

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18203 of 2019

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Ashwini Kumar [Male], aged about 41 years, S/o Sri Surya Narayan Singh
resident of Village and P.O.- Baltharwa, P.S.- Bhaptiahi Bazar, District-
Supaul.

... .. Petitioner/s

Versus

1. The Union of India through the D.G. Cum Secretary, Department of Posts,
Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Director Postal Services, O/o the Post Master General, Northern
Region, Muzaffarpur.
5. The Superintendent of Post Offices, Saharsa Division, Saharsa.
6. The Asstt. Superintendent of Post Offices, Supaul Sub Division, Supaul.
7. Sri Bambam Nayak S/o Sri Sukhdeo Yadav, at present working on the post
of GDSBPM at Baltharwa Branch Post Office in account with Bhaptiahi
Bazar Sub Post Office, District- Supaul, (Now terminated).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar Karn, Advocate
For the Respondent/s : Mr. S.D.Sanjay (ASGI)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-09-2019

Heard Shri Hemant Kumar Karn, learned counsel



for the petitioner and Shri S.D. Sanjay, learned Additional Solicitor General of India for the respondents.

2. The petitioner is claiming appointment on the post of GDSBPM at Baltharwa Branch Post Office. According to the merit-list prepared, one Mr. Bambam Nayak, who stood higher in merit, was found to be possessed of fake mark-sheets. His selection came to be cancelled. The petitioner claims that he should have been offered the appointment after the cancellation of the candidature of Shri Bambam Nayak.

3. The respondents found that the petitioner was at Serial No. 47 and therefore he could not have been considered as his name was down below in the merit-list, but at the same time, the order passed in O.A. No. 38 of 2013, reference whereof has been given in Paragraph 6.1 of the impugned judgment, the authorities took a decision that they intend to operate the merit-list for the purpose of filling up of the vacant post which was left open to them to be done in accordance with the rules in vogue.

4. After recording this finding, the Tribunal came to the conclusion that no separate orders are required now to be passed on the claim of the petitioner.

5. Having heard learned counsel for the parties, we



entirely agree with the conclusion drawn by the Tribunal in the aforesaid terms. Accordingly, no interference is called for. The writ petition lacks merit and is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

P.K.P./-

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