

CA 290/98

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.

Dr
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.

Dr
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.

Dr
10/9/03

Bench

12.08.2003

On the prayer of the Counsel for the
Applicant, adjourned to 25.08.2003.

[Signature]
Vice Chairman.

[Signature]
Member (S)

Order dt 25/08/2003

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

[Signature]
Member (J)

02.09.2003.

Call this division Bench matter for hearing

on 11.09.2003.

[Signature]
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.

Vice Chairman

Member (Judicial)

Free copies of
final order
dt.11.9.03 issued
to counsel for
both sides.

Per
16/9/03

sm(T)