

3

DA 26/2000

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

DT. 2.8.2000

The learned A.S.C. for respondent served the copy of counter today. The applicant counsel prays for time to file rejoinder. Time granted till 18.8.2000 for the same.

  
REGISTRAR

Rejoinder not filed.

  
17/8 Registrar

DT. 18.8.2000

The learned applicant counsel pray for time to file rejoinder. Prayer allowed. Time granted till 6.9.2000 for rejoinder.


  
18/8/2000  
REGISTRAR

Rejoinder not filed.

  
5/9 Registrar

04. 02.02.2001


Further three weeks time is allowed as a last chance to file rejoinder. Adjourned to 02.03.2001.

  
Vice-Chairman.  
2/3  
Member (J).

05. 02.03.2001

It is submitted that copy of counter has been served in August, 2000.

No further time can be allowed to file rejoinder. Pleadings are taken to be complete. Adjourned to 10.04.2001 for hearing and final disposal at the stage of admission.

  
Vice-Chairman.  
2/3.  
Member (J).

06. ORDER DT. 10.4.2001.

This OA stands posted to this day for hearing and final disposal at the stage of admission. Shri S.B. Jena, learned ASC for the Departmental Respondents is present. None from the side of the applicant is present. There is no prayer for adjournment. Hence we are not inclined to adjourn the matter suomotto.

Heard Shri Jena, learned ASC and also perused the records.

Applicant challenges the selection and appointment of private Respondent No. 4.

OA 261/2000

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Dt. 6.9.2000

Both the applicant and his counsel are absent on call. No steps taken for filing rejoinder. Put up to Bench for further orders.

REGISTRAR

Rejoinder not filed

For call

10.11.00

Recd

Rejoinder not filed

11.12.00

Bench

Rejoinder not filed

12.01

Bench

Rejoinder not filed

13/01

Bench

For Admission

9.4.01

Bench

Free copies of order final order dt. 10.4.01 issued to counsels for both sides

12.4.01

SO (J)

Shri Manas Datta to the post of EDBPM, Bandapipili Branch post Office in the District of Phulbandi

In response to employment notification issued in September, 1999, applications were received from the applicant, Respondent No. 4 and many others.

Grievance of applicant is that though she fulfilled all the required qualifications for the post,

Respondent No. 2 illegally with a mala fide

intention appointed Respondent No. 4. She being a

SC candidate has a better claim for the post.

Departmental Respondents in their counter opposed

her prayer stating that Respondent No. 4 secured

higher percentage of mark in HSC than other

candidates including applicant. Moreover, the

post is not reserved for SC candidate. Even the

applicant in her application did not enclose any

Income certificate as required under the rules.

Private Respondents though duly noticed had neither entered appearance nor filed counter.

No rejoinder filed.

Annexure-R/1 is the xerox copy of application sent by applicant to the Department. This application

reveals that required Income certificate has not been

enclosed. Further while she secured 42% marks in HSC

examination Respondent No. 4 has secured 62.46% in

HSC. Law is well settled that a candidate securing

higher percentage of mark in HSC has a better

claim for the post. We therefore, do not see any

informity in the selection and appointment of

Respondent No. 4 to the post.

In the result, the O.A. is without any merit and the same is dismissed. No costs.

VENKATACHANDRAN  
V. SOMNATH  
VIC. J.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM.