

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 4.9.2000/2.30 P.M.

1. In this Application seeking direction on the Respondents for consideration of his candidature for the post of E.D.A.A--cum-M.C., Sahadapara B.O. along with other sponsored candidates, the case of the applicant is that he applied for the post on 27.6.2000, but his application was not entertained by the respondents.

2. We have heard Shri N.Panda, learned counsel for the applicant and Shri J.K.Nayak, learned Addl. Standing Counsel for the Department.

3. Annexure-1, H.S.C. Certificate issued by the Board of Secondary Education, Orissa reveals that the applicant was born on 7.6.1982 and he passed that Examination in the 1st Division. Admittedly the post became vacant in July/97. The authorities in the Department requested the employment exchange for sponsoring names and employment exchange sponsored 40 candidates. But two candidates, viz., Gadadhar Nayak and Dinabandhu Biswal, whose names were not sponsored by the employment exchange preferred Original Application Nos.292/98 and 191/99, respectively, which have since been disposed of. These records would reveal that the last date fixed for receipt of applications was 13.8.1997.

4. Applicant claims that as he had completed 18 years of age on 7.6.2000 he applied for the post thereafter and the selection process has not yet taken place. Thus it is clear that by the last date fixed for receipt of applications, the applicant was about 15 years of age, i.e., under 18 years of age and therefore, was not eligible to be considered for appointment since the eligibility of age for the post in question, under the relevant rules is that candidates should not be under 18 years and not more than 65 years.

5. Shri N.Panda, the learned counsel for the applicant, however, submitted that in the case of Gadadhar Nayak and Dinabandhu Biswal, the High Court of Orissa directed the Department to consider their candidature, even if applications were received after the last date of receipt of applications. In this connection he filed order dated 7.9.1999 of the High Court passed in O.J.C. 9161/99 preferred by

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 Binabandhu Biswal, i.e. applicant in O.A. 191/99. This Writ Petition was disposed of at the admission stage itself with direction that in case the process of selection was not over, ^{and} the petitioner's application, though submitted after due date should be considered along with other applicants. We have verified the records of O.A. Nos. 191/99 and 292/98. The applicants therein were more than 18 years of age by 13.8.1997, the last date fixed for receipt of applications. Further, perusal of records in O.A. 292/98 would reveal that in that case in a Misc. Application the Department came up with a positive stand that the selection process was already over by 25.4.1998. Even if the selection process is not yet over, as pleaded and contended by the applicant in the case before us, he being not more than 18 years of age as on 13.8.1997, the last date of receipt of applications, would not be eligible to be considered for the post.

5. In the result, we do not see any merit in this Original Application which is dismissed not being admitted.

Somnath Majumdar
 VICE-CHAIRMAN
 4.9.2000

24.9.2000
 MEMBER (JUDICIAL)

Copies of order
 may be sent to
 the concerned
 authority.

*Received
 5.9.2000*
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*Received the
 Writ Petition 9161/99
 5.9.2000*