

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 11.02.2004

In this case the applicant has challenged the appointment of private Respondent No.3 to the post of EDBPM, Saria Branch Office.

Pursuant to the advertisement, the applicant, Res.No.3 along with others submitted their applications and subsequently there was verification of documents filed by each and every candidate and the applicant's case could not be considered even though undisputedly he secured the highest percentage of marks for want of income certificate. The applicant has claimed to have submitted the income certificate by enclosing the same to his application whereas the official respondents have disputed the receipt of said income certificate. The matter was enquired into and since the income certificate could not be traced out the applicant's name was not considered at the time of selection of the candidature for the post of EDBPM, Saria B.O. It is seen that on an earlier occasion some other candidate, viz., (Res.No.3) in this case filed a case before this Tribunal being O.A.No.566/99 which was disposed of on 5.5.2000, wherein it was indicated that the present applicant though secured the highest marks since he did not enclose the income certificate, therefore, his case could not be considered by the official respondents. Thereafter the applicant has filed this case for appropriate direction

17

against the official respondents, sometimes after he filed an application for review of the order dated 5.5.2000 passed in O.A.No.566/99. But this Court, after consideration of the merits dismissed the R.A. by upholding the order/judgment passed in O.A.566/99. In the aforesaid order the fact in issue after we examined, it is noticed that whether the present applicant had submitted income certificate along with his application. The original file was summoned and after verification of the original file it was noted that the income certificate was missing. In other words, it was not enclosed along with his application. Therefore, since in this case such an identical issue has been raised, it would be impropriety further for us to embark upon such an inquiry as to whether such income certificate was enclosed or not. Shri T. Rath, the learned counsel for the applicant has submitted that order recorded in the Review Application, the applicant did not file any appeal before the Hon'ble High Court and the applicant remained satisfied with adverse order passed on the R.A. It is true that the applicant secured the highest mark in the H.S.C.Examination, but that is not itself the sole criterion while selecting the candidate to the post of EDBPM. Since the Res.No.3 having secured the 2nd highest marks (and the applicant having not fulfilled all the conditions) the propriety of appointment of Res.No.3 cannot be questioned.

In the result, O.A. is dismissed. No costs.

B. S. Rath
VICE-CHAIRMAN(J)

H. S. Rath
VICE-CHAIRMAN(A)

Copy to all
may be sent to
the concerned
H. S. Rath