

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19210 of 2021

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Nitesh Kumar, Son of Sunil Kumar Resident of Village- Dumrawan, P.S.-
Pakribarawan, District- Nawada.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Personnel, Public Grievances and Pension, Government of India, New Delhi.
2. The Secretary, Ministry of Personnel, Public Grievances and Pension, Government of India, New Delhi.
3. The Director, Department of Empowerment of Persons with Disabilities (Divyangjan) Ministry of Social Justice and Empowerment Government of India, New Delhi.
4. The Secretary, Department of Posts and Postal Services, Dak Bhawan, Govt. of India, New Delhi.
5. The Secretary, Staff Selection Commission, Ministry of Personnel, Public Grievances and Pension, Government of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Dhari Singh, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh (ASG)
		Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 22-02-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following relief(s):-

“(I) To recommend the name of the petitioner for the appointment on the Post of Postal Assistant in connection with the Combined Higher Secondary Level(10+2) Examination,2018 conducted by the Staff Selection Commission, as the petitioner score higher marks i.e. 179 whereas last selected candidate score is only 172 marks against category 4-OH (Orthopedic Handicapped).



(ii) To appoint the petitioner on the Post of Postal Assistant under category 4-OH (Orthopedic Handicapped) along with other selected candidates. To direct the respondent authorities to keep one Post under during the 4-OH category reserved for the petitioner during pendency of the writ application.

(iv) any other relief/reliefs for which petitioner is found for entitled in the facts and circumstances of the case.”

Matter relates to selection and appointment to the post of Postal Assistant in the Postal Department. Postal Department employees' service condition is required to be examined by the Central Administrative Tribunal under Section 19 of the Administrative Tribunals Act, 1985. Therefore, writ petition under Article 226 of the Constitution of India is not maintainable at the first instance. In fact, the present position is crystal clear from the Hon'ble Apex Court decision in the case of **L. Chandra Kumar vs. Union of India and Ors.** reported in (1997) 3 SCC 261 read with the case of **S.P. Sampath Kumar vs. Union of India** reported in (1987) 1 SCC 124.

In view of these facts and circumstances, petitioner has not made out a case so as to entertain the present petition under Article 226 of the Constitution of India without exhausting remedy



of application/petition which is before Central Administrative Tribunal in respect of postal department employees are concerned.

In view of these facts and circumstances, the present petition stands dismissed reserving liberty to the petitioner to invoke appropriate remedy before the appropriate forum.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

