

F THE REGISTRY

ORDERS OF THE TRIBUNAL

On - Dt. - 13.07.04

Copies 2 order
prepared for counsel
for both side.

*Sw. 11/11
S. (5)*

ORDER DATED 13-07-2004

Sri Ajit Kumar Panda has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 assailing the selection of the Respondent No.3 to the post of GDS BPM of Bataguda Branch Post Office on the ground that he is more meritorious and even though he has secured more percentage of marks in the HSC examination than the Respondent No.3, he was not, illegally, selected. He has further alleged that the Respondent No.3 has no income from immovable property; whereas he has got substantial income from other sources.

The facts of this case are not disputed by the Respondents. However, they have categorically submitted that in the final selection, they had considered the candidature of four eligible candidates, including the applicant and it is not a fact that the applicant was the highest mark holder among these four candidates. It has been submitted by the Respondents that the Applicant has secured 34.36% of marks in the HSC examination; whereas, the Respondent No.3 has secured 42.13% of marks in the said examination. It is also disputed by the Respondents that the selected candidate did not have the landed property in his own name and in support of their submission, they have indicated the registered sale deed number ~~gxt~~ of the property standing in the

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name of the Respondent No.3. They have submitted that the candidature of the applicant was rejected on the ground that as per the report received from the Sarapancha, Bataguda, he was involved in a police case no.30 of 2001 and that the matter was pending before the learned SDJM Court, Baliguda. They have also pointed out that the applicant in his application against Col. No.12(g) did not disclose that he was involved in any Crl. case. Thus, the application submitted by the applicant contains false declaration and suppression of material fact which rendered him ineligible for consideration to the post in question.

In view of the facts as brought out by the Respondents in their counter, which has also not been refuted by the Applicant by submitting rejoinder, we see no merit in this O.A. which is accordingly dismissed.

In view of the above we also do not find it necessary to discuss the two case laws, namely, O.A. No.302 of 1997 decided on 6.5.2002 directing to consider the case of applicant for appointment when he was not actually convicted and the decision rendered in OA No.481 of 1994 decided on 6.12.1994 holding that the one who had Matriculation passed in one attempt is preferable than another who scored higher marks by compartmental examination.

MEMBER (JUDICIAL)

Subba
VICE-CHAIRMAN/3/2