

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2839 of 2010

Dr. Manoranjan Mohanty **Petitioner**
P.Rath, Advocate
-versus-
State of Orissa and Others **Opp.Parties**
Mr. P.K.Muduli, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIK

Order No.

ORDER
21.02.2022

7. 1. The challenge is the present petition is to a judgment dated 9th November, 2009 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack (OAT) dismissing the Petitioners O.A. No. 2607(c) of 1998.
2. The Petitioner applied for appointment to the Orissa Financial Service Class-II (OFS-II) and appeared for the Orissa Civil Services Examination of 1992. At that time Advertisement was issued for the said exam which included recruitment also to the Orissa Subordinate Finance Service (OSFS) the advertisement did not mention that 33 % of the vacancies would be earmarked for women candidates. According to the Petitioner, at the stage of selection the Opposite Parties implemented such a reservation and consequently, the Petitioner had to come down in the order of merit. He had to remain content with getting appointment to the OSFS and not the OFS-II.

3. In the impugned order, the OAT noted that the Government had already passed a Resolution on 23rd December, 1992 reserving 33% of the vacancies across the board for women candidates and some reason this was not reflected in the advertisement issued. Subsequently, the Government came up with the Orissa Civil Service (Reservation of Vacancies for Woman in Public Services) Rules 1994 on 31st March, 1994 and gave it retrospective effect from 31st December, 1992.

4. Even without such retrospective effect since a Resolution was already issued on 23rd December, i.e. one week prior to the advertisement, it could not be said that reservation for women was introduced after the process of selection had begun. Therefore, the Petitioner cannot claim to be prejudiced on account of the implementation of such reservation.

5. The Court is unable to find any error in the impugned judgment of the OAT.

6. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge