

5
Respondent not
filed.

16/12 Bench

On Memo

MA 643/03 for
app. orders
copy has been
served.

27/12 Bench

Or. dt. 22.4.03

Copies of order
prepared for counsels
for both sides & one
copy has been received
by the Petwr.

23/4
Received copy -
of order 22/4/03
Sukanta Kumar Mohanty
23/4/03

Identified
RJ (23-10-03)
Sukanta Kumar
Petwr
for Petwr

Copies of order
dt. 22.4.03 sent to
all resp'ts.

(OA. 201/02)
receive due consideration in course of the
recruitment in question giving him due
preference for his past experience and his
physical condition. Therefore, the Respondents
should complete the selection process notwithstanding
the pendency of this original Application.
But however, the selection and appointment of
GDSMC in the Branch post office, in question,
shall abide by the result of this case. In
otherw-rds, the Respondents, while giving
appointment to any selected candidate, should
clearly intimate to him/her that the said
appointment shall be subject to the result
of original Application No. 201/2002.

Send copies of this order to the
Applicant and Respondents in the address given
in this OA and free copies of this order be
given to learned counsel for both sides.

Member (Judicial)
xxxx

Order dated 6.5.2004

Heard Shri B.K.Mohanty, learned counsel
for the applicant and Shri S.B.Jena, learned
Addl. Standing Counsel appearing on behalf of the
Respondents.

Applicant, Shri Sukanta Kumar Mohanty,
has filed this application seeking direction to
be issued to Respondents-Department to appoint
him to the post of G.D.S.M.C., Mahuduma on the
ground that he had acquired experience having
worked in the post office and was very eminent
suited for the said post, advertised by the

Convenor 26/1/04
copy served.
(Re-consider not filed.
For hearing.

Bhaw
5/9/04

Respondents vide their order dated 18.2.2002. It is his case that he fulfills all other conditions for appointment to the post and also comes within the preferential category on the ground that he is physically handicapped(deaf). The Respondents, however, contested the application on the ground that for recruitment to the post of G.D.S.M.C. past experience of working as substitute in the Post Office does not confer any right for regular absorption in the post. They have also pointed out that the post in question has not been earmarked for any particular community and therefore, the applicant has to compete on merit with all other candidates, who had responded to the advertisement. They have also disclosed that pursuant to advertisement they had, in all, received 56 applications, including that of the applicant and having worked out the inter se merit of each of the candidate, they did not find that the applicant had any fair chance for selection, because, whereas he had obtained 260 marks in the H.S.C. Examination, there were several other candidates, who had secured more than 260 marks in the H.S.C. Exam., and in the processes they selected a candidate at Sl.No.55 of the check list, viz., Rajeswar Rout, being the most meritorious amongst the candidates considered for the post. The Respondents have, however, submitted that as the applicant in this O.A. is a physically handicapped person and there is a provision of

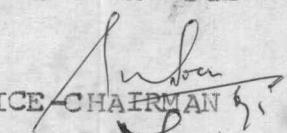
Copies of order dt 6/1/04
issued to convenor for
both sides.

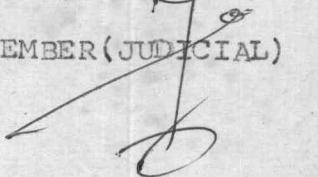
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26/9/04.

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making 3% of the total G.D.S. posts earmarked at the rate of 1% each in three different categories, viz., Blind, deaf and orthopaedically handicapped, and as and when they will decide to earmark a particular post to be offered to physically handicapped person, like that of the applicant herein, they will call for applications and in the process, the applicant's case can be considered if he submits his application.

Having regard to the submissions made by the learned counsel of both the sides and having taken note of the pleadings of the parties, as well as the commitment given by the Respondents that as and when the post will be earmarked for the physically handicapped, the applicant will also have an opportunity to participate in the selection, we find ~~that~~ no legal infirmity in the process of selection undertaken by the Respondents-Department for the post in question and accordingly, we dispose of this O.A. in keeping with the commitment given by the Respondents that as and when a post in the category of physically handicapped quota (deaf) will be advertised, the case of the applicant will be considered on merits, provided he applies for the said post. No costs.


VICE CHAIRMAN


MEMBER (JUDICIAL)