assessed, shortlisted and recommended as against the posts, mid fielder and stopper back, and therefore, the apprehension that there is likelihood of selecting the same candidate for the same position, does not arise.

25. When the performance of the writ petitioners have been assessed according to their preference, and positions in the field, their case ought not to have been rejected on the sole ground of non-production of the position certificate in the field. Admittedly, when the State Association of Tamil Nadu, in The Game of Football, has issued certificates in Form II stating the position obtained by the team in football and and also clarified by their letter dated 06.06.2014, that hitherto no player was issued with a position certificate in the field, the respondents ought to have either informed the players to produce the certificates as required, subsequent to the clarifications or proceeded to finalise the selection on the basis of the inter se merit and performance of the candidates, in the fitness trial held on 01.08.2012. At this juncture, it is to be noted that, it is not the case of the respondents that the performance and inter se merit of the shortlisted candidates, are not, with reference to the positions, which they played in the fitness trial. Based on the clarifications issued subsequently, scrutiny of the applications seemed to have been done, and not on the basis of inter se merit and performance of the players, competing for the posts against the positions notified. When the department itself was not very clear as to how scrutiny of the applications have to be done, selection of the writ petitioners, who have done well, in the trial and placed accordingly, in the list of shortlisted candidates, at position No.1 in the respective category, and recommended for appointment, ought not to have been denied appointment. It is also to be noted, Mr.S.Parthiban, falls in sixth preferential category and Mr.A.Prabhu, falls in second preferential category. Inter se merit and assessment, is more important, while considering the suitability of a candidate for selecting the meritorious sports candidates, which has been done in the case on hand.

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26. From the above, it could be deduced that it is the failure on the part of the respondents in not making it clear, as to what sort of certificate is required. The writ petitioners, who have performed well, ought not to have been denied appointment for the post of stopper back - Mr.A.Prabhu and Mid fielder - Mr.S.Parthiban as Multi Tasking Staff under direct recruitment quota for the year 2011. It is stated that vacancies under the Sports quota for the year 2011 have been filled up.

27. In light of our discussions, orders of the Tribunal made in No.OA/310/1079/2014 and OA/310/01078/2014 dated 02.03.2015, are set aside. Consequently, there shall be a direction to the respondents to provide appointment to the writ petitioners, as Multi Tasking Staff, within a period of one month from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.

2.The Senior Superintendent of Post Offices,
Chennai Central Division,
T.Nagar, Chennai - 600 017.

3.Central Administrative Tribunal,
Madras Bench, Madras High Court Campus,
Chennai - 104.

+2cc to Mr.T.Udhayabhanu, AdvocateSr.337,336
+1cc to Mr.K.Raju, Advocate Sr.280

W.P.Nos.14657 and
14658 of 2016

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