

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
3.10.2001		<p>Heard Shri P.K.Padhi, learned counsel for the petitioner and Shri B.Das, learned A.S.C. for the respondents and perused the records.</p> <p>In this O.A. the petitioner has prayed for a direction to respondents to consider his case for appointment to any E.D./Group D post. By way of interim relief the applicant had prayed that he should not be disturbed from the present post which he was holding. In order dated 30.9.1996 it was directed that the applicant should continue in the post which he was holding and this interim order is continuing by virtue of which the applicant is also continuing in the post of E.D.M.C. for more than five years. Admittedly the father of the applicant passed away on 27.10.1994 while working as E.D.M.C., Tejagola B.O. under Bhatli S.O. leaving behind eight children including the applicant and the widow. The applicant has stated that after the death of his father he was allowed to continue in place of his father by the competent authority and he is continuing as such till date. It is also the admitted position that the applicant has passed Class-IV. Applicant has stated that he is performing the duties to the full satisfaction of the higher authority, but the Circle Relaxation Committee has rejected his case on the ground that he does not have the minimum educational qualification. The applicant has stated that for the purpose of compassionate appointment is to rehabilitate the family and therefore, requirement of educational qualification should be relaxed in his case.</p>	

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		<p>In the context of the above the applicant has come up with the prayers referred to earlier.</p> <p>It is not necessary to refer to all the averments made by the respondents in their counter and the applicant in his rejoinder. It is only necessary to note that the respondents have opposed the prayer of the applicant on the ground that he does not have the minimum educational qualification. For appointment to E.D. Post other than E.D.B.P.M. the minimum educational qualification is Class-VIII pass with the stipulation that Matriculates would be preferred. The instructions of D.G. Posts provide that in genuine cases the requirement of minimum educational qualification can be relaxed, but only in case of the widow of the deceased E.D. employees. It is also provided that in such case it should be checked if the widow is in a position to read and write and perform the duties of the post. Such relaxation of minimum educational qualification is not available to any other family members except the widow. In view of this and in view of the fact that the applicant does not have the minimum educational qualification, we hold that there is no infirmity in the decision of the Circle Relaxation Committee in rejecting the candidature of the applicant.</p> <p>The O.A. is held to be without any merit and the same is rejected, but without any order as to costs.</p> <p><i>[Signature]</i> MEMBER (JUDICIAL)</p> <p><i>[Signature]</i> VICE CHAIRMAN 31/10/97</p>	<p>Or. no. 11 members</p> <p>For hearing, ad. to 12-6-97</p> <p><i>[Signature]</i> 17/6/97</p> <p>For Hearing Ad. to 27-6-97.</p> <p>26/6/97</p> <p>Beach.</p> <p>Free copy of the order dt. 3.10.01 given to the both Counsel.</p> <p><i>[Signature]</i> 8/7</p> <p>S.O</p>