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O.A.NO. 156/2001.

ORDER DA TED 06-09- 200 2.

Shorn of unnecessary details, it would suffice to say that in order to fill-up the post of Extra Departmental Branch Post Master, Kulana Branch Post Office (after superannuation of the regular incumbent of the post) local notification was issued by the Respondent No.2 under Annexure- 2 dated 3-XI-2000 calling for applications from the intending candidates fixing the last date of receipt of applications as 24-11-2000. Simultaneously, requisition was also made to the District Employment Officer, Bhadrak on the same date to sponsor suitable names for the post. In the Notification, the post was reserved for ST community and it was also made clear in the said notification that in case of nonavailability of suitable ST candidate for the post, candidature of OC candidates will be taken into consideration. Applicant, being an OC candidate, having applied for the post in question, has filed this Original Application, under section 19 of the Administrative Tribunals Act, 1985 mainly challenging the reservation of the said vacancy in favour of ST community.

Advocate for the Applicant has raised a point, at the hearing, that since this is a single vacancy, the same could not have been kept reserved for any community and that the same should have

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been kept open for every body.

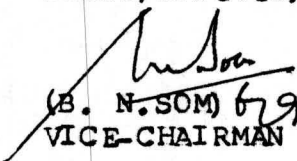
To this, it has been clarified in the counter by the Respondents that roster is being maintained taking into consideration the entire posts/vacancies in the category of EDAs in a Division and since there are 100% short-fall in the category of ST community in the Division, steps were taken in notifying this post, in question, to be filled up by ST community. However, it was made clear that in the absence of suitable ST candidate, the post will be kept open for everybody/ OC candidates. In view of the explanations given in the counter that roster is being maintain taking into consideration the posts/vacancies in a Division in the category of EDAs, we found no mistake in notifying the vacancy under Annexure-2 dated 3-X I- 2000 for the ST community.

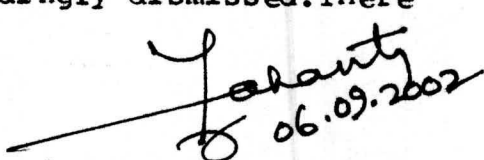
Mr. A.K. Bose, learned Senior Standing Counsel for the Union of India, appearing for the Respondents has intimated us that in response to the Advt. under Annexure-2, about fifteen ST candidates have furnished their candidatures. Thus, it can not be said that adequate number of ST candidates are not available. Since 15 numbers of ST candidates are available to be considered for the post in question, the case of the Applicant, who is a OC candidate, can only be considered if all the ST candidates are found unsuitable.

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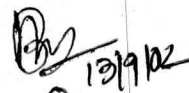
In the aforesaid premises, there is no merit in this case, which is accordingly dismissed. There shall, however, be no order as to costs.

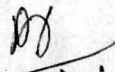

(B. N. SOM) 6/9/2002
VICE-CHAIRMAN

 06.09.2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

KNM/CM.

Copy of order
dt-6-9-02 issued
to the Counsel
for both sides.

 13/9/02
S.O.

 13/9/02