

Order dated 4.11.2003

None appeared on behalf of the applicant nor was the applicant present in person when called. However, Shri J.K.Nayak, learned Addl.Standing Counsel was present and with his aid and assistance, we have perused the materials available on record and also heard him.

The applicant, by filing this Original Application under Section 19 of the A.T.Act, 1985, has ventilated his grievance that although he had worked for nine months as substitute in the post of E.D.SP.M., Kesudarpali, while making regular appointment to the said post for which he had also applied, was not given any preference. He has, therefore, assailed the decision of the Respondents-Department as inquisitious, unfair and discriminatory.

The Respondents-Department, by filing their counter have disclosed that the candidature of the applicant was duly considered by the selecting authority along with others, but the applicant could not be selected on the ground that he did not submit income certificate in his own name (2) he had passed H.S.C. Examination compartmentally, (3) he did not submit all the requisite documents required for consideration to the post in question, and, lastly, that his claim to give him preferential treatment has no legal basis. On these grounds, the Respondents-Department have prayed for dismissal of this O.A. being devoid of merit.

After going through the records and having heard the learned Addl.Standing Counsel appearing on behalf of the Respondents-Department, we are of the opinion that the Respondents-Department have not committed any illegality in selecting one Shri Ganeswar Sahoo for the post in question, who had fulfilled all the conditions and who had also secured the highest marks in the H.S.C.Examination among candidates who ~~were~~, being found eligible in all respects, were within the zone of consideration.

a

P

Thus, the action of the Respondents-Department is unassailable and unquestionable.

For the reasons aforesaid, this Original Application being devoid of any merit is dismissed, leaving the parties to bear their own costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

John
4/11
24.11.03

Opus ex cum 24.11.03

man 24.11.03
for 24.11.03

1
20/11/03

20/11/03

within the zone as considered