

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

1. For hearing  
with M.A. 452/98  
and M.A. 748/98  
for consideration -  
copy of M.A. 452/98  
not served.

DS  
11/8/03

Bench

For hearing  
with  
M.A. 452/98 and  
M.A. 748/98 for  
consideration -  
copy of M.A. 452/98  
not served.

DS  
22/8/03

Bench

For hearing  
with  
M.A. 452/98 and  
M.A. 748/98 for  
consideration -  
copy of M.A. 452/98  
not served.

DS  
10/9/03

Bench

12.08.2003

On the prayer of the Counsel for the  
applicant, according to 25.08.2003.

~~Subj.~~  
Vice Chairman

~~Member (S)~~

Order dt 25/08/2003

None appears for the Applicant.  
However, Mr A. K. Bose, learned Senior  
Standing Counsel is present. Call  
this matter on 02/09/2003 for final  
disposal in Division Bench.

~~Member (S)~~

02.09.2003

Call this division Bench matter for hearing

on 11.09.2003

~~Member (S)~~

Order dt 11.09.03

Sri Ghanashyam Barik, has filed this Original Application challenging the appointment of Chintamani Karua, Respondent No. 5 as E.D.B.P.M., Handibhanga B.O. The Applicant alleges that the appointment of Respondent No. 5 was done in contravention of the existing E.D. Rules and Instructions issued in this regard. He has claimed that although he has secured highest marks among the candidates considered for the post, the Respondents did not select him without any reason. He has therefore approached this Tribunal seeking direction to quash the selection and appointment of Respondent No-5 in the post of E.D.B.P.M., Handibhanga B.O. and to direct the

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Respondent No.4 to consider the Applicant's case for appointment to that post as he possessed all the qualifications for the post.

The Respondents have submitted a counter contesting the application where they have disclosed that this Original Application is misconceived because the post was reserved for S.C. category candidate whereas the Applicant belongs to O.B.C. category. They have further disclosed that they approached the Dist. Employment Officer, Keonjhar to sponsor the names of the candidates belonging to S.C. category exclusively. It is another matter that the Dist. Employment Officer while sponsoring the names of the candidates belonging to S.C. category had also sponsored the names of 2 other candidates who belonged to O.B.C. category. As the post was reserved for S.C. category, the question of assessing the merit of the Applicant for appointment being an O.B.C. candidate did not arise.

We have heard Mr. S.P. Mohanty, learned counsel for the Applicant and Mr. A.K. Bose, learned Senior Standing Counsel and perused the records placed before us.

We are satisfied from the records placed before us that the post in question was decided to be filled up by selecting suitable S.C. candidate by the Respondent No.4 and accordingly he had approached the Dist. Employment Officer for obtaining a list of candidates belonging to S.C. category. The Applicant being a candidate belonging to O.B.C. category, his case was not considered for the post. We, therefore, notice no irregularity on the part of the Respondents in selection of a suitable S.C. candidate for appointment to the post in question. In the above premises, we see no merit in this O.A. and is accordingly, the same is dismissed. No costs.

*[Signature]*  
Vice Chairman

*[Signature]*  
Member (Judicial)

Four copies of  
Final Order  
dt. 11.9.03 issued  
to counsel for  
both sides.

De  
16/9/03

*[Signature]*  
S.M(T)