

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 332 OF 1999.  
Cuttack, this the 27th day of June, 2000.

NARAYAN SWAIN.

...

APPLICANT.

-Versus-

UNION OF INDIA & ORS.

...

RESPONDENTS.

FOR INSTRUCTIONS.

1. whether it be referred to the reporters or not? *Yes*
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN

5  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 382 OF 1999.  
Cuttack, this the 27th day of June, 2000.

C O R A M;

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

..

NARAYAN SWAIN,  
Aged about 23 years,  
Son of Udayanath Swain,  
At/Po: Goudia Barada,  
PS: Buguda, Dist: Ganjam.

...

Applicant.

By legal practitioner: M/s. S. C. Puspalak,  
P. C. Bhuyan,  
SC Beura,  
Advocates.

- V e r s u s -

1. Union of India represented through the Secretary, Telecommunication and Distant Communication, New Delhi.
2. Chief Postmaster General, Bhubaneswar, Orissa Circle, Bhubaneswar.
3. Superintendent of post offices, Aska Division, Aska, Dist: Ganjam.
4. Rajendra Kumar Behera, At/Po: Balipadar, PS: Buguda, Dist: Ganjam, at present appointed as Branch Postmaster, Goudia Barada Branch Post Office, At/Po: Goudia Barada, via. Baguda, Dist: Ganjam.

...

Respondents.

By legal practitioner: Mr. B. K. Nayak, Additional  
Standing Counsel (Central);  
FOR RESPONDENTS -1 to 3.

Mr. P. V. Ramdas, Mr. P. V. B. Rao,  
Advocate, FOR RES. NO. 4.

....

✓ Som.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN;

In this Original Application, u/s.19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the appointment of Respondent No.4 to the post of Extra Departmental Branch Post Master, Goudia Barada Branch Post Office and for a direction to the Respondents to give appointment to the applicant.

2. Departmental Respondents and private Respondent No.4 the selected candidate, have filed counters opposing the prayers of the applicant.

3. For the purpose of considering this Original Application it is not necessary to go into too many facts of this case. From the public notification inviting applications, which has been enclosed by the applicant himself, at Annexure-1 to his Original Application, it appears that the post is reserved for OBC community. Respondents in their counter have stated that in response to the public notification, 13 candidates applied out of which three candidates including Res.No.4 belong to OBC community. AS the post was reserved for OBC community, Res.No.4, who had secured highest percentage of marks amongst the 3 OBC candidates, was selected and applicant does not belong to OBC community. In the check list it is noted that the applicant belongs to SEBC which is not taken into consideration under the notification as a reserved community for appointment to any Govt. post. Therefore, Departmental Respondents have rightly confined the selection to the three OBC candidates because the post was reserved for

OBC community and amongst these three, Respondent No. 3 has got highest percentage of marks. Therefore, it is clear that Respondent No. 4 has been rightly selected. In any case, we find from the check list that Res. No. 4 has got 46.71% of marks whereas the applicant has got only 45.53% of marks in the HSC examination. In view of the above we hold that the application is without any merit and the same is rejected but without any order as to costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/CM.