

ORDER DATED 21-12-1999.

In this case, on 15.7.1999, it was submitted by learned counsel for the petitioner that he will not appear on behalf of the petitioner. Accordingly, copies of our orders were sent to the applicant by Registered post to make alternative arrangement but no alternative arrangement was made. On 4.10.1999, it was ordered that one more chance to be given to the applicant to make alternative arrangement. But today, when the matter was called for hearing, neither the applicant himself nor any counsel on his behalf is present. Pleadings in this are complete long ago and in view of this, it would not be proper to drag on the matter indefinitely. We have, therefore, heard Mr. A.K. Bose, learned Senior Standing Counsel, appearing for the Departmental Respondents and Mr. M.M. Basu, learned counsel appearing for the private Respondents and have also perused the records.

Applicant in this petition prays for quashing the order of appointment of OP No.4 to the post of E.D.B.P.M., Sasan Branch Post Office and also for a further direction to the Departmental Authorities to consider his case. It has been submitted by the petitioner that he is a graduate and has higher income as per the Income Certificate given by the concerned Tahasildar. It is also stated by him that amongst all the candidates including OP No.4, the applicant is more meritorious and therefore, he should have been appointed but because of extraneous consideration, OP No.4 was appointed to that post.

Departmental Respondents in their counter have pointed out that the case of the applicant was

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DA-231/98

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Free copy
of the order
dt. 21.12.99
may be given
to both counsel

Rak
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S/O

Free copy
of the order
dt. 21.12.99
may be sent
to the applicant
by post & given
to the respdt's
counsel.

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Received
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considered alongwith Respondent No.4 and other candidates. Amongst all the candidates, Respondent No.4 has secured highest percentage of mark in the matriculation examination. From the check list, copy of which has been enclosed at Annexure-B/1, it is seen that Respondent No.4 has secured 470 marks out of 700 in the matriculation whereas the applicant has secured 256 marks out of 700 in the matriculation examination. The fact that the applicant is a graduate can not be considered because under the Departmental Rules, any qualification above matriculation is to be ignored. Therefore, it can not be held, as claimed by applicant that he is more meritorious than Res.No.4. In view of the above, we hold that the applicant has not been able to make out a case for the reliefs claimed by him. Respondent No.4 having secured highest percentage of marks amongst the candidates who have been considered has been rightly selected.

The application is therefore held to be without any merit and is rejected. No costs.

Vice-Chairman

Member (Judicial)

21/12/99