

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7703 of 2022

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Harendra Kumar Choudhary S/o Sri Prasuram Choudhary, resident of Village-
Salempur Dumrasan, P.O. and P.S.- Tekari, District- Gaya.

... .. 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 Director of Postal Services (HQ), O/o the Chief Postmaster General,
Bihar Circle, Patna.
4. The Asstt. Director (Staff and Recruitment), O/o the Chief Postmaster
General, Bihar Circle, Patna.
5. The Sr. Superintendent of Post Offices, Gaya Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Hemant Kumar Karn Adv. Mr.Jayant Kumar Karn Adv.
For the Respondent/s	:	Mr.Awadhesh Kr. Pandey(Senior Panel Counsel) Ms. Radhika Raman (CGC) Ms. Komal Chowbey Adv. Mr. Saket Anand Adv.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 15-11-2022 On 01.11.2022 the following order was passed.

*“Senior Superintendent of Post
Office, Gaya Division, Gaya is hereby
directed to file an affidavit as to whether
the petitioner has been provided an
opportunity of hearing before the CFSL
authority or not?*

*Further, before cancellation of
candidature for selection as a post of Postal
Assistant under Gaya Division whether
petitioner has been provided an opportunity
of show cause along with the CFSL report.
If these steps are taken by the Senior*



Superintendent of Post Office, Gaya Division, Gaya is hereby directed to furnish copy of the show cause notice issued to the petitioner for his appearance before the Director CFSL and whether CFSL has provided an opportunity to the petitioner and further Senior Superintendent of Post Office has provided opportunity before cancellation of candidature of the petitioner to the post of Postal Assistant under Gaya Division or not?

Such affidavit shall be filed within a period of 10 days from today, failing which Senior Superintendent of Post Office, Gaya Division, Gaya is hereby directed to appear in person along with complete records.

Relist this matter on 14.11.2022”.

Pursuant to the aforesaid order, concerned respondent has filed supplementary affidavit.

Para 4 to 7 of supplementary affidavit reads as under:-

“4. That, on receipt of report of CFSL Kolkata the candidature of the petitioner was cancelled and this information was communicated to him by Senior Superintendent of Posts, Gaya Division letter no.B2-1/PA/SA/Rectt./2011-12 Dated 04.06.2015.

5. That, the applicant had not joined as Postal Assistant in the Department hence he had been treated as outsider candidate only and no any show cause notice had been issued to him likewise departmental staff governed under Central Civil Services (Classification Control and Appeal), Rules, 1965.

6. That, no any instruction had been



issued to the petitioner by the Department to present/appear before CFSL, Kolkata for verification purpose to maintain the confidentiality during the process of examination of genuineness of specimen signature of the petitioner.

7. That, no communication was received from the petitioner with respect to cancellation of his candidature except filing OA no. 407/2016 before Hon'ble Central Administrative Tribunal to quash and set aside the order dated 04.06.2015”.

Cancellation of petitioner's candidature in the light of adverse report from the CFSL which is stigmatic decision against the petitioner. If the same is detained, his future employment is under stake. Irrespective of the fact that whether he has been appointed or not? Having regard to the serious alleged allegations that relating to impersonation in the process of recruitment is taken note of by the respondents and it is behind the back of the petitioner, therefore, he is entitled to notice and other formalities.

In the light of these facts and circumstances order of the tribunal dated 29.05.2019 and decision dated 29.05.2019 and 09.08.2019 are set aside. The concerned respondent is hereby directed to issue a detailed show cause notice along with the relevant documents which were alleged to



be adverse against the petitioner. On receipt of show cause notice and along with the documents, the petitioner is hereby directed to furnish his explanation within a period of two months from the date of receipt of notice to be issued by concerned respondent. On receipt of petitioner's explanation to the notice, the concerned respondent is hereby directed to pass a detailed speaking order after considering each of the contention to be raised by petitioner in his explanation to the notice.

The above exercise shall be completed within a period of 4 months. The speaking order to be passed shall be communicated to the petitioner at the earliest.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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