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O.A. No.711/2006

ORDER DATED 13<sup>th</sup> JULY, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

Sri Nibas Ranjan Jena..... Applicant.

V.

Union of India & Ors. .... Respondents.

Relying on the selection conducted on 27.09.2006 for appointment to the post of Computer Assistant T-3 and challenging the appointment of Respondent No.5 to the post of Computer Assistant T-3, the Original Application has been filed by the applicant with the following prayer:-

- “(i) To quash the selection of Respondent No.5 to the post of Computer Assistant, T-3;
- (ii) To direct the Respondents to appoint the candidate strictly in accordance with the merit position secured by the candidate in the selection conducted on 27.09.06 for the post in question.
- (iii) To direct the Respondents to allow some time to the Applicant to produce the B.Sc certificate in case it is found that he has secured the highest marks in the interview conducted by the Respondents.
- (iv) To pass any other order/orders as deemed fit and proper.”

2. This Tribunal admitted this O.A. and ordered notice to the Respondents. At the time of admission, this Tribunal passed an interim order on 13.10.06 “...that no



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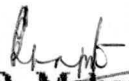
appointment to the post of Computer Assistant T-3 should be made till 30.10.06." However, the said order was vacated by the order dated 28.11.06. Thereafter, in pursuance to the notice issued by the Tribunal, counter has been filed for and on behalf of the Respondents including Respondent No.5, the contesting Respondent in this case. It is stated in the counter filed for and on behalf of the Official Respondents that as per Annexure-A/4 advertisement a person shall have the degree of B.Sc (Computer Application)/Bachelor in Computer Application/Post Graduate Diploma in Computer Application, and two years experience in handling agri-based data on computer was prescribed as desirable qualification. Though the applicant had applied for the post of Computer Assistant (T-3), he had not submitted B.Sc Degree certificate. At the time of examination even though he was allowed to appear in the examination, he had not furnished the B.Sc certificate. He was also not selected on the basis of the selection made for the post of Computer Assistant (T-3). It is further stated in the counter that the Respondents No.5 had appeared in the interview and produced the B.Sc certificate and therefore he was selected.

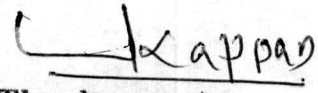
3. We have considered the averments contained in the O.A. and the contentions raised therein and also the counter filed for and on behalf of the Official Respondents as well as Respondents No.5. We have heard Mr. S.B. Jena, Ld. Counsel for the Department and also perused the documents produced before us.

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4. As per Annexure-A/4 advertisement a person shall have the degree of B.Sc (Computer Application)/Bachelor in Computer Application/Post Graduate Diploma in Computer Application and two years experience in handling agri-based data on computer was prescribed as desirable qualification. Even though the applicant was allowed to appear in the examination, but he could not produce B.Sc (Computer Application)/Bachelor in Computer Application/Post Graduate Diploma in Computer Application. Therefore, he could not be selected. The further question to be considered is that whether a direction can be issued to the Respondents to wait for some time to make appointment till the applicant produces the B.Sc (Computer Application)/Bachelor in Computer Application/Post Graduate Diploma in Computer Application at this stage. It is the Department to give time or not. But the applicant has to face the consequence of non-production of the B.Sc certificate and the selected candidate has to be appointed.

5. In the above circumstances, the applicant has no claim in the O.A. Accordingly, this O.A. is dismissed as meritless. No order for costs.

  
(C. R. Mohapatra)  
Administrative Member

  
(K. Thankappan)  
Judicial Member