

(2001) 12 PAT CK 0028
In the Patna High Court
Case No : C.W.J.C. No. 15702 of 2001

Santosh Kumar Jha

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-12-2001

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 323, 324, 379

Citation : (2002) 1 PLJR 346

Hon'ble Judges : Ravi S. Dhavan, C.J.;Aftab Alam, J

Bench : Division Bench

Advocate : Ram Kishore Singh, for the Appellant; P.K. Shahi, for the Respondent

Final Decision : Dismissed

Judgement

1. The Petitioner challenges the order of the Central Administrative Tribunal dated 30 August, 2001 on Original Application No. 395 of 1997: Suresh Kumar Yadav @ Shambhu Yadav v. Union of India and Ors.

2. The issue is on the selection of an Extra Departmental Postal Agent. The applicant, before the Tribunal Respondent, in this petition had filed a claim petition on the ground that he had qualifications which had to be taken into consideration and not an extraneous factor that a case was pending trial on which he had not been convicted and the mere pendency of a criminal case should not be an impediment in considering his selection. The Tribunal examined the matter. In so far as the qualifications are concerned there was no issue on the aspect that the applicant Suresh Kumar Yadav, before the Tribunal, had the highest marks in matriculation. The only other factor was that a criminal case was pending on which there were allegations under Sections 147, 323, 324 and 379 of the Indian Penal Code.

3. The Tribunal has recorded its view that it has been the consistent practice of the Tribunal that mere pendency of a criminal case cannot be a bar to selection and appointment to a Government post and with the consistent view of the

Tribunal, CAT, Patna followed the consistent view.

4. The Tribunal also held in case the applicant is convicted then there would be no question of selection but as long as the matter is pending or he stands acquitted then the applicant would be a candidate to be considered on the post. This decision of the tribunal is challenged in the writ petition.

5. The court has heard counsel for the Petitioner and has perused the order of the Tribunal and does not see any reason why it should be interfered with by a writ of certiorari

6. Dismissed.