

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 22.4.04

Learned Counsel for the applicant is on accommodation. To give one more opportunity to the applicant, adjourned to 10.5.04 for taking of rejoinder, if any.

Domini 2
24/4/04

REGISTRAR

Rajaminder not filed.

Registrary

MY
7/5/04

dt. 10.5.04

The applicant is absent on call. No steps taken to file rejoinder. Today the learned counsel for applicant is on accommodation.

Hence call on 28.5.2004 for rejoinder.

Domini 2
10/5/04

REGISTRAR

For admission and final hearing.

Bunch

MY

2/11/04

For admission and hearing.

MY

Bunch

25/11/04 For admission and hearing.

MY

Bunch

dt. 20.12.2004.

On the request of Ld. Counsel for the Applicant, call this matter on 10.1.05.

In
Members

MR. Chandra

Order Dated 10.01.05

Heard Mr. S.J. Nanda, Ld. Counsel appearing for the Applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel appearing for the Respondents.

By filing this O.A the applicant has ventilated his grievance to the effect that as per the vacancy notification although the Respondents have prescribed an entry pass for taking written test for the post of Laboratory Attendant but actually no such written test was carried out and thereby the selection procedure, being vitiated, is liable to be set-aside. It is his further submission that as per the Rules the result of the selection should have been intimated to the Local Employment Exchange within a period of 15 days, but the same has not been done by the Respondents.

The Respondents by filing a written counter have contested this O.A. They have categorically submitted that nowhere it was mentioned in the advertisement that a written test would be/would not be conducted for any of the posts. They have also submitted that it is the prerogative of the employer to decide the selection procedure depending upon the job requirement so as to select the best among the candidates.

007 396/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admission of
hearing

Burch

Mr
12/12/04

For hearing

Burch

Mr
7/1/05

Copy to order of 10/1/05
forwarded to the Council for
both male

S.O. 1/1/05

Mr
24/1/05

They have further submitted that in response to the vacancy circular as many as 540 applications were received, out of which 373 ^{here} presented for the test. In the first phase of physical test all of them were asked to carry a certain load through certain distance within a specified time. The second phase of test was "group obstacle" test which was a combination of physical prowess, intelligence and intra-group cooperation. The applicant participated in those tests and qualified in the first phase of physical test and participated in the second phase but in overall assessment he was not found meritorious enough to be selected to the post.

Those being the facts of the case and as the vacancy circular does not postulate that any written examination to be taken for selection to the post in question it cannot be the case of the applicant to say that without taking the written test the Respondents were prohibited ^{from} making selection. In view of the above facts and circumstances of the case, we see no merit in this O.A which is accordingly dismissed. No costs.

Member (Judicial)

Vice-Chairman

10/1/05