

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10100 of 2025

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Ashish Kumar S/o Sri Vijay Prasad Resident of Mohalla-Murli Hill Bairagi,
Near Dak Asthan, Thana Delaha Gaya, District-Gaya, Bihar-823002.

... .. Petitioner/s

Versus

1. Union of India through the D. G.-Cum-Secretary, Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Patna-800001.
3. The Director of Postal Service (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna-800001.
4. The Asstt. Director (Staff and Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna-800001.
5. The Postmaster General, Northern Region, Muzaffarpur, Bihar-842001.
6. The Superintendent, RMS NR Division, Samastipur, Bihar-848101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Amarendra Nath Verma, Sr. CGC
		Mr. Arvind Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 01-09-2025

The present writ application has been filed for
the following reliefs:-

“(i) For issuance of order(s) / direction(s) or writ(s) in nature of Certiorari for setting aside and quashing of the Impugned Order dated 06.05.2025 in O.A. No: 050/00223/2024, passed by the Hon'ble Central Administrative Tribunal, Patna Bench, Patna, the Hon'ble Tribunal dismissed the said O.A. without on merits and without appreciating the facts and law involved in the matter, filed by the petitioner,



as contained in Annexure-P/1.

(ii) For issuance of order(s)/ direction(s) or writ(s) in nature of Mandamus for setting aside and quashing of Speaking Order dated 08.09.2022 of the Superintendent RMS 'NB' Division Samastipur, which sent by the Superintendent RMS 'NB' Division Barauni vide Letter No-B-3/OA No-401/2016/A. Kumar dated 23.02.2024 to the petitioner as contained in Annexure-P/2.

(iii) For issuance of order(s) / direction(s) or writ(s) in nature of Mandamus directing the respondent authorities to permit the petitioner to join his post of Postal Assistant / Sorting Assistant in RMS 'NB' Division, Samastipur, along with all consequential service benefits of the petitioner from date of provisional selection of the petitioner to till date; and

(iv) For issuance of order(s) / direction(s) or writ(s) in nature of Mandamus for any other relief/reliefs as the petitioner is entitled and Your Lordships may deem fit and proper in the ends of justice.”

2. Learned counsel for the petitioner submits that in pursuance of Employment Notice issued by the Department of Posts on 11.08.2012, the petitioner had participated in the selection process against the post of Postal Assistants / Sorting Assistants. The petitioner was selected against the post in question and the Provisional Appointment Letter dated 20/23.12.2013 was issued. After the selection, the petitioner was directed to complete the theoretical training from 30.06.2014 to 23.08.2014. After the completion of training the petitioner relieved vide letter dated 23.08.2014 with a direction to report to



his Divisional Head. All of a sudden, the petitioner received a communication about the cancellation of his provisional candidature and ultimate cancellation of his selection vide letter dated 12.04.2016 on the basis of letter dated 25.07.2015 issued by the Director, CFSL with regard to variance in his signature. Aggrieved by the order dated 12.04.2016 issued by the respondents, the petitioner approached the Central Administrative Tribunal (hereinafter referred to as CAT) in O.A. No. 401 of 2016. The learned CAT has been pleased to partly allow the OA vide letter dated 13.09.2019. The learned CAT has been pleased to quash the impugned order dated 12.04.2016 with a direction to the respondents to re-examine the case of the petitioner within a period of 60 days and if the respondents so desire they can proceed further against the petitioner after supplying the copy of the opinion of CFSL to the petitioner.

3. The respondents aggrieved by the order dated 13.09.2019 passed in O.A. No. 401 of 2016 has filed CWJC No. 12647 of 2021 and the same was dismissed on 08.09.2022 for non-compliance of the order dated 19.07.2022 and 07.09.2022. Despite aforesaid, the petitioner has not being permitted to join his post of Sorting Assistant. On 23.02.2024 the Superintendent RMS 'NB' Division Barauni sent a letter to the petitioner vide



letter no. B-3/OA No. 401/2016/A.Kumar in which a copy of the Speaking Order dated 08.09.2022 of the Superintendent RMS 'NB' Division Samastipur enclosed. In the speaking order the Superintendent RMS 'NB' Division Samastipur passed the order as following “.....*After re-examination of the whole cases as narrated above it was found that the applicant is not eligible for the joining of the said post as per Deptt. Rules. Hence, the request of the applicant for the joining by the post is hereby rejected.*”

4. The petitioner aggrieved by the decision of the respondent has filed OA No. 223 of 2024 for quashing and setting aside the speaking order dated 08.09.2022 of the respondents along with some other reliefs but the Hon'ble CAT has been pleased to dismiss the said OA without considering the prayer of the petitioner vide order dated 06.05.2025.

5. Learned counsel for the petitioner has relied upon the Directorate's order/letter dated 17.04.2025 which is reproduced hereinbelow :-

TOP PRIORITY

*F. No. A-34018/03/2025-DE
Government of India
Ministry of Communications
Department of Posts
DE Section*

*Dak Bhawan, Sansad Marg
New Delhi-110001*



Dated: 17.04.2025

*To,
The Chief Postmaster General
Chhatisgarh, Gujarat, Haryana, Rajasthan and
Uttarakhand Circles*

*Subject: Postal Assistant/Sorting Assistant(PA/SA) Direct
Recruitment examination for the years 2013-14-
"Administrative Decision"-regarding*

Madam/Sir,

I am directed to refer to the subject mentioned above and to say that Postal Directorate, in consultation with Department of Legal Affairs (DOLA), Ministry of Law & Justice, New Delhi, has examined all the cases, which are arisen out on the basis of negative report of CFSL and pending before various forum of law i.e. CAT/High Court/Supreme Court.

2. The Competent Authority, after perusal of 'Legal opinion of DOLA, Contempt Petitions filed by the applicants and other connected & relevant records to the case, has taken a considered decision to reinstate all the applicants of the identical CAT/Court cases and ordered the following:

(i) All the candidates, whose candidature were terminated based on negative report of CFSL or the authorship were not established by the CFSL and eases are pending before Hon'ble CAT/High Court/Supreme Court, may be reinstated.

(ii) If any material is available against the candidates, appropriate action in accordance with law, after providing due opportunity of hearing, may be taken.

(iii) Principle of 'No Work No Pay' may be strictly adhered to.

3. Circles are requested to issue the reinstatement order and dispatch today itself to all the candidates covered in this approval. Their training may be arranged after joining on reinstatement as soon as possible.

4. This issues with the approval of Secretary (Posts).

*Yours faithfully,
Sd/-
(Ravi Pahwa)
Director (GDS)/
LO to Director (DL)"*

6. Learned counsel for the petitioner submits that
for the same set of preposition the Department has allowed the



similar situated persons and reinstated all the applicants of the identical CAT/Court cases.

7. Learned counsel for the respondents submits that the result sheet of 12 recruited candidates of SA cadre for the vacancy year 2011 & 2012 of RMS NB Dn. Samastipur (Code-1323) was received on 05.12.2013 from the office of the Chief Postmaster General, Bihar Circle, Patna vide letter dated 04.12.2013. The name of the petitioner bearing Roll No. 1311019585 and Application No.1834045 in OBC category was entered at Sl. No. 10 in the result sheet. A revised sheet along with 12 dossiers of selected candidates including the applicant at Sl. No. 10 was received on 18.12.2013 from the O/o Chief Postmaster General, Bihar Circle, Patna vide letter dated 04.12.2013 with direction for completion of pre-appointment formalities of selected candidate at Divisional Level. Accordingly, the petitioner was provisionally selected for appointment in OBC category in SA cadre in RMS NB Dn. Samastipur. After the completion of pre-appointment formalities of all 12 candidates including the applicant, all were directed to undergo for the induction training course of SA cadre at Postal Training Centre, Darbhanga. After successful completion of 8 weeks' theoretical training from 30.06.2014 to 23.08.2014, a



direction was issued to the new candidates including the petitioner to undergo for field training for 2 days i.e., from 25.08.2014 to 26.08.2014 and 6 days from 27.08.2014 to 01.09.2014 under SRO RMS NB Dn. Barauni. He further submits that a clear direction was received from the Assistant Director (Recruitment) O/o Chief Postmaster General, Bihar Circle, Patna through email dated 08.07.2014 regarding signature tally/verification of signature in respect of all newly recruited Postal Assistant/Sorting Assistant, selected for the year 2011 & 2012, for any discrepancy in respect of doubtful signature over different documents put by the applicant/petitioner. As per the direction of the Assistant Director, (Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna the documents of all 12 selected candidates including the petitioner got verified. Thereafter, the signature of the petitioner was put over the following documents:- (i) OMR application form (ii) OMR answer sheet (iii) Declaration of OMR application and typing test result (iv) Attestation form and signature took over plain paper did not appear tallying with the documents received in dossiers prima-facie.

8. As per the direction of Chief Postmaster General, Bihar Circle, Patna, the Superintendent RMS NB Dn.



Samastipur sent the following documents related with the petitioner to the Director, Central Forensic Science Laboratory, Kolkata for verification of signature put over the documents as mentioned aforesaid. On the basis of report of the Directorate, Forensic Science Services, Kolkata the candidature of the petitioner who was provisionally selected for appointment to the cadre of Sorting Assistant for the year 2011 & 2012 under direct recruitment quota in OBC category was cancelled vide letter dated 12.04.2016. The petitioner has challenged the same in OA No. 401 of 2016 and the same was disposed of vide order dated 13.09.2019 with direction to the respondents to re-examine the case of the petitioner within a period of 60 days. The respondents approached the Hon'ble Court challenging the order of the learned CAT by filing CWJC No. 12647 of 2021 and the same was dismissed vide order dated 08.09.2022 due to non-compliance of the order of the Hon'ble Court passed on 19.07.2022.

9. Learned counsel for the respondents submits that in compliance of the Hon'ble Tribunal's order dated 13.09.2019, a speaking order has been issued on 08.09.2022 and sent to the petitioner.

10. Learned counsel for the respondents submits



that in view of the report of CFSL which suggest that the complete case of impersonation is found against the petitioner and the impugned order was issued after due consideration and after hearing the petitioner and also after establishing that the petitioner secured appointment by doing impersonation in examination and the appointment of the petitioner was cancelled after compliance of principle of natural justice. The petitioner has also been provided with a copy of the CFSL report which suggest that discrepancy was found in the signature of the petitioner where the signature on the documents of the petitioner does not tally with the report of the CFSL, Kolkata.

11. Learned counsel for the UOI further submits that the Directorate's order/letter dated 17.04.2025 was passed in view of the peculiar facts and circumstances of the case related to the recruitment examination for the year 2013-14 of Chattisgarh, Gujarat, Rajasthan, Haryana and Uttarakhand Circles only and hence, it should not be treated as a binding precedent on all other cases. The present case is related to the recruitment examination for the year 2011-12 of Bihar Circle and from perusal of the Directorate's letter dated 17.04.2025 it appears that the same is related to the recruitment examination for the year 2013-14 of the particular States like Chattisgarh,



Gujarat, Rajasthan, Haryana and Uttarakhand Circles only and not with regard to Bihar Circle.

12. In view of the aforesaid, the decision of the Department as well as of learned CAT is in accordance with law.

13. Accordingly, the present writ petition stands dismissed.

14. The order of the Tribunal is affirmed.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.09.2025
Transmission Date	N/A

