

6
CA 615/2000
06. 18.9.2001

Heard Shri P. Jena, Learned Counsel for the Petitioner and Shri S.B. Jena, Learned Additional Standing Counsel for the Respondents and perused the records.

2. In this original application the petitioner has prayed for a direction to the Respondents to appoint him as EDBPM, Pingua Branch Office. His second prayer is for a direction to respondents to consider him for the post of EDBPM, Chingudipal Branch Office. Respondents have filed counter opposing the prayer of the applicant and the applicant has filed rejoinder.

3. For the purpose of considering this petition it is not necessary to go into too many facts of this case. The admitted position is that the post of EDBPM, Pingua, Branch Office fell vacant on 28.12.1995 on account of superannuation of the regular incumbent. As the Employment Exchange did not sponsor any name, public notice was issued, in response to which seven candidates including the petitioner had applied for the post of EDBPM, Pingua Branch

Sim.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Office. It is also the admitted position that the applicant got 254 out of 700 marks in H.S.C. whereas one Shri Bimal Kumar Sahoo the selected candidate got the highest mark in H.S.C. i.e. 339 out of 700 marks amongst the seven candidates in the zone of consideration. Instructions of D.G. Posts provide that amongst the candidates in the zone of consideration the person securing the highest percentage of marks in the H.S.C should be adjudged the most meritorious. The respondents have therefore rightly selected Shri Bimal Kumar Sahoo who has secured the highest percentage of marks in H.S.C. examination and we find no illegality in selecting Bimal Kumar Sahoo as EDBPM, Pinguat Branch Office.

4. It is submitted by Shri Jena Learned Counsel for the petitioner that Shri Bimal Kumar Sahoo, the selected candidate filed a forged certificate in support of his date of birth and therefore he should not have been selected for the post. Respondents in their counter have stated in para 9 that the discrepancy in the date of birth is a separate issue and will be enquired into in due course. However, if any such allegation has been made, with regard to age discrepancy of Shri Bimal Kumar Sahoo, respondents are directed to cause an enquiry with

J. Dom

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

8 04 615/2000

regard to the truthfulness of the date of birth of Shri Sahoo within a period of 120 days from the date of receipt of the copy of this order and take appropriate action in accordance with law. The 1st prayer of the applicant^{to} appoint him to the post of EDBPM Pengua Branch Office is thus held to be without any merit and the same is accordingly rejected.

5. The second prayer of the applicant is for consideration of his candidature for the post of EDBPM , Chingudipal. From the counter it appears that the applicant was one of the candidates who was considered for the newly created post of EDBPM Chingudipal and in the process of selection one Shri Prasanta Kumar Pradhan having secured the highest percentage of marks in the H.S.C Examination was selected and appointed to that post. In view of this we find that no illegality has been committed by the departmental authorities in selecting Shri Pradhan to the post of EDBPM, Chingudipal Branch Office.

6. In view of this the 2nd prayer of the applicant to consider his candidature for the post of EDBPM, Chingudipal Branch Office having been met by the departmental authorities, this prayer does not survive any more.

J. Nam.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copies of final
order of 18.9.01
issued to counsel
for both sides.

12
29/9/01

From
S.O.C)

7. In the result, we hold that the applicant is not entitled to any of the reliefs prayed for in this O.A. which is accordingly rejected, but without any order as to costs.

Domini
Vice-Chairman
18.9.01

Member (Judicial)