

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.7824 of 2018 and
WMP.No.9765 of 2018

The Senior Superintendent of Post Offices,
Nilgiris Division,
Nilgiris-643 001. Petitioner

Vs

1. R.Mathiyarasu
2. The Registrar,
Central Administrative Tribunal,
High Court Complex,
Madras-104. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records dated 11.8.2016 made in O.A.No.310/0895 of 2014 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same so far as it is against the petitioner.

For Petitioner :: Mr.V.Balasubramanian

For Respondents :: ...

सत्यमेव जयते

ORDER

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

Challenging the correctness of the order passed in O.A.No.310/0895 of 2014 by the 2nd respondent/Tribunal dated 11.08.2016, the unsuccessful respondent therein has preferred the present Writ Petition.

2. The Original Application was filed seeking the following reliefs:

'To call for the records pertaining to the order of the respondent which is made in Order No.BII/3-2/PA/2012, dated 26.3.2014 and to set aside the same, consequently, direct the respondent to issue fresh selection order.'

3. The brief facts of the case are as follows:

In response to the Notification calling for applications to fill up the vacancies for the post of Postal Assistant/Sorting Assistant for the year 2011-2012 through Direct Recruitment, the applicant applied and participated in the written examination (Paper-I) and Computer Test/Typing Test (Paper II) and by letter dated 17.3.2014, he was provisionally selected to appear for the interview on 26.2.2014 and he attended the interview. Thereafter, the applicant received a letter dated 26.3.2014 from the respondent stating that he had studied Diploma in Computer Science on completion of 10th standard, but not studied Higher Secondary Course and therefore, his selection was cancelled. According to the applicant, since the Diploma in Engineering is equivalent to Higher Secondary Course and the same has also been notified as qualification for lateral entry to B.E. Degree, he has filed the Original Application before the Central Administrative Tribunal challenging the said order of cancellation of his selection.

4. The respondent therein has filed a Counter Affidavit stating that the applicant has given a false information in the application that he has secured 92.66% marks in the Higher Secondary Course and based on the same only, he was provisionally selected and thereafter, on scrutiny of his application, it came to light that he has not possessed the requisite basic educational qualification of 10 and +2 and accordingly cancelled his selection.

5. After hearing the learned Counsel on either side, on merits, the Tribunal has allowed the said Original Application and directed the respondent therein to reconsider the candidature of the applicant for appointment to the post of Postal Assistant/Sorting Assistant. Challenging the same, the respondent is before this Court with this Writ Petition.

6. The Writ Petition is listed today under the caption, 'for admission'.

7. Heard the learned Counsel appearing for the Writ Petitioner. We have also perused the materials available on record carefully including the order of the Central Administrative Tribunal.

8. A perusal of the order of the Tribunal in O.A.No.310/00895/2014 dated 11.08.2016 reveals that the respondent herein after applying to the post of Postal Assistant/Sorting Assistant in the petitioner department and after emerging successful in the Paper I Written Examination and Paper II Computer/Typing Test, he was provisionally selected to the said post and also attended the interview on 26.2.2014. While so, by letter dated 26.3.2014, he was informed that his selection was cancelled, since he did not pursue Higher Secondary Course on completion of 10th Standard instead he pursued Diploma in Computer Science. The Tribunal after considering each and every aspect held that studying Diploma Course for 3 years after completing 10th standard is equivalent to studying Higher Secondary Course of 2 years on completion of 10th Standard. Therefore, the petitioner therein is entitled for appointment to the post of Postal Assistant/Sorting Assistant. When it is the settled legal position that studying Diploma after 10th standard is equivalent to studying Higher Secondary Course after 10th standard and the said qualification is also notified as qualification for lateral entry to B.E. Degree, I find no infirmity in the order passed by the Tribunal.

9. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tsi

To

The Senior Superintendent of Post Offices,
Nilgiris Division,
Nilgiris-643 001.

+1 cc to M/s.V.Balasubramanian Advocate sr 24714

W.P.No.7824/2018

cnr(co)
aa24/04/2018