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O.A.270/2000

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17. ORDER DATED 13-3-2001.

This matter has been fixed today for hearing and final disposal. When the matter was called Shri M. Das, asked for adjournment on behalf of learned counsel for the applicant. As prayer for adjournment is only entertained at the mention time and adjournment is never granted when the matter is called for hearing, prayer for adjournment in this case, is disallowed. We have, therefore, heard Shri B. Dash, learned Additional Standing Counsel appearing for Departmental Respondents. Petitioner is also not present in person and therefore, we have not been able to hear him or his counsel.

2. In this Original Application, the applicant has prayed for quashing the selection and appointment of Respondent No. 4 to the post of EDSPM, Bamur SO and for a direction to the Departmental Authorities to appoint him to the post. Departmental Respondents have filed counter opposing the prayer of applicant. Private Respondent No. 4 was issued with notice he did not appear nor filed counter.

3. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. Admitted position is that a vacancy arose in the post of EDSPM, Bamur SO due to superannuation of the existing incumbent and the employment exchange not having responded ~~to~~ public notice was issued inviting applications for the post. Altogether eight persons including applicant and Respondent No. 4 applied and were considered. Respondent No. 4 was selected. Applicant

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has challenged the selection and appointment of Respondent No. 4 on the ground that Respondent No. 4 does not belong to the village of Bamura and he has taken up resident at Bamura only to apply for the post. This argument is without any merit because for the purpose of selection and appointment to the post of EDAgents residency in the particular village is not necessary. All that is required is that the selected candidate should be prepared to take up residence in the post village and to provide rent free accommodation for holding the post office. This has also been mentioned at Annexure-1 inviting applications for the post. Departmental Respondents have pointed out that after selection, ~~if~~ Respondent No. 4 has taken up residence in the post village and has also provided rent free accommodation. In view of this, the above contention is held to be without any merit and is rejected.

4. The second contention of the applicant is that Respondent No. 4 has been selected because he has some relatives in the higher post of the Department. This submission can not be considered because the applicant has not indicated as to who are those highly placed relatives of Respondent No. 4 and how they have unfairly influenced the selection. On the contrary from the checklist it is noted that applicant has got 44.28% marks in HSC examination whereas the selected candidate Respondent No. 4 has got 68.13% of marks. Departmental instructions make it clear that amongst the eligible candidates person having highest percentage of marks in

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HSC examination must be taken to be most meritorious. In this case the most meritorious candidate has been selected and appointed. In view of the above, we do not find any illegality in the action of the Departmental Authorities.. The applicant is therefore, not entitled to any of the reliefs claimed by him in this O.A. The O.A. is accordingly rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SOM
VICE-CHAIRMAN

KNM/CM.

Four copies of
final order
of 13.3.2001 issued
to counsels for
both sides. Ph

S.O (T)
27/3/01