

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On. dt. 15.3.04

Copies of order
prepared for counsels
for both side.

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16/3
S 2 (5)

ORDER DATED: 15.03.2004.

Non-selection of the Applicant, and selection of the Respondent No.4 (Madhusudan Lenka) to the post of E.D.M.C./G.D.S.M.C. of Keshapur Branch Post Office, in account of Gujdarada Sub Post Office, is under challenge in this Original Application under section 19 of the A.T. Act, 1985. The sum and substance of the ground of challenge of the Applicant is that under the Rules/instructions, percentage of mark is the criteria for selection to the post in question, and even though he had secured highest marks among the candidates in the matriculation examination, he was not selected and Respondent No.4 was selected to the post with ulterior motive. In order to substantiate his averments, he has also given the marks secured by him in the matriculation examination which is 372 marks out of 800 and the marks of Respondent No.4 i.e. 342 out of 800 marks. Therefore, in this Original Application he has prayed for quashing of the selection and appointment of Respondent No.4 and for adjudication to the Respondents to select and appoint the applicant in the said post.

2. Respondents, by filing their counter, have stated that though the Applicant secured the highest marks from amongst the candidates in the fry of selection as he has not fulfilled all the conditions required and advertised, he was not selected

and appointed and the Respondent No. 4 was selected having been secured highest marks fulfilling all the conditions. They have also filed the checklist of the candidates, we have perused the same.

Heard learned counsel for both sides and perused the records. The question that arises for consideration is as to whether the applicant has secured the highest marks in the matriculation examination amongst the candidates before the selection having all required conditions and if it is not, the reason of his nonselecting. For determining this, first we would like to see the advertisement which is under Annexure-R/5 dated 6-6-2000 and as regards the eligibility condition it provides as under:-

i) Must have passed Class-VIII standard. Matriculation or equivalent examination are preferred. (No weightage is given for higher qualification than Matriculation);

ii) Must be within 18 to 65 years of age as on the last date of application;

iii) The candidate must reside near the place of his work. If the candidate belonging to the village beyond the jurisdiction of the post office, he must take up his residence in the post village or its adjacent village before his appointment in the post;

iv) Must be known cycling and possess one bi-cycle."

In the said advertisement it was also provided that the candidate, should furnish the following documents alongwith his/her application; such as:-

(i) An attested copy of SLC of College Leaving Certificate;

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(ii) An attested copy of the mark-sheet of matriculation examination/examination of prescribed standard i.e. Class VIII passed;

(iii) Two character Certificates from two different Gazetted Officers in original;

(iv) Attested copy of Residential Certificate issued by the concerned Revenue Authority not below the rank of Tahsildar;

(v) Caste Certificate in case the candidate belongs to reserved community (SC/ST/OBC) issued by the Competent Authority;

(vi) Declaration to take up residence in the village served by Keshapur Post Office".

4. It is an admitted fact that the Applicant is not a post village candidate. Therefore, as per the advertisement, he has to submit a declaration to the effect that in the event of his selection to the post, he will take up residence and/or he has to furnish a consent letter from a house owner of the post village that he/she is willing to allow the applicant to stay in his/her house on rent etc. But as it is evident from the check-sheet produced by the Respondents under Annexure-R/l, in Column-10 'Document wanting' it has been written that he had not produced the declaration to take up residence and written consent of the person belongs to the area of the EDB. But it is a fact that the applicant has secured more marks than the Respondent No. 4 in the Matriculation examination. Unless an applicant/a candidate furnish all the required documents, his application is liable to be rejected.

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and that is what the Respondents have done in the present case. Since the applicant has not fulfilled all the conditions, merely because he has secured highest marks in the matriculation examination cannot claim to be selected for the post. Therefore, there is no wrong in the action of the Respondents in selecting and appointing Respondent No. 4 to the post in question.

5. We, therefore, find no merit in this Original Application which is accordingly rejected. There shall be no order as to costs.

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(B. N. SOM)
VICE-CHAIRMAN

sel
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)