

Order No.13 dated 11.9.2000

Learned counsel for the petitioner is not present when called, nor any adjournment has there been made on his behalf, seeking adjournment. In view of this the matter cannot be allowed to drag on indefinitely as the pleadings in this case have been completed. We have, therefore, heard Shri J.K.Nayak, learned Addl. Standing Counsel appearing for the respondents and also perused the records.

In this Application the petitioner has prayed for quashing appointment of Res.5 to the post of E.D.B.P.M., Chandrapatabindha B.O. and for direction to departmental authorities to appoint him to that post. The Departmental respondents have filed their counter opposing the prayer of the applicant. Res. 5 the selected candidate was issued with notice, but she has neither appeared nor filed any counter.

It is not necessary to refer to various averments of the parties in their pleadings as these will be referred to at the time of considering the prayer made by the applicant. For the purpose of deciding this application it is not necessary to go into too many facts of this case. The admitted position is that for the post of E.D.B.P.M., Chandrapatabindha B.O. <sup>and</sup> applicant Res.5, the selected candidate alongwith someothers were considered for the said post. The applicant has challenged selection and appointment of Res.5 on the ground that he has secured the highest percentage of marks in the H.S.C. Examination amongst all the candidates and that he alone is a resident of the post-village, whereas others belong to other villages. The Departmental instructions currently in force do not provide that person to be selected for the post in question must be the resident of post village. It is only necessary that after being selected, he will take up the residence in the post-village and would be in a position to provide rent free accommodation for the running of the post office. In consideration of this, this contention of the learned counsel for the petitioner is held to be without any merit and the same is, therefore, rejected.

J.J.M.

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## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

The second contention of the applicant is that he has secured the highest percentage of marks in the H.S.C. Examination amongst all the candidates. The departmental respondents in their counter have pointed out that applicant has secured 59.85% whereas selected candidate (Res.5) has secured 48.93% marks, in the Matriculation. Thus the position is that applicant had got higher percentage of marks than the selected candidate, Res.5. All the persons including the applicant and Res.5 under the zone of consideration belong to O.B.C. category. The departmental respondents have pointed out that applicant has been involved in a G.R.Case No.1623/95, under Sections 341, 294, 506 and 34 I.P.C. and the case is under trial in the Court of Sub-Divisional Judicial Magistrate, Bhadrak. They have enclosed a copy of the order-sheet vide Annexure-R/5. Notwithstanding pendency of this O.A., the applicant in his application for the post of E.O.B.P.M. has falsely given a declaration that he was not involved in any criminal case. Because of this, his candidature was rejected. At the time of submitting applications candidates are required to furnish all informations available and the applicant has certified ~~the~~ in his application form that all informations given by him are true to the best of his knowledge. In the instant case as the applicant has furnished a false declaration, the Department was justified in rejecting his candidature. In view of this, we hold that the application is without any merit and the same is therefore, rejected, but without any order as to costs.

*V.V.M.*  
VICE CHAIRMAN  
MEMBER (JUDICIAL)