

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19296 of 2021

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Ram Suresh Manjhi son of Late Bigu Manjhi Resident of Village Lejuar, P.O and P.S. - Daudpur, District Saran at Chhapra, at present posted as postmen Chhapra Head Quarters under Saran Division.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary - cum- D.G. Department of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Meghdoot Bhawan, Patna.
3. The Postmaster General, Northern Region, Muzaffarpur.
4. Senior Superintendent Post, Saran Division, Chhapra.
5. Senior Postmaster, Chhapra Head Post Office, Chhapra at Saran.
6. Asstt. Director (Recruitment), O/o the Chief PMG, Bihar Circle, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Adv.
For the Respondent/s : Mr. Dr. Krishna Nandan Singh (ASG)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 20-06-2022

The petitioner has challenged the order dated 16.08.2021 passed by the Central Administrative Tribunal, Patna Bench, Patna (henceforth for short 'the Tribunal') in O.A. No.050/00329 of 2021 by which his prayer for direction to the respondents to consider his case for promotion was rejected.

2. The petitioner who belongs to the SC category was appointed on the Cadre Class-III post with the



Department of Posts, Bihar, Patna (henceforth for short 'the Department'). Later, he appeared for the LDCE Test for promotion on 22.04.2001. The result was declared on 05.10.2001 in which the petitioner's name did not figure amongst the successful candidates.

3. As vacancies remained unfilled amongst the SC/ST candidates, 'the Department' decided to relax the standard in the matter of unsuccessful/failed candidates. The assessment of service records of all the nine candidates including the petitioner herein was done and after the review, one Prabhunath Chaudhary was promoted. Aggrieved by the said decision of 'the Department', the petitioner preferred O.A. No.738/2012 before 'the Tribunal'. The same was dismissed vide a reasoned order dated 12.08.2014 observing therein that the result was published on the basis of marks secured by the candidates in the examination and the applicant having lesser marks was not promoted.

4. The petitioner chose to challenge the said order dated 12.08.2014 passed by 'the Tribunal' before the Patna High Court by filing CWJC No.19483/2014. The same was dismissed on 21.04.2016 taking into account the observation



made by 'the Tribunal' that the petitioner failed to clear the Departmental promotion examination and thus was not entitled for promotion. It further held that the criminal case pending against him had nothing to do in the matter as due procedure was adopted and he was permitted to appear in the examination.

5. The petitioner tested the said order of the Patna High Court by filing SLP (Civil) No.37172/2019 which was dismissed on 15.11.2019 on the ground of delay. The Hon'ble Apex Court while dismissing the appeal held that the said dismissal will not be an impediment for the petitioner to work out his remedy in accordance with law.

6. The petitioner thereafter made a representation before the Postmaster General, Bihar Circle, Patna on 23.01.2020 taking the ground that since Prabhunath Chaudhary is junior to him, 'the Department' has erred in ignoring him. The said representation came to be rejected on 24.09.2020 holding that while Prabhunath Chaudhary got 197 marks; the last person who was declared successful under the SC/ST category was Jagat Ram who secured 138 marks; the



petitioner herein was able to secure only 133 marks and as such he was not promoted.

7. Aggrieved, the petitioner once again preferred O.A. No.050/00329 of 2021. 'The Tribunal' vide an order dated 16.08.2021 after recording the entire facts that in the review result, Prabhunath Chaudhary secured 197 marks, the last successful candidate Jagat Ram secured 138 marks whereas the petitioner was able to secure only 133 marks dismissed the petition.

8. The petitioner has challenged the said order dated 16.08.2021 in the present petition.

9. We have gone through the facts of the case. It is an admitted fact that in the examination held in 2001, the petitioner was amongst the unsuccessful candidates. Even when 'the Department' chose to review the result in view of the vacancies amongst SC/ST category, it was found that while Prabhunath Chaudhary secured 197 marks, the petitioner was able to secure only 133 marks whereas cut off marks was 138 secured by one Jagat Ram.

10. The petitioner being fully aware of the aforesaid result including the fact that the promotion to Prabhunath



Chaudhary has been done on the basis of marks secured by him chose to move before ‘the Tribunal’ a decade later by filing O.A. No.738 of 2012 which as stated above was dismissed on 12.08.2014. The Patna High Court affirmed the said order in CWJC No.19483/2014. Again the petitioner sat over the matter and after an inordinate delay preferred Special Leave Petition in 2019 which was dismissed on the ground of limitation.

11. ‘The Tribunal’ after recording the entire facts has rightly chosen to dismiss the O.A. No.050/00329 of 2021 on 16.08.2021.

12. We do not find any merit in the present application preferred by the petitioner which is hereby dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Prakash Narayan /-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2022
Transmission Date	

