

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23161 of 2019

=====

Anand Kumar Singh, S/o Dri Din Bandhu Singh, Resident of Village- Ugani Chak, P.o.- Amrakh, Via- Malaypur, P.s.- Jamui, Distt.- Jamu, Pin-811307 (Bihar), Working as G.D.S. B.P.M. at Taal Saharsa Banch Post Office, Via- Kikandara, under Munger Postal Division, Munger, Distt.- Munger Pin-811201, Bihar.

... .. Petitioner/s

Versus

1. The Union of india through the Director General-cum-Secretary of Post, Ministry of Communication, Department of Post, Bak Bhawan, New Delhi-110001
2. The Chief Post Master General Bihar Circle, Patna-800001
3. The Director Postal Services (HQ), Office of the Chief Post Master General, Bihar Circle, Patna-800001
4. The Superintendent of Post Offices Munger Postal Division, Munger, Pin-811201, Bihar
5. Sri Pritam Kumar S/o Late Vishwanath Lal Resident of Village and P.o.- Nagari, P.s.- Chatpokhari, Distt.- Bhojpur, Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate Mr. S.K. Dixit, Advocate Mr. S.K. Chaubey, Advocate Mrs. Swastika, Advocate
For U.O.I	:	Mr. Rakesh Kumar Sinha, CGC Mr. Raj Kamal, CGC
For respondent No.5	:	Mr. Hemant Karn, Advocate
For the Respondent/s	:	Mr. S. D. Sanjay (Adsg)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

9 09-10-2023 Learned counsel for the petitioner could not comply the previous order. Today, he reiterated the arguments addressed on the previous occasions.

2. On the previous occasion, the matter was heard at



length, thereafter, the following order was passed:

18.09.2023

“Core issue involved in the present *lis* is whether service rules for Postal Gramin Dak Sevak while incorporating, *inter alia*, one of the qualifications for candidates for recruitment to the post of GDS BPM is required to fulfill the following criteria or not as on 18.07.2014, the date on which the post was advertised?

2. Educational Qualification reads as under:-

“The candidates for all approved categories of GDS referred in (i) above will be required to furnish at least 60 days’ duration basic computer training certificate from a recognized Computer Training Institute. Computer Training Certificates from Central Government/ State Government / University/ Boards, etc., will also be acceptable for this purpose. Certificates from Private Computer Training Institutes shall also be acceptable subject to their recognition by Head of Postal Circle concerned based on their reputation, credibility and quality of education. This requirement of basic computer knowledge certificate shall be relaxable in cases where a candidate has studied computer as a subject in Matriculation or Class XII or higher educational qualification and in such case, a separate certificate will not be insisted upon.”

3. Prima facie, the aforementioned rules have been amended w.e.f. 14.01.2015, which is subsequent to the advertisement dated 18.07.2014. As long as rule is not amended while incorporating the relevant qualification with reference to circular dated 06.02.2014, and that apart, CAT has taken note of contesting respondent’s eligibility, we find there is no infirmity in the order of Central Administrative Tribunal dated 24.01.2019 passed in



O.A./050/00386 of 2015.

4. The petitioner has to produce relevant rules of recruitment like a Gazette notification or any other authenticated document to establish that rules were amended prior to 18.07.2014.

5. Re-list this matter on 09.10.2023”.

3. At this juncture, learned counsel for the petitioner seeks permission to withdraw this petition. Accordingly, the present petition is dismissed as withdrawn.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

manish/-P.S./-

U			
---	--	--	--

