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04.5.7.1/2000

Order dated 23.1.2004

This Original Application has been filed by Shri Satrughna Pradhan, seeking direction to be issued to Respondents to issue an order of appointment appointing him as Photographer, Gr.II, for which he had appeared in a viva voce test in March, 1999. His grievance is that although he has learnt from the reliable source that he has been faired well in that selection, for the reasons best known to the Respondents, they have not yet issued any appointment letter.

The Respondents, by filing a detailed counter have denied the allegation levelled by the applicant. They have disclosed the reasons for not issuing any offer of appointment in favour of the applicant. The reason is that the applicant lacked in essential qualification (E.Q.II) i.e., lacking in possession of three years experience as indoor and outdoor photography, developing enlarging, copying and preparing of lantern slides. However, this matter, i.e., his lacking in EQ-II was taken up by them with the Department of Personnel & Training, which is the nodal authority in this matter in order to ascertain whether the Respondents have got powers to relax this condition for selection, if the applicant will be otherwise suitable for appointment. In response to this the Department of Personnel and Training vide their U.O. Note dated 7.2.2001 advised that essential qualification is not to be relaxed for any candidate. The said decision of the

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D.O.P.T. was also communicated by them to the National Commission for SC/ST vide their U.O. Note dated 9.3.2001, wherein they had further stated that the applicant could not be appointed to the post in question based on the recommendation of the DPC held in the month of January, 2000, because of the fact that he lacked in essential qualification, which could not be relaxed.

We have heard Shri D.Panigrahi, the learned counsel for the applicant and Shri S.B.Jena, learned Addl. Standing Counsel for the Respondents.

Having regard to the facts and circumstances of the case and submissions made before us during oral argument, we see no irregularity in the matter of selection made by the Selection Committee and in the said premises, we see no merit in this O.A., which is accordingly dismissed. No costs. 10

VICE-CHAIRMAN 23/01/04
MEMBER (JUDICIAL) 23/01/04