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O.A.No. 438 of 2001.

ORDER DT. 06.10.2005.

The grievance of the Applicant, as raised in the present Original Application under section 19 of the Administrative Tribunals Act, 1985, is that his name was sponsored by the Employment Exchange for the post of Research Assistant in the Regional Medical Research Centre at Chandrasekharpur/Bhubaneswar. He accordingly, was to face the interview that was fixed to be held on 28.11.2000, as per the intimation dated 08.11.2000 issued to him. It is the case of the Applicant that on the said date only verification of his testimonials/documents were made and no interview were taken and, finally, the Respondent No.5, who was continuing as Laboratory Assistant under the Respondents was selected. It is the case of the Applicant that, in deviating the Rules governing the field with regard to filling up of the post of Research Assistant, the Respondent No.5 (although he did not have the requisite qualification of M.Sc in Life Science), was selected and appointed as Research Assistant. It has been alleged that the Respondent No.5 was also not eligible to sit in the interview; for he was over aged. It is the further case of the Applicant that although more meritorious candidates were available, being sponsored by the Employment Exchange, their cases were not considered and that, the Respondent Department, by resorting

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to illegal and arbitrary method of recruitment for the post of Research Assistant, have selected and appointed Respondent No.5 to the post in question. It is his case that he, having not received any response with reference to his repeated representations, has filed this Original Application with the following prayer:-

“Admit this application, call for the records from the Respondents and after hearing quash the impugned order of appointment of Respondent No.5 as Research Assistant vide Annexure-3 and further declare the recruitment process for selection and appointment of the candidates for the post of Research Assistant and ultimately selecting and appointing Respondent No.5, adopted by Respondent Nos. 3 and 4 as illegal and contrary to the norms in the procedure indicated by Respondent No.2 and also against the procedures as per the office Memorandum of the Department of Personnel and Training vide Annexure-5;

And/or to pass such other appropriate order/orders as this Learned Tribunal deems just and equitable”.

2. The explanation of the Respondent-Department, in their counter, is that the there is no iota of truth on the averments made by the Applicant in his Original Application. They have stated that there was no illegality in the process of selection and all the norms/procedures were strictly adhered to. They have stated that the post of Research Assistant is required to be filled up by Direct Recruitment method from amongst the candidates (sponsored by Employment Exchange or through open advertisement) having educational qualification of Post Graduate degree in relevant subject and the maximum age limit for open market

12

candidates were fixed to 28, for departmental candidate it was 40 years and for OBC it was fixed to 43 years. The educational qualification for the post was Post Graduate Degree in Zoology/Life Science. As per the Rules under the Chairmanship of Director of RMRC, Bhubaneswar, a five members Selection Committee was constituted comprising of Senior Scientists and eminent Professors of University and Govt. Institution. The selection Board assessed the cases of six candidates sponsored by the employment exchange and one department candidate, by conducting an interview on 28.11.2000. The said Selection Committee recommended the case of Respondent No.5 to be more meritorious he being M.Sc in Zoology (with first class) from Utkal University. As regards the age, it has been stated that the departmental candidate was within the age limit of 40 years; his date of birth being 18th May, 1961. It has been stated that as there was no illegality in any manner and the case of the Applicant received due consideration and ultimately, Respondent No.5 was found to be more meritorious and was recommended by the Selection Committee, there is no reason for this Tribunal to interfere in the said recruitment.

3. After having heard the Parties, we have gone through the materials placed on record. On perusal of the materials placed on record, we find nothing wrong in the selection conducted by the Respondent-Department. We also see no substance on the allegations leveled by the

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Applicant in his Original Application. No materials have also been placed by the Applicant to substantiate the allegations leveled by him.

4. We also see that although the Applicant has raised his grievance that favouritism has been shown to Respondent No.5, it has not been specified as to which member of the Committee has shown favouritism and of what type; nor the members of the Selection Committee have been made party to this case to have their say in the matter. Mere allegation of favouritism is not enough; one must substantiate the same. In the present case, the Applicant has miserably failed to substantiate any of his allegations.

5. In the above view of the matter, we find no reason to interfere. The OA , accordingly, stands dismissed. No costs.

Indra
(B.N.SOM)
VICE-CHAIRMAN

*Parash
06.10.05*
(M.R.MOHANTY)
MEMBER(JUDICIAL)