

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Or. St. 10.12.02

Rejoinder not filed.  
for further orders.

h  
6/11/03Bind

for admission  
and hearing  
(Rejoinder not  
filed).

h  
24/13BindOr. St. 25.03.04

for admission  
and hearing.  
(Rejoinder not  
filed).

h  
1/4BindOr. St. 21.4.04

for admission  
& hearing.  
(Rejoinder not  
filed).

h  
21/4/04BindOrder dated 29.4.2004

Heard Shri the learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel appearing on behalf of the Respondents and perused the materials available on record.

By filing this Original Application, applicant Shri Chinmay Kumar Rout has agitated his grievance that even though the post of EDDA, Ambasol B.O. was advertised to be filled up by the candidates belonging to general category, but the Respondents-Department in deviation to this, appointed Respondent No.5 (Shri Suryakanta Maharana) who belongs to OBC community and this is how being aggrieved with the said selection made by the Respondents-Department, he has approached this Tribunal for redressal of his grievance.

The Respondents-Department, by filing a detailed counter have submitted that in order to fill up the post of EDDA, Ambasol B.C., Employment Exchange, Jagatsinghpur was requested vide letter dated 17.1.2001 and simultaneously, on the same date public notification was also issued inviting applications from the general public. It is their case that the post in question was unreserved and the vacancy circular 60 applications were received. The candidates, who responded to the vacancy circular, as per the check sheet submitted by the Respondents at Annexure-R/3 belong to all the categories, viz., OC/OBC/SEBC/SC. Final selection was made out

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On. Dr. 12. 04. 04

for Hearing.

(Respondent not found)

114

Decided

On. Dr. 19. 4. 04

for Hearing.

(Respondent not found)

28/4

Decided

On. Dr. 29. 4. 04

Copies of book  
prepared for counsel  
for both sides.

✓  
SDG

of these candidates and on the basis of merit rating of Res.5, he was offered with appointment. The applicant, who is aggrieved with this matter was also considered, but he having secured 55.33% marks in the H.S.C. was not selected. It is also the categorical submission of Respondents-Department, that there were many other candidates, who were placed above the applicant in order of merit. During oral argument, the learned counsel for the applicant submitted that as the vacancy was not notified to have been reserved for OBC, Res. No.5, who belongs to OBC category should not have been selected. Shri A.K. Bose, learned Senior Standing Counsel, on the other hand, submitted that when a post is not reserved for any particular community, as per the procedure laid down in this regard, a candidate belonging to any community can be appointed provided on merit he is the best one, and in the instant case Res. No.5 who belongs to OBC community having secured the highest marks, i.e., 70.40% amongst all the candidates was selected irrespective of race, caste and creed to which he belongs. It is also admitted by the learned counsel for the applicant that in the event the selection and appointment of Res. No.5 is quashed he has no chance to get the appointment as there are many other candidates having secured more marks than him are above him in the check list.

Having regard to what has been discussed above, we find that this O.A. ipso

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facto m is unfounded and misconceived. In the result, we dismiss the same being devoided of merit. No costs.

*hkh*  
VICE-CHAIRMAN

*hkh*  
MEMBER (JUDICIAL)