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O.A.No.214/1995.

17.ORDER DATED 16-8-2001.

This part heard matter has been posted today for peremptory hearing. We have heard Shri P.N.Mishra, on behalf of S.N.Mishra, learned counsel for the applicant and Shri A.K.Bose, in part on 19.3.2001. Thereafter we had asked for production of original documents and the same has been produced. The matter was again heard on 4.7.2001 and was adjourned ~~twice~~, thereafter as a part-heard matter. When the matter came up on 13.8.2001 we have heard learned Sr. Standing Counsel. Shri S.N.Mishra wanted the matter to be taken up today to enable him to make his submission. Today when the matter was called, an adjournment was asked for on behalf of learned counsel for the Applicant. As we never grant adjournment when the matter is called for hearing and as mention time is only at 10.30 AM and thirdly as the matter is fixed today for peremptory hearing at the instance of the learned counsel for the applicant, prayer for further adjournment was reject. We have briefly heard Mr.A.K.Bose, learned SSC for the Respondents. Hearing is closed.

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In this O.A. eight applicants have come up for quashing the appointments made in pursuance of Annexure-2 as also the test conducted for the purpose. They have further prayed that the Respondents be directed to conduct fresh test for appointment to the post of Announcers-comperes in terms of Advertisement at Annexure-2. Respondents have filed counter opposing the prayers of applicants. No rejoinder has been filed.

For the purpose of considering this petition it is not necessary to go into too many facts of this case. The case of applicants is that on opening of All India Radio station at Bhawanipatna all of them applied in response to an

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Advertisement for casual employment of Announcer in All India Radio and were given appointment on 2.1.1994 after being duly selected. They have made some grievance regarding the number of engagements given to them in a month and the delay in payment made to them but these are not connected with the prayer made by them in this O.A. and therefore, need not be gone into. Their grievance is that Departmental Authorities issued an advertisement on 28.2.1994 inviting applications from eligible candidates for appointment as Government servant for the post of Announcer-Comperes (Oriya) Junior Grade in the scale of Rs. 1400-2600/-. Apparently, there were five posts of which three were un-reserved and one each reserved for SC/ST. There was a written examination. Applicants have made a grievance that in the written examination, questions were not put about local dialects, music, drama and literature etc. of Kalahandi and Nuapara Districts. They have also enclosed a copy of the question of paper but again these are not relevant because Respondents have pointed out in their counter that the written examination was only a qualifying examination and marks obtained by the candidates in the written examination is not taken into consideration for the purpose of selection. It further appears that altogether 215 candidates took the written test and 58 were called for the voice test. For holding the voice test besides the Director Transmission and Programme Exchange Service two other outsiders namely Narayan Mohapatra, retired Prof. and Educationist of Bhawanipatna and Dr. Babaji Charan Sethi, Government College, Bhawanipatna an expert of Oriya literature were taken in as members. There was 50 marks for voice test of which 25 was the qualifying marks and 10 marks were for interview.

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For the voice test there were three components such as quality of voice, Pronunciation and Dictation and Understanding of the test while reading. Respondents have stated that on the basis of the voice test and interview four candidates (two in general category and one each for SC and ST) were selected and appointed. The Fifth post was filled up by transferring an existing employee from All India Radio, Baripada to Bhawanipatna. It must be noted that there is no illegality involved if the Respondents fill up the post by transferring an existing employee from one station to another. In view of this we are actually concerned about the four posts which were filled up through the process of selection which is under challenge. It is submitted by the applicants that one of the candidates SS Mishra had mentioned before others that he has been sponsored by Shri K.P. Singhdeo, Minister of Information and Broadcasting. Applicants have further stated that other general category candidates M.K. Samantray was also backed by another Union Minister from Orissa. Respondents in their counter have pointed out that they have no information about these candidates being candidates of two Union Ministers. Applicants have not produced any documents or anything in support of their contention that these two candidates have been selected ignoring their performance in the voice test and interview at the behest of the Union Ministers. In view of this, this contention can not be accepted. Respondents along with counter have enclosed xerox copy of the marks given by the above three examiners on the three components of the voice test and we have perused the same. We have also directed the learned SSC to produce original of these marks but after going through these xerox copies in detail it was not felt necessary to compare the same with the Original

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documents. We find that the three examiners have given marks to the candidates separately for each candidate and on each of the three aspects of the voice test mentioned above, and the final marks have been allotted to each candidate by averaging the marks given by three examiners and rounding up to the nearest interger. Out of the four selected candidates we have checked up the marks obtained by Shri M.K. Samantray, SS Misra and M. Majhi and we find that the marks have been correctly worked out in the final select list which is enclosed to Annexure-6. So far as Damayanti Baikar is concerned we are unable to locate her marks except the marks given by one of the three examiners. There is no reason to hold that these three examiners of which two are unconnected with the selection would be biased and assessed the candidates wrongly;

In view of this we do not think that the applicants have been able to prove that the tests have been conducted improperly and the applicants have been wrongly assessed and the selected candidates have been shown any favour.

In view of this we find no merit in this O.A. which is accordingly rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Vin
(SOMNATH SOM)
VICE-CHAIRMAN