
(2002) 01 PAT CK 0040
In the Patna High Court
Case No : CWJC No. 205 of 2002

Reeta Kumari

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-01-2002

Acts Referred:

Citation : (2002) 2 PLJR 361

Hon'ble Judges : Ravi S. Dhavan, C.J.;Shashank Kr. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This is a petition filed by a unsuited candidate before the Central Administrative Tribunal, Patna Bench, Patna. One Miss Rita Kumari was arrayed as a Respondent in claim case No. O.A. 518 of 1999: Mritunjay Kumar Singh v. Union of India and Ors.

2. The matter is related to the appointment of a Mail Carrier under the Purnea Postal Division. One of the requisite qualifications, in context of the matter, was the candidate must know cycling. Whereas the Petitioner gave out initially in a form the information that she was possessed of the qualification of cycling, when actually the time came to test her, she gave in writing that she did not know cycling. This is recorded in the order of the tribunal in paragraph 4.

3. The main thrust of the challenge before the High Court by this petition has been that there has been irregularity committed by the bench of the Central Administrative Tribunal that the matter should have been heard by a division bench but otherwise it was examined by a learned member only. This is not correct. The matter was examined threadbare by the division bench itself. The issue which was pressed on behalf of the Petitioner (Respondent before the tribunal) was that the papers be examined on the veracity of the statement and possession of her qualification. For only this much the matter came before the learned single member.

4. The record clearly bore out that there was an admission by the Petitioner Rita Kumari that she did not possess the essential qualification of cycling. With this record having been noticed by the learned member, the Member took the decision that the services of the unsuited candidate had been wrongfully terminated and, thus, the order of termination of Mritunjay Kumar Singh, who was otherwise possessed of the qualification and the Respondent Rita Kumari was not possessed of the qualification, is not a correct order.

5. This Court is not inclined to issue a writ of certiorari on this petition.

6. Dismissed.