

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

10. ORDER DATED 2-6-2001.

Heard Mr. P.K. Padhi, learned counsel for the applicant and Mr. A.K. Bose, learned Senior Standing Counsel for the Respondents and have also perused the records.

In this Original Application, the applicant has prayed for quashing the selection for the post of Sorting Assistant in RMS 'BG' Division, Berhampur and for a direction to the Respondents to make fresh selection taking into consideration the candidature of the applicant. He has also prayed that the Departmental Authorities should be directed to allow him to take part in the selection process and in case he is found more suitable he should be appointed. Departmental Respondents have filed counter opposing the prayers of applicant. Private Respondent No. 5 was issued with notice but he did not appear or file counter. We have perused the pleadings of the parties. The admitted position is that for filling up of the post of Postal Assistant/Sorting Assistant in different postal divisions, an employment notice was issued on 4-9-1993 fixing 28.9.1993 as the last date of receipt of application. Admittedly, applicant applied for the post of sorting Asst. in RMS BG Division, Berhampur. In the notice at Annexure-1, three vacancies of Sorting Asst. in RMS BG Division, were notified 2 of which under OC category and 1 under OBC category. It is also the admitted position that the applicant applied for OBC post. In the employment notice it was mentioned that an aptitude test will be held which will carry 30% weightage and an interview will

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be held which will also carry 20% weightage. Applicant's grievance is that he has the necessary eligibility but he was not called for the Aptitude test or interview whereas Respondent No. 5 who has got less mark than him was called for the aptitude test and another person Shri Deepak Sahu who applied like the applicant for the OBC post was called for the interview but was not selected. In the context of the above facts, the applicant has come up in this Original Application with the prayers referred to earlier.

Respondents have pointed out that the candidature of the applicant was rejected at the outset at the time of scrutiny immediately after receipt of application on the ground that he was required to furnish two passport size photograph but he furnished only one photograph and even though he applied for OBC category of post and declared as belonging to OBC community he filed a certificate as belonging to S.E.B.C. community which is of no value so far as filling up of the post under the Government of India is concerned. Respondents have submitted that question of applicant getting higher mark than the Res. no. 5 for being eligible to be called for aptitude test and interview does not arise because applicant's candidature was rejected at the outset because of the above deficiency.

It has been submitted by Shri Padhi, learned counsel for the applicant that in the advertisement at Annexure-1 it has been specifically mentioned as to what documents are to be enclosed as ~~as~~ enclosures to the application, and two copies of *V. Nam.*

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the Photographs have not been mentioned in this. But we find that in another portion of the employment notice at Annexure-1 it has been clearly mentioned that candidates will submit their application in the proforma indicated therein alongwith two Passportsize photographs duly signed by him and attested by a Gazetted Officer on front side. From this it is clear that the applicant was required to submit two passport size photographs but he has submitted only one. This contention has not been denied by the applicant by filing any rejoinder.

The other aspect of the matter is that even though the applicant applied for OBC post he submitted only the SEBC certificate. It has been submitted by Mr. Padhi learned counsel for the applicant that even though the applicant has given a SEBC certificate, the caste mentioned in the SEBC certificate which is at Annexure-R/4, shows that he belongs to 'SUNDHI' by caste and according to the Government of India Notification regarding OBC, SUNDHI caste belongs to OBC and therefore, it is submitted by learned counsel for the applicant that his candidature should not have been rejected on the ground that he had submitted the SEBC certificate. we are not inclined to accept this contention because it is not for the Departmental Authorities to find out with reference to the Govt. of India Notification as to whether SUNDHI caste mentioned in the SEBC certificate belongs to OBC according to the Govt. of India notification. When the applicant applied for OBC post and declared himself as OBC, he should have submitted a OBC certificate. SEBC certificate can not be considered for filling up of the

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post under Government of India.

In view of the above, we hold that applicant's candidature has been rightly rejected by the Departmental Authorities on the ground of his nonfilling of the OBC certificate and two passport size photographs as he was required to do.

It is submitted by learned counsel for the applicant that candidature of applicant should have been considered under the general category and he should have been called to the aptitude test and interview. We are also not prepared to accept this contention because once the applicant has applied for OBC post and when it is found that he has not given the necessary certificate it was not incumbent on the part of the Departmental Authorities to consider his candidature as a general candidate..

In view of the above, we hold that the application is without any merit and the same is rejected. No costs.

L.M.  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

L.M.  
(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/CM.

free copies of  
final order  
dt. 2.4.01 issued  
to counsels for  
both sides.

DS  
15/4/01

10/4  
S. O.C.T.