
(2007) 04 PAT CK 0059
In the Patna High Court
Case No : CWJC No. 13032 of 2005

Ramanuj Prasad Pravin

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 03-04-2007

Acts Referred:

Citation : (2007) 3 PLJR 145

Hon'ble Judges : Narayan Roy, J;J.N. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Mr. O.P. Agrawal, Learned Counsel for the petitioner, and Mr. Rakesh Kumar Singh, Learned Counsel for the Union of India. This application is directed against the order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter to be referred to as "CAT") dated 27.7.2005, as contained in annexure 1, passed in O.A. No. 700 of 1999.

2. The writ petitioner alongwith Ravi Shankar and Mritunjay Kumar had applied for appointment to the post of EDBPM in Nalanda Postal Division. Mritunjay Kumar, ultimately, was considered for appointment ignoring the claims of the writ petitioner and Ravi Shankar and consequently thereof Ravi Shankar and this petitioner approached the CAT by different applications. The matters were heard and finally disposed of by the impugned order holding that Ravi Shankar had secured higher marks than the candidates including Mritunjay Kumar and, accordingly, quashed the appointment of Mritunjay Kumar on the post aforesaid and remitted back the matter to the authorities concerned with an observation as to whether Ravi Shankar, one of the applicants, be appointed to the post.

3. It is submitted by Learned Counsel for the petitioner that so far this writ petitioner is concerned, though he had secured a bit lesser marks than Ravi Shankar, who was appointed, he could have been preferred for the post aforesaid.

4. The CAT, while disposing of the O.A. application held that the applicant,

Ramanuj Prasad Pravin, i.e. the petitioner, had secured lesser marks than the applicant Ravi Shankar. A candidate for the post aforesaid is considered on the basis of the marks secured in the Matriculation examination. Admittedly, Ravi Shankar had secured more marks than the present petitioner.

5. The authorities, in that view of the matter, in light of the observation of the CAT appointed Ravi Shankar having preferential right. The challenge now made by the petitioner, in that view of the matter, would not be sustainable, in our opinion, for the aforesaid reason. This writ application is, accordingly, dismissed.