

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order dated 04.02.2004.

At request by the Counsel for the  
applicant and as agreed by the  
opposite, adjourned to 10.02.04.

Wt. Chairman (A)

Wt. Chairman (B)

For hand  
sent to 10.2.04

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8.2.04

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Order dated 10.2.2004

Heard Shri D.R.Patnaik, learned  
counsel for the applicant and Shri S.Behera,  
Addl.Standing Counsel appearing for the  
Respondents.

The applicant in this O.A. has prayed  
for quashing the notification dated 24.10.2000  
issued by the Respondents-Department for  
filling up of the post of EDBPM, Kendudiha  
B.O. earmarking the said post for OBC candidate

It has been submitted by the  
Respondents that in response to the aforesaid  
notification, they had received 10 applications  
out of which only two candidates applied within  
the last date fixed for receipt of applications  
with requisite documents. They have further  
submitted that as the number of candidates  
in the zone of consideration was less than  
three, they were bound by the instructions of  
D.G.Posts to readvertise the vacancy. The  
grievance of the applicant is that the vacancy  
should not have been readvertised.

We have carefully considered the

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grievances of the applicant and found no substance in it, because, in terms of the policy decision of the Respondents-Department, no selection to the post of an E.D. Agent for the reserved category candidates should take place unless there are three effective applications for selection. In the instant case<sup>as</sup> the Respondents were left with two applications within the zone of consideration for filling up of the post of EDBPM as per policy decision, they were duty bound to readvertise the post and on this score they cannot be faulted.

For the reasons discussed above, while we do not feel inclined to interfere in the matter, we direct the Respondents-Department to complete the selection process by readvertising the post in question and observing all formalities within a period of three months from the date of receipt of this order and in the process, they shall take into consideration the candidature of the two applicants who were in the zone of consideration in pursuance of the vacancy circular dated 24.10.2002.

The O.A. is disposed of accordingly. No costs.

  
VICE-CHAIRMAN (J)

  
VICE-CHAIRMAN (A)