

Order dated 11.12.2003

None appeared for the applicant nor the applicant in person when called. On earlier occasion also when the matter was listed for hearing on 29.7.2003, neither the applicant in person nor his counsel appeared. The applicant had also not filed any rejoinder to the counter although he was afforded opportunity. This being an year old matter of 1998, it is not possible to adjourn the matter any further, especially in the absence of any request made on behalf of the applicant. We have, therefore, perused the materials available on record with the aid and assistance of Shri U.B. Mohapatra, learned Addl. Standing Counsel and also heard him.

The applicant is a Scheduled Caste candidate, who had applied for consideration to the post of E.D.B.P.M., Puruna-Odapara, which fell vacant on 6.5.1998. The Respondents by filing a counter have disclosed that the post was advertised to the Employment Exchange declaring it to be reserved for ST category candidate, falling which for OBC candidate. No candidate having been sponsored by the Employment Exchange, open advertisement was made, in response to which 24 candidates including the applicant applied. However, as sufficient number of OBC candidates had applied for the post, Respondent No.4 selected the most meritorious candidate, viz., Shri Prasanta Kumar Barik. From the facts of this case as it reveals that the post was a reserved one either for ST or OBC candidate and as the said post was filled by selecting one OBC candidate (in the absence of sufficient number of ST candidates within the zone of consideration) the applicant belonging to SC

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category candidate cannot lay any claim, especially when the post was not reserved for SC and in the circumstances, we see no irregularity to have been committed by the departmental authorities/Respondents in selecting the OBC candidate for the post in question.

For the reasons aforesaid, we hold that this O.A. is devoid of merit and therefore, the same is rejected, leaving the parties to bear their own costs.

[Signature]
VICE-CHAIRMAN

[Signature]
MEMBER (JUDICIAL)
11/12/03

Five copies of
final order
dt. 11.12.03 issued
to counsel for
both sides.

[Signature]
20/11/03

[Signature]
29/12/03

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