

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
2	9.10.96	<p>Heard Shri D.P.Dhalasamant, learned counsel for the applicant. The prayer in this Application is for a direction to the Respondents to consider the property held by the applicant jointly with another and joint family property as satisfying the property criterion and consider him at the time of finalising the selection to the post of EDBPM, Dabardhuapatna Branch Post Office. I have also heard Shri U.B.Mohapatra, learned Additional Standing Counsel for the Respondents.</p> <p>The brief facts leading to the present application are that there was a notification calling for applications for the post of EDBPM of Dabardhuapatna Branch Post Office under Nayagarh Head Office. Several applications were received. But as is clear from the last para, page-2 of the counter-affidavit filed by the Respondents, the petitioner has secured the highest percentage of marks in the H.S.C Examination than another candidate shown at Sl. No.1 of the check-list. The only reason why there was an attempt to exclude him from the consideration was the fact that he had <del>not</del> got no landed property exclusively in his name. The Respondents have cited a very old instructions dated 20.10.1971 of D.G.P&amp;T bearing letter No.43-127/71 in which it was clarified that the properties held by the joint Hindu Family is not as good a security as properties held by the applicant in his own name and such Joint Hindu Family properties per se cannot satisfy the</p> <p style="text-align: right;">...</p>	

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..2	9.10.96	<p>requirement of rules <del>regarding</del> relating to property qualification. The Respondents have considered the case of another candidate who has secured only 38 per cent of marks in H.S.C Examination, but he has satisfied all the other requirements. Since the relief prayed for is only for consideration of the applicant's candidature to the post of EDBPM, Dabardhuapatna B.O. in the pending process of selection, I do not like to express any opinion on the merits of the respective candidates while disposing of this Application. Suffice it to state that ownership of property is not a necessary qualification for selection; neither his nativity nor his descent are necessary conditions for consideration. These have been held to be unconstitutional requirements. The Respondents, are, therefore directed to consider the case of the applicant along with others who are in the field and who are under scrutiny for the selection to the post of EDBPM, Dabardhuapatna Branch Office at the earliest.</p> <p>It is agreed by the counsel for both sides that this case can be disposed of by a Single Bench.</p> <p>Original Application is disposed of as above. No costs.</p> <p>In view of the disposal of the Original Application M.A.660/96 is disposed of accordingly.</p> <p>Hand over copies of the orders to the counsel for both sides.</p> <p><i>Anasumeh</i> MEMBER (ADMINISTRATIVE)</p>	