

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9510 of 2010

Itishree Sahoo

....

Petitioner

Mr. N. Panda, Advocate

-versus-

State of Orissa and others

.... ***Opposite Parties***

Mr. S.N. Das, A.S.C.

**CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUTRAY**

**ORDER
07.03.2022**

Order No.

B.P. Routray, J.

09.

1. Present writ petition is directed assailing the order dated 7th April, 2010 of the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3367(C) of 2009.

2. The Petitioner was selected for the post of Pharmacist in the Office of the CDMO, Bhadrak as per the selection list of the year 2005. She was placed at Serial No.12. The candidate placed upto Serial No.11 were given appointment during the year 2006. Subsequently one of the candidates, namely, Rabindra Kumar Sukla placed at Serial No.2 in the merit list was found to have submitted fake certificates and as such he resigned from services. Consequently, the Petitioner was given appointment and she joined on 13th August, 2008. At the time of joining she had furnished an undertaking to the effect that she will not claim any benefit retrospectively.

3. Praying to give her all the benefits from the year 2006 when other candidates in the merit list had joined, the Petitioner approached the OAT. The learned Tribunal rejected her prayer saying that unless any candidate placed below the Petitioner in the merit list was extended with such benefit or appointed earlier to her, no right is accrued in favour of the Petitioner to get such benefit.

4. Heard both parties and perused the record including the impugned order of the OAT. It is not the case of the Petitioner that any candidate placed below to her in the same merit list got appointment prior to her. Admittedly the petitioner got appointment in the year 2008 from the select list prepared in the year 2005. It is true that mere placement in the selection list will not entitle a candidate for appointment unless someone placed below has got the appointment. Therefore, no merit is seen in the claim of the Petitioner and as such, we do not see any infirmity in the order of the learned OAT to warrant any interference.

5. In the result, the writ petition is dismissed.

(B.P. Routray)
Judge

(Dr. S. Muralidhar)
Chief Justice