

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order dated 10.2.2004

In this application the applicant has challenged the validity with regard to appointment of Res.No.4 to the post of EDBPM, Kodamani B.O.

Pursuant to an advertisement, the applicant, Res.No.4 and others had submitted their applications. Accordingly the respective candidates submitted not only the application but also the other documents. But for the reasons best known to the official respondents they had issued a fresh notification inviting more number of applications for the aforesaid post; as a result some other candidates also filed their applications. Later on the matter was examined by the official respondents and Res.4 was thereafter found to have been selected for the post of EDBPM, Kodamani B.O. The private respondent No.4 has not filed any reply whereas the official respondents have filed reply to the application virtually denying the averments made therein. They have taken a stand that since on the first occasion there were less ~~number~~ <sup>than</sup> of three candidates from OBC category, therefore, the administration deemed it proper for readvertisement to invite more number of applicants from the OBC category. After such readvertisement a number of applications from the OBC category were received and the matter was processed and accordingly merit list was prepared, in which Res.No.4 was found to have possessed better

7

academic career and also he possessed landed property for being appointed as EDBPM.

Shri S.K.Josi, the learned counsel appearing for the applicant has advanced his contention by stating that the private respondent did not possess the requisite qualification on the date when there was advertisement made by the official respondents. Subsequent acquisition of such qualification, it is submitted by Shri Josi does not confer any right on the private Res.4 ~~for~~ either for being considered or appointed to the said post of EDBPM. It has been further submitted that no sufficient ground has been assigned by the Respondents as to why for the 2nd time they issued the advertisement inviting more number of applications whereas on the 1st occasion/when the applicant submitted his application, according to him he was most suitable candidate compared to others, but the official respondents with a step-motherly attitude only to exclude him from the field have issued the fresh advertisement and without any adequate reason appointed the private respondent as EDBPM. Shri Josi again submitted that the private Respondent did not possess the landed property in the village so that she could not have been eligible for being appointed for the post of EDBPM.

Shri A.K.Bose, the learned counsel appearing for the Respondents has invited our attention/that by ~~the~~ <sup>at the</sup> time of receiving applications from different candidates, the applicant as well as private Res.No.4

had the requisite qualifications as a result they had been asked to produce their respective certificates. The application was invited on 10.4.2000 and on the 2nd occasion on 6.11.2000. On 21.11.2000, the Respondents No.2 examined the documents produced by the candidates ~~apply~~ for the purpose of selection. At the time of scrutiny of the documents, it was found that private Respondent did possess land in her name. Since the private respondent possessed better academic career and also landed property in her name, the official respondents therefore had chosen Res.No.4 instead of the applicant.

After hearing the learned counsel appearing for both parties and also on perusal of grounds stated in the application as well as in the reply, we have also

*Copy of order  
of 10/2/04 issued  
to the counsel  
for both sides.*

W  
S 16/2/04  
PJ  
10/2/04

After hearing the learned counsel appearing for both parties and also on perusal of grounds stated in the application as well as in the reply, we have also gone through the check sheet wherein we found that the applicant secured 44.11% marks in the H.S.C.Examination whereas private Res.No.4 secured 47.61% marks. Therefore, obviously she possessed a better academic career. It is also noticed that by the time of submission of her application she(Res.No.4) satisfied the official respondents to have possessed 0.50 acres of land. Since she qualified in all respects, we do not find either any illegality or irregularity in selecting her to the post of EDBPM, Kodamani B.O. Since the applicant was not selected on account of having secured less marks we do not see any reason to interfere in the matter.

Accordingly, the O.A. is dismissed. No costs.

*B*  
VICE-CHAIRMAN(J)

*S*  
VICE-CHAIRMAN(A)