

Lambodar Nayak & Ors. Vs Union Of India Represented Through Its Secretary Of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110001 & Ors.

Court: Central Administrative Tribunal Cuttack Bench, Cuttack

Date of Decision: Feb. 4, 2025

Hon'ble Judges: Sudhi Ranjan Mishra, Member (J); Pramod Kumar Das, Member (A)

Bench: Division Bench

Advocate: C P Sahani, C Mohanty

Final Decision: Dismissed

Judgement

Sudhi Ranjan Mishra, Member J

1. The applicants challenging the action of the respondents in rejecting their candidature for the post of Gramin Dak Sevaks (GDS) of Odisha Circle

for the year 2022 although they have been selected and shortlisted for document verification have filed this OA praying for following reliefs:

a) Admit the original application, and

b) After hearing the counsels for the parties further be pleased to quash the orders of cancellation of candidature of the applicants vide Annexure A/4

and consequently direct the departmental respondents to give appointment to the applicants against the posts they have been selected earlier vide

Annexure A/3. And/or

c) Pass any other order(s) as the Hon'ble Tribunal deem just and proper in the interest of justice considering the facts and circumstances of the

case and allow the OA.

2. The brief facts of the case as inter alia averred by the applicants in the OA is that in pursuance to notification issued by respondents for

appointment to the post of Gramin Dak Sevak (GDS) for the year 2022, the applicants had applied online. It is submitted that while applying online the

applicants had to mention the name of the Board from which they passed their 10th Class/Matriculation. It is submitted that applicants had passed

their 10th class examination from Rural Institute of Open Schooling (RIOS) under Chhattisgarh State Open School Board, Govt. of Chhattisgarh. It is

submitted that since only 14 board names were available in the online application options therefore the applicants submitted their online applications by

choosing the Board Name as Indian Certificate of Secondary Education with 6 subjects. It is submitted that applicants were selected on merit against

specific GDS posts vide notification dated 17.06.2022 and shortlisted for documents verification. It is submitted that during the document verifications

the certificates of the applicants were verified and candidatures of the applicants were rejected on the ground that the Board name is not tallied with

the uploaded board name. It is submitted that after rejection of the candidatures of the applicants, the respondents issued second selection list on

12.07.2022 ignoring the names of the applicants and selected candidates having less merit/marks against those posts. It is submitted that the applicants

approached the Respondent No. 3 requesting for correct verification of the certificates but no action has been taken by them. Hence the OA.

3. The respondents have filed counter inter alia averring that the applicants had passed their 10th from Rural Institute of Open Schooling (RIOS) and

submitted the same during document verification, however while applying for the post of GDS all the above applicants have wrongfully mentioned their

state of passing 10th class as Odisha instead of Chhattisgarh and name of Board as Indian Certificate of Secondary Education instead of Rural

Institute of Open Schooling. It is submitted that therefore the candidatures of the applicants were rejected by the verifying authority with the remark

“selected board name not tallied with uploaded certificate board name”. It is submitted that Rural Institute of Open Schooling (RIOS) is not

recognized vide Postal Directorate letter dated 21.01.2022. It is submitted that applicants had to provide details of State from which they have passed

his/her 10th class. The applicants instead of providing the same as Chhattisgarh (from where they passed) filled it as Odisha, therefore only 14 board

names pertaining to Odisha state were available for selection. Therefore they prayed for dismissal of the OA.

4. The applicant has filed rejoinder wherein while reiterating the points raised in the OA have enclosed copies of recognition letters issued by different

State Governments and educational institutions. Further the applicants have enclosed engagement orders issued by the respondents to few candidates

who have passed from Regional Institute of Open Schooling in the past.

5. Heard both sides and perused the records.

6. The respondents had issued notification vide Annexure A/1 for appointment of posts of Gramin Dak Sevak (GDS) for the year 2022 calling for

online applications. Detailed guidelines in the said notification were provided to the applicants for how to apply. The relevant portion of the same is

extracted below:

“15. How to apply: (a) Candidates who desires to apply online will have to register himself/herself in the portal through

<https://indiapostgdsonline.gov.in> with the following basic details to obtain the Registration Number:-

- i) Name (in capital letter as per X class certificate Marks Memo including spaces)
- ii) Father's Name/Mother's name
- iii) Mobile Number
- iv) Email ID.
- v) Date of Birth
- vi) Gender
- vii) Community
- viii) PwD " Type of Disability " (HH/OH/VH) " Percentage of disability.
- ix) State in which Xth Class passed.
- x) Language studied in Xth class
- xi) Year of passing Xth class.
- xii) Scanned Passport Photograph.
- xiii) Scanned Signature.

7. It is the contention of the applicants that while mentioning the boards name, the board which they have passed i.e. Rural Institute of Open Schooling

(RIOS) name was not showing, hence they mentioned it as Indian Certificate of Secondary Education. However, it is seen that they all had mentioned

the state of passing 10th as Odisha due to which the 14 Boards approved by the department was showing. It is also seen from Annexure R/3 that

there is option to choose State in which they have passed 10th class and thereafter the circle for which applying for. The plea of the applicants that

they submitted their online applications by choosing the Board randomly cannot be accepted since they have to be careful while filing in the application

forms and cannot misrepresent facts as per their choice. The applicants ought to have been vigilant while filling up their application forms, and when

they had failed to do so, no indulgence can be granted to them on any sympathetic considerations The Hon'ble Apex Court has also in the case of

State of Tamil Nadu & Ors Vs. Sf. Joseph Teachers Training Institute & Anr., (1991) 3 SCC 87: JT 1991 (2) SC 343, held that "mere

humanitarian grounds cannot form the basis for granting reliefs against the settled propositions of law, or contrary to law, and when an

instruction or yardstick prescribed in the concerned advertisement has been applied uniformly in the case of all other candidates, the three

applicants before us cannot claim to be provided with a more favourable consideration than others have been provided by the

respondents.

8. As regards contention of the applicants that the department should have physically verified the certificates as per Corrigendum issued vide letter

dated 04.07.2022, it is seen that the said corrigendum was issued for certificates which was not available on the Digilocker is to be verified manually

through Board concerned by Divisional Head. It is not the case of the applicants that their candidature was rejected because the certificates were not

available in Digilocker. The candidature of the candidates were rejected because they had given wrong information in their online applications which

caused a mismatch while verifying the documents.

9. Further the engagement letters enclosed by the applicants in their rejoinder of few persons who had passed from RIOS does not throw enough light

as to what those candidates had filled up in their application forms. Further it is seen that they were not part of the current recruitment process but for

the year 2019 & 2020, thus not similarly placed with applicants in this OA and not a homogenous group where discrimination has happened to the

applicants.

10. Therefore, in view of the discussions made above, we do not find any illegality on the part of the respondents in rejecting the candidature of the

applicants. Accordingly the OA is dismissed being devoid of merit. No costs.