

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 3318 of 2018

Jyoti Sankar Baliarsingh

.....

Petitioner

Mr. N.R. Routray, Advocate

Vs.

Union of India and Others

.....

Opposite Parties

Mr. P.K. Parhi, ASGI

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

12.07.2022

Order No.

18.

This matter is taken up through hybrid mode.

2. Heard Mr. N.R. Routray, learned Counsel for the Petitioner and Mr. P.K. Parhi, learned Assistant Solicitor General of India.

3. The Petitioner has filed this Writ Petition seeking to quash the order dated 14.11.2017 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260/1017/2012, by which the claim of the Petitioner for appointment against Group-D substitute was rejected.

4. Mr. N.R. Routray, learned Counsel appearing for the Petitioner contended that the Petitioner seeking appointment against Group-D substitute at par with other persons so engaged, approached the Authority, which was rejected vide order dated 20.03.2012. Against such order, the Petitioner approached the Tribunal. The Tribunal in the order impugned dismissed the claim made by the Petitioner. It is also contended that relying on the bio data filed by the Petitioner, wherein it has been indicated that the Petitioner has possessed the educational qualification of B.A. LL.B with computer proficiency in ADCHE, his claim was rejected by the Tribunal holding that he was over qualified for Group-D post. Challenging such order of the Tribunal, the

Petitioner has approached in the present Writ Petition.

5. Mr. P.K. Parhi, learned Assistant Solicitor General of India contended that since the Petitioner's qualification is higher than the required qualification, thereby his claim has been rightly rejected.

6. In course of hearing, this Court made a query with regard to the qualification prescribed for Group-D Post. Learned Counsel for both the parties unequivocally contended that the minimum qualification prescribed for Group-D post is Class-X, but no upper limit was prescribed so far as educational qualification is concerned. Even though the Petitioner possesses B.A. LL.B. qualification that itself cannot be considered to be a disqualification for the purpose of consideration of his case for appointment in Group-D substitute. In view of such position, the Tribunal has committed an error in holding that the Petitioner is over qualified for Group-D substitute post and therefore, he cannot claim for such appointment.

7. In view of the above, the order dated 14.11.2017 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260/1017/2012 is hereby quashed and the matter is remitted back to the Tribunal for fresh adjudication on its own merit, irrespective of the higher qualification acquired by the petitioner.

8. The Writ Petition is accordingly disposed of.

(DR. B.R. SARANGI)
JUDGE

(V. NARASINGH)
JUDGE

Arun