

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

O.A. 886 OF 1996

DATE OF ORDER: 27.04.05

Present: Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. N.D. Dayal, Administrative Member.

Paban Kumar Pal

- versus -

Post

For the applicant : Mr. K. Chakraborty, counsel.
For the respondents : Mr. B.K. Chatterjee, counsel.

O R D E R

PER JUSTICE B. PANIGRAHI, VC

Pursuant to the advertisement for the post of EDBPM in the Dwarhatta Branch Office, the applicant as well as many other candidates submitted their applications. The respondent authorities accordingly made a bio-data verification whereupon the Pvt. Respondent No.6 was given appointment to the said post. The applicant being aggrieved by such appointment has filed this case.

2. Mr. Chakraborty, ld. counsel appearing for the applicant has submitted that although his client secured higher marks in the Madhyamik Examination, but his marks were ignored and on the contrary, the Pvt Respondent No.6 who secured lesser marks was given appointment to the said post.

3. Mr. Chatterjee, ld. counsel appearing for the official respondents has submitted that it is true that the applicant has secured maximum marks but that included the marks obtained by him in additional subjects. The extant rules provide that marks secured by the

B. Panigrahi

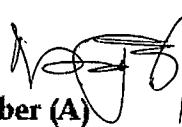
candidates in the additional subjects should be ignored and the marks whatever obtained in the compulsory subjects, that alone is the decisive factor for considering the case of individual candidate. We have carefully gone through the marks secured by the applicant as well as the Pvt. Respondent No.6. In all compulsory subjects it is noticed that Pvt. Respondent No.6, secured higher marks than that of the applicant and accordingly the official respondents were obliged to select him in the post of EDBM, Dwaihatta, Branch Office. Therefore, his selection cannot be questioned by the applicant.

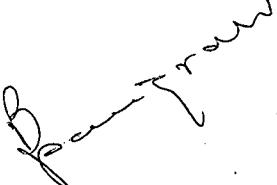
4. Mr. Chakraborty, Id. counsel has advanced another contention by stating that in the meanwhile the Pvt. respondent No.6 has already left service and joined elsewhere and the post is lying vacant and, therefore, the applicant should be given a chance to work against the aforesaid vacant post.

5. Mr. Chatterjee, Id. counsel while repelling the aforesaid contention has submitted that since selection process was already over, no such direction can be given in favour of the applicant for giving him appointment against the vacant post.

6. In the event the post is at present lying vacant, it is open to the respondent authorities to fill up the post in accordance with extant rules and if the applicant applies for the post and he is found eligible, then his case should also be considered along with others.

7. With the above observation, the application is dismissed. No costs.


Member (A)


Vice-Chairman.