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O.A.NO.861 OF 1996

ORDER DATED 27-03-2003.

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the Applicant has (a) challenged the selection and appointment of Respondent No.3 in the post of Extra Departmental Branch Post Master of Kabribahal Branch Post Office under Kesharibahal Sub-Post Office; and (b) prayed for a direction to the Respondents to appoint him in the said post.

2. For considering this Original Application, it is not necessary to go into the details of the facts of the case and it would suffice to say that the Applicant had applied to the Respondents for consideration of his candidature for the post of Extra-Departmental Branch Post Master of Kabribahal Branch Post Office; as his name was not sponsored by the Employment Exchange at Kuchinda, in the District of Sambalpur, pursuant to the request made by the Respondents. In support of his grievance, the Applicant has submitted that he is better qualified having more solvent; as he had secured 317 marks in the HSC Examn. out of total marks of 800 (in the year 1975); whereas the Respondent No.3 has secured only 314 marks out of total marks of 700 in the HSC examination (in the year 1990). Further it has been submitted by the Applicant that no weightage had been given for his engagement/experiences in the Department. The Respondents, in their counter, have submitted that the candidature of the Applicant ought

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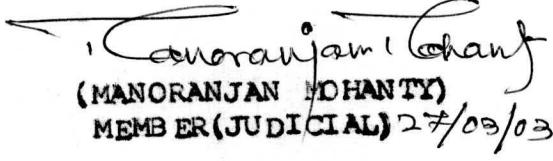
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not to have been considered; as his name had not been sponsored by the Employment Exchange and, that, wrongly the same was entertained and considered(alongwith the sponsored candidates of Employment Exchange) but, as the Respondent No. 3 was found more meriterious, (having secured highest marks among all the candidates in the HSC Examintation, he being secured 314 out of 700 marks; as against the 317 out of 800 marks secured by the Applicant) he was selected and appointed. The plea as raised by the Learned Counsel for the Applicant (that the Applicant has passed HSC examinationin the year 1975 whereas, the Respondent No.3 has passed HSC examn. in the year 1990) is of no avail; as the Rules for filling up of the post of EDBPM envisage that percentage of marks in the HSC examination (upon fulfilling all other criteria) is the basis of selection for the post ,inquestion. Further it has been urged by the Respondents that there is no rule/ instructions existing in the Department for giving weightage to the working experience as substitute,moreso for 18 days of work rendered by the Applicant on substitute basis.

3. In the above view of the matter,we find no merit in this Original Application; which is, accordingly,dismissed.

No costs.

  
(B.N. SENGUPTA)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER(JUDICIAL)

27/03/03