

NOTES TO THE REGISTRY	ORDERS OF THE TRIBUNAL
Counter not filed. Date 18/7/01 Bench	<p>14. <u>02.07.01</u></p> <p>No hearing (at admission stage) matter was taken up to-day due to a reference made by the Bar regarding a sad demise of a member.</p> <p>Adjourned to 12.07.01.</p> <p style="text-align: right;">Vice-Chairman 217.</p>
Counter not filed. Date 29/7/01 Bench	
Counter not served. Date 21/8/01 Bench	<p>15. ORDER DATED 12-07-2001.</p> <p>Being aggrieved with his non-selection for the post of E.D.B.P.M., Balidih Branch Post Office, the applicant has approached the Tribunal with the prayer for quashing the selection of Respondent No. 4 to that post and for a direction to Respondent No. 3, the S.D.I.P. to appoint the applicant to the post under physically handicapped quota.</p>
Rejoinder not filed. Date 28/8/01 Bench	<p>Learned counsel for the applicant Shri K.C. Mishra and his associates are absent without any request for adjournment. As in this matter pleadings have been completed long ago, it is not possible to drag on the matter indefinitely specially in the absence of any request for adjournment.</p>
Rejoinder not filed. Date 29/8/01 Bench	<p>We have heard Shri A.K. Bose, learned Senior Standing Counsel for the Respondents and perused the records.</p>
Rejoinder not filed. Date 2/9/2001 Bench	<p>Admittedly, the vacancy in the post arose on the superannuation of the earlier incumbent and names were called from the Employment Exchange as</p>
For Admission Date 2/9/2001 Bench	

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

for Admissions

Bmr

19/3/11

also through public notice indicating therein that preference will be given to ST/SC/PH/OBC in that order if three candidates in a particular community is not available. The employment exchange did not send any name. In response to the public notice 7(seven) candidates applied out of this, 2 applications were received after the last date. Accordingly, there were only 5 (five) candidates/ applications received within the stipulated date.
These five
applicants belonged to neither SC/ST/OBC community.
S. Jam
 There were three Physically Handicapped candidates including applicant and Respondent No. 4, the selected candidate. Respondents have pointed out and this has not been denied by the applicant by filing any rejoinder that amongst these three Physically Handicapped candidates, the selected candidate, Respondent No. 4 has got highest percentage of marks i.e. 55.33% whereas the applicant has got only 43.71% of marks. According to the instruction, the candidate who has got highest percentage of marks is to be adjudged most meritorious candidate and accordingly, the Departmental Authorities have rightly selected the Respondent No. 4. Applicant has given much ~~credence~~ ^{emphasis} in this ~~suggestion~~ ^{of A} that the notice originally sent to him his name has been wrongly mentioned as Anun Ku. Samantray instead of Anun Ku. Khuntia. Respondents have pointed out that this was ~~an~~ inadvertently done but later on the name of applicant was mentioned correctly and notice was sent to him and his candidature was considered alongwith others. As the applicant has got lowest marks amongst three Physically handicapped candidates and the person getting the highest mark out of three was selected. we find no infirmity

7

OA.655/99

in the selection and appointment of Res.No.4 to the post of E.D.B.P.M. Prayer to quash the appointment is accordingly held to be without any merit and is rejected. His second prayer for a direction to appoint him to the post also necessarily fails.

In the result, therefore, the OA is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Sumnath Som
(SUMNATH SOM)
VICE-CHAIRMAN M.I.

Four copies of
Final order
H.12.7.2001 issued
to counsel of
both sides. P
S.O (143)

DS
12/1/01