

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.722 of 2022

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Sandeep Kumar Roy @ Sandeep Kumar Rai, S/o Sri Anil Kumar Roy @ Anil Kumar Rai R/o Village- Chitrawalia, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

1. Union of India through the Director General, Department of Posts, Sansad Marg, New Delhi- 110001.
2. The Chief Post Master General, Bihar Circle, Meghdoot Bhawan, G.P.O. Patna.
3. The Post Master General, Northern Division, Muzaffarpur.
4. The Senior Superintendent of Post Offices-cum- Appointing Authority, GDSBPM, Saran Division, Bihar at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Anant Kumar Bhaskar, Advocate Mr. Sanjay Kumar Jha, Advocate Mr. Dr. Rajesh Kumar Singh, Advocate Mr. Umesh Kumar Roy, Advocate Mr. Anju Narain, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG Mr. Ravindra Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-12-2022

In the instant petition, petitioner has assailed the order of the Central Administrative Tribunal passed in O.A. No. 258 of 2017 dated 06.10.2021 (for short CAT). The respondent postal Department invited application from the eligible



candidates for the post of GDSBPM, Chhitrawalia branch office in account with Ekma MDG, Saran vide Advertisement dated 16.01.2015. The petitioner was candidate among others.

2. On 28.05.2015, advertisement dated 16.01.2015 was stalled in view of certain internal communication among the officials of the postal Department. Thereafter, on 04.08.2015, advertisement dated 16.01.2015 was cancelled. When things stood thus, Government of India issued a communication to all heads of the postal circle relating to selection process for engagement to all approved categories of GDS post review thereof. The official respondents have failed to complete the process of selection pursuant to the advertisement dated 16.01.2015 read with 16.09.2015 Government of India, Ministry of Communication and IT Department of Post Establishment Division (GDS) Section, New Delhi, hence petitioner invoked remedy under Section 19 of the Administrative Tribunal Act, 1985 in filing the Original Application No. 258 of 2017 and it was dismissed on 06.10.2021. Hence, the present writ petition.

3. Learned counsel for the petitioner, vehemently, submitted that the Tribunal has not appreciated spirit of government communication dated 16.09.2015 and committed



factual error as if 16.01.2015 advertisement is concluded process of selection. On the other hand process of selection pursuant to the advertisement dated 16.01.2015 was yet to be completed. Therefore, in the light of Government of India direction in 16.09.2015, the advertisement dated 16.01.2015 is required to revisited and complete the process of selection.

4. Per contra, learned counsel for the respondent resisted the aforesaid contentions and submitted that as long as 04.08.2015 Notification/Communication is not challenged by the petitioner and it is in respect of the cancellation of advertisement dated 16.01.2016, he/she is not entitled to have the benefit of relief of completion of process of selection pursuant to the advertisement dated 16.01.2015.

5. Heard learned counsels for the respective parties.

6. Official respondents issued advertisement on 16.01.2015 inviting application for the post of GDSBPM, Chhitrawalia branch office in account with Ekma MDG, Saran. The petitioner is one of the candidates for recruitment among others. Due to internal communication among official respondents, process of selection to the aforesaid post notified on 16.01.2015 sought to be cancelled on 04.08.2015. Thereafter, the Ministry issued a general directions to all heads of the



Department to revive the process of selection of GDSBPM & complete.

7. The Tribunal in para 11, it is held as under:-

“From bare reading of above said Paragraph 3 it is obvious that it consists of two limbs, the first limb pertains to notification issued adopting the new method of selection made effective from 01.04.2015. The present one is not the case wherein notification has been issued adopting the new method of selection. The second limb relates to cases where vacancies have been notified on or before 31.03.2015 and quo said cases the action has to be taken by the respective recruiting authorities to complete the process already undertaken. The present one though is the case wherein vacancies have been notified before 31.03.2015 but its process had already completed before issuance of letter dated 16.09.2015 and completion was over when notification of cancellation, dated 04.08.2015 was issued”.

8. There are factual error to the extent that the process of selection pursuant to the advertisement 16.01.2015 is completed is contrary to factual aspect as is evident from the



material information. It is not actually completed on the other hand it has been cancelled. Insofar cancellation of advertisement how it is required to be revived is made known by the Ministry in their communication dated 16.09.2015.

9. Learned counsel for the respondent contended that there is no challenge to the 04.08.2015 decision. It is to be noted that the same has been nullified by the Ministry on 16.09.2015, therefore, the petitioner need not question the communication dated 04.08.2015.

10. In the light of these facts and circumstances the CAT has committed error in not entertaining the relief sought by the petitioner. Accordingly, order of the CAT passed in O.A No. 258 of 2017 dated 06.10.2021 stands set aside while allowing the original application filed by the petitioner.

11. The concerned authority is hereby directed to undertake process of selection pursuant to 16.01.2015 in the light of Ministry order dated 16.09.2015 and complete the process within a period of three months from the date of receipt of this order. In the event of petitioner being more merited person among others, necessary order of appointment shall be issued subject to verification of records and other eligibility criteria, if any.



Accordingly, writ petition stands allowed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2022
Transmission Date	

