

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 29.1.2002

Heard Shri B.K.Mohanty, learned counsel for the petitioner, and Shri A.K.Bose, learned Senior Standing Counsel for the respondents 1 and 2 and Shri K.C.Mohanty, learned Govt. Advocate for Res. 3. and perused the records.

In this O.A. the petitioner has prayed for a direction to respondents to consider the correct Income Certificate at Annexure-3 in place of Income Certificate which is at Annexure-2. On 31.10.2000, by way of interim relief it was ordered that the selection to the post of EDBPM Olarah B.O. should be subject to the result of this application and this condition should be specifically mentioned in the appointment order of the person so selected and appointed.

For the purpose of considering this O.A. it is not necessary to go into too many facts of this case. Admittedly a selection was held for the post of EDBPM, Olarah B.O. in which the applicant was one of the candidates. It is also the admitted position that his candidature was considered and rejected on the ground that the Income Certificate produced by him stood in the name of his father, Bansidhar Sahoo. The Income Certificate is at Annexure-2. It is also the admitted position that in the advertisement issued for filling up of the post in question the last date fixed for receipt of application was 19.3.1999. It was also mentioned in this notification at Annexure-1 that applications not properly filled in and documents as required not submitted are liable to be rejected. The

W.D.M.

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applicant was aware of this condition. He has stated that he did not check up the certificate which was issued by the Tahasildar standing in the name of his father instead of his name. He got another income certificate from the Tahasildar in his own name and submitted the same on 7.7.1999, which was received by the departmental authorities on 9.7.1999. This ^{subsequent} certificate having been submitted more than three months after the last date of receipt of applications was over, the same, as per the departmental instructions **could** not to have been considered by the Department. The departmental instructions provide that any document which has not been enclosed along with the application can be submitted subsequently, but within the last date of receipt of applications, which in this case is 19.3.1999. In this view of the matter the departmental authorities were right in not considering the income certificate submitted by the applicant on 9.7.1999. The fact that the applicant has got more marks in the H.S.C. Examination than the selected candidate is of no avail to him. Since the selection has been over long since, there is no question of issuing any direction to departmental authorities to consider the subsequent income certificate submitted by him vide Annexure-3. In the result, O.A. is held to be without any merit and the same is rejected. No costs.

Joe
MEMBER JUDICIAL)

Donnan Van
VICE CHAIRMAN
29.1.2002

Free copies of final order
dt. 29.1.02 issued to
counsel for both sides.

Ans
24/1
S.O (J)

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21.1.02