

O.A.No.397 of 2000

Order dated 12.03.2004.

Sri Santosh Kumar Rana, a candidate for the post of Extra Departmental Branch Postmaster of Baniapal Branch Post Office, has filed this Original Application under Sec. 19 of the Administrative Tribunals Act, 1985 seeking a direction to be issued to the Respondent No.2 to annul the appointment of Res.No.3 and thereafter, to appoint the applicant in the post of EDBPM of Baniapal Branch Post Office.

Facts of this case are that the applications were invited from the intending candidates for the post of Extra Departmental Branch Post Master of Baniapal Post Office; which was reserved in the first instance for ST category of candidate failing which the selection was to be made from out of OBC failing which SC; failing which the post will be treated as unreserved. This notification was issued on 11.5.1999. In response to which, applicant had submitted his candidature. His grievance is that he possessed all the requisite qualifications for the post and according to him he is more meritorious from amongst the candidates before the selection Board. His case is that he could not have been put second to any one. He, therefore, submits that his non-selection was an arbitrary action on the part of the Respondent No.2 and the same requires judicial intervention.

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Respondents have rebutted the allegations levelled by the Applicant stating that all total 18 candidates responded to the Notification and the case of each and every candidate was scrutinised in terms of the procedure prescribed for this purpose and to substantiate their averments, they have also produced before us the check-list in which the candidature of each and every candidates have been examined indicating their community to which they belong, the date of birth, marks obtained in HSC examn. landed property possessed, income of the candidates etc. After evaluating the communitywise distribution of the candidates, they first found that there was no three eligible candidates available either from ST or OBC or SC category and therefore, decided to select candidates under the general category and considered three candidates in terms of the marks obtained by them in HSC Exam. and these three candidates were:

1. Jagannath Swain (SEBC) : 33.85%
2. S.K.Rana (OBC) : 37.28%
3. Anirudha Sahoo (SEBC) : 40.05%

After verifying documents and other anticiidents in respect of these three candidates, appointing authority found Shri Anirudha Sahoo as most meritorious candidate and decided to appoint him to the post. It is also to be noted here that in the office note it has been mentioned that a complaint has been received against Shri S.K.Rana alleging his involment in CrI.case (ICC No. 505/1998) and has been released on bail and that the case was at that time pending before the learned Sub Divisional Judicial Magistrate, Jajpur. On

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enquiry they also found out that neither Shri Jagannath nor Anirudha belong to OBC category. Hence the selection was made to the post from amongst the OC category. Having regard to the above facts and circumstances of the case, we do not see any infirmity in the process of selection and therefore, we see no merit in this O.A.; which is accordingly rejected. No costs.

12/03/04
(MANORANJANA MOHANTY)
Member (Judicial)

12/3
(B.N. SOM)
Vice-Chairman