

Order dated 1.12.2000

Learned counsel for the petitioner Shri M.K.Mohanty and his Associates are not present when called nor any request has there been made on their behalf seeking adjournment. As in this matter pleadings have been completed long ago, it would not be possible to drag the matter indefinitely. We have therefore, heard Shri U.B.Mohapatra, the learned Addl. Standing Counsel and also perused the records.

For the purpose of considering this petition it is not necessary to go into too many facts of this case. The admitted position is that in response to a vacancy notification petitioner applied for the post of Examinor (SS) in the Ordnance Factory, Badamal, under the Ministry of Defence. Vacancy notified in respect of Examinor (SS) was 28, of which 10 belonging to general category, 6 to S.T., 7 to SC and 5 for O.B.C. Applicant's candidature was accepted and he was issued with Admit Card to appear at the written examination on 31.10.1999. The grievance of the applicant is that because of Super Cyclone on 29.10.1999, he was unable to appear the examination at ~~Angul~~ ^{Badmal} ~~J. 100~~. He has stated that his inability to appear the examination was beyond his control and in the context of the above he has come up with the prayers to cancel the written test conducted on 31.10.1999 for the post of Examinor (SS) and for direction to respondents to fix another date and allow the applicant to take the written examination for the post in question.

Respondents have pointed out that for 28 posts of Examinor (SS) 518 candidates took the examination. They have stated that the candidates came from different parts of the country and it was not therefore, possible for them to postpone the examination. They have also that even the candidates belonging to Orissa ^{from areas} ^{JMM} affected by the Super Cyclone had appeared the examination and therefore, the examination could not have been postponed.

Applicant in his rejoinder submitted that

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

True copy of order
dt. 1.12.2000 given to
the Council for both
sides.

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that the candidates who had appeared the examination from cyclone affected area might have been belonged to partly affected area whereas he being a resident of Patamundi, which was fully affected.

As the examination was an All India Examination where the candidates from different parts of the country took the examination it would not have been proper for the residents to cancel the examination. Moreover, some candidates from the cyclone affected area also took the examination held on 31.10.1999. We also find that because of cyclone the field of selection for the post of Examiner (SS) did not in any way restricted because as many as 518 candidates took the examination for 28 posts of Examiner (SS). Respondents have further stated that ~~vis-à-vis~~ test in respect of the candidates who qualified the written test had been held by 25/26th November, 1999. By this time the process of ~~selection~~ ^{intake} ~~and~~ over appointment made.

Similar matters came up before this Tribunal in O.A.Nos. 569/99 and 581/99 and we had in our order dated 8.2.2000 rejected both the O.A.s where the applicants in those O.A.s had approached the Tribunal with the similar prayers in case of the present applicant. In view of the above, we hold that this application is without any merit and the same is rejected, but without any order as to costs.

J. J. J. J.
VICE-CHIEF JUDGE
MEMBER (JUDICIAL)