

Order dated 6.8.2001

Heard Shri P.K.Padhi, learned counsel for the petitioner and Shri S.Bhera, learned A.S.C. for the respondents and perused the records.

In this O.A. the petitioner has prayed for a direction to respondents to consider the applicant for the post of E.D.D.A., Mendhasala. Respondents have filed their counter opposing the prayer of the applicant.

For the purpose of considering this petition it is not necessary to go into too many facets of this case. Admittedly the applicant had worked as substitute of Golam Ali Khan, Angarpura B.O. from 26.7.1987 to 18.7.1987 and thereafter on adhoc basis from 20.7.1987 to 20.10.1987. Applicant has stated that when regular process of selection to the post of E.D.M.C., Angarpura was taken up sometime in February, 1988, he applied for that post, but his candidature was rejected in letter dated 24.2.1988 at Annexure-3, on the ground that he could not be considered for appointment to the post of E.D.M.C., Angarpura, because he does not belong to Angarpura village. It is necessary to note that at that point of time, residency in the post village was the necessary qualification and subsequently in pursuance of the decisions by the Courts this requirement was done away with and the present instructions provide that for the post of E.D.B.P.M. the selected candidate may belong to any village, but on being selected he must take up the residence either in the post village and for the E.D.M.C. in any village in the postal route. So far as E.D.D.A., Mendhasal is concerned, respondents have pointed out that in response to public notice several candidates including that of the petitioner applied and their cases were taken up for consideration. Respondents have stated that in the public notice the post was reserved for S.T., failing which for S.C., failing which for O.B.C. and then for the general category. The applicant herein belongs to general category. Respondents have stated that amongst the candidates within zone of consideration there was only one S.T. candidate and three S.C. candidates. They have stated that the selection process is going on. In

case SC/OBC candidate is not selected the post will be thrown open to general candidate. But even then the applicant ~~the appx~~ cannot be selected because he has passed Class-IX whereas all the other general category candidates have passed Class-X. Rules provide that minimum ^{qualification} prescribed for E.D.M.C. is Class-VIII pass, but the Matriculates will be given preference. This counter has been filed in August, 2000 and by this time the selection might be over. In any case as more qualified candidates are available within the zone of consideration, the prayer of the applicant for direction to departmental respondents to appoint him to the post in question is held to be without any merit and the same is rejected. We, however, note that on an earlier occasion applicant's case could not ^{he} have been considered because of residency qualification vide Annexure-3. In view of this, we direct the departmental authorities that in case the petitioner applies for any E.D. Post in future in response to an advertisement, then his case should be considered in accordance with rules.

With the above observation and direction the O.A. is disposed of, but without any order as to costs.

MEMBER (JUDICIAL)

S. Venkateswaran
VICE-CHAIRMAN
6.8.2001

Free copies of
final order
dt. 6.8.2001 issued
to counsel for
both sides.

~~S. Venkateswaran~~
7-8-01