

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not filed

add to 16.3.2001

1  
(5.3.2001) REGN.

Dt. 16.3.2001

The learned counsel for the applicant prays for time to file rejoinder. Heard. Prayer allowed. Time granted till 9.4.2000 for rejoinder as last chance.

16/3/2001  
**REGISTRAR**

Rejoinder not filed.

13  
A.A. (1) Regn.

No court on 9.4.2001.  
posted to 27.4.01  
B

1. Rejoinder to counter of R-1 to 4 filed - copy served.

2. Counter not filed by Pvt. R-5

B  
26/4/01 Regn.

Ref. Registrar Court's order dt. 27.4.01

Pleadings completed

B  
15.5.01 Bona

Order dated 03.02.2004.

On the paper made on behalf of —  
Mr. R.C. Behera, Lr. counsel for the  
applicant, appearing to 10.02.2004.

*[Signature]*  
Vice Chairman (4)

*[Signature]*  
Vice-Chairman (5)

Order dated 10.2.2004

None appeared for the applicant. However, Shri B.Dash, learned Addl. Standing Counsel was present and with his aid and assistance we have perused the records placed before us.

The applicant in this O.A. has prayed for direction of this Tribunal to quash the selection and appointment of Res.No.5 to the post of EDBPM, Santribida B.O. and to direct the official respondents to conduct selection test afresh by giving an opportunity to all eligible candidates including the applicant.

Shri B.Das, learned Addl. Standing Counsel while submitting the facts of the case brought to our notice, that the applicant could not be selected for the post although he secured 64.66% marks in the H.S.C. Examination and belonged to OBC Community on the ground that he lacked in property ownership condition. They have stated that the income certificate that was produced by the applicant (Annexure-R/1 to the counter) was in the name of his father and that no income certificate/property certificate was submitted

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For admission and

hearing.

Bench

M  
28/6/01

For Admission

DS  
9/8/01

Bench

For Admission

DS  
14.9.01

Bench

On Memo

For hearing

DS  
7/2/02

Bench

For hearing

DS  
14/2/02

Bench

For hearing

ad to 18.3.02

1  
18.3.02

Bel

in his own name. In the circumstances, he failed to qualify for consideration for the post in terms of the recruitment rules published in this regard for the post of EDBPM.

While we see lot of force in the argument of Shri Dash that the candidature of the applicant suffered from the defect that he did not fulfil the income criteria for the purpose of selection for the post, we find that the Respondents have erred in selecting Res.5, i.e., Ashok Kumar Pradhan under OBC quota <sup>where</sup> whereas the said Ashok Kumar Pradhan submitted a certificate as belonging to SEBC community. As SEBC community has not been declared same as the OBC by the Central Government it was not apt on the part of the selecting authority to to give <sup>that</sup> concession, <sup>to any candidate</sup> which they have done in selecting Res.5 to the post.

In the aforesaid premises, we hold that the selection of Res.5 to the post of EDBPM was made in contravention of the vacancy notification for filling up of the said post and in the circumstances, we have no other option but to intervene and set aside the selection and appointment of Res.5 as EDBPM, Santribida B.O., which is hereby quashed/set aside. We further direct the Respondents to issue fresh notification inviting applications wherein the case of the applicant and Res.5 should also be considered provided they <sup>are</sup> ~~were~~ found to be eligible in all respects.

With this observation and direction,

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For [unclear]

we dispose of the O.A. No costs.

VICE-CHAIRMAN (J)

VICE-CHAIRMAN (A)

L  
30.1.04.

M

For [unclear]

add to 10.2.04

L  
5.2.04

M

Copies of court order  
be sent to the  
court in [unclear]

L  
20.2.04.

[Signature]  
S.O. 5.