

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.4857 of 2022

Baikuntha Bihari Nayak ***Petitioners***
Mr.Kunal Kumar Swain, Adv.

-versus-

State of Odisha & others ***Opposite Parties***
Mr. Biswajee Mohanty, SC
For school and Mass Education

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
18.02.2022

Order No.

01

W.P.(C) No.4857 of 2022 & I.A. No.2385 of 2022

- 1.This matter is taken up by hybrid mode.
2. By way of this writ petition, the petitioner has challenged inter alia the advertisement No.01/2021 issued by the State Project Director Odisha Adarsha Bidyalaya Sangathan, Bhubaneswar-opposite party No.3 for different posts including post of Trained graduate Teacher in Science wherein the upper age limit for S.E.B.C. Candidate has been prescribed as 43 years as on 01.01.2021.
3. Heard learned counsel for the petitioner and learned counsel for the School and Mass Education.
4. It is pertinent to mention here that the advertisement was published on 28.12.2021 for filling up different posts lying vacant prescribing all norms. It is also stated therein that the candidates shall apply on line through website ***www.oav.edu.in***

at the link available on this site. No other means/mode of submission of applications will be accepted. The candidates are advised to go through the eligibility criteria for different posts and they may go for online application after being satisfied of their eligibility for the posts as per stipulated eligibility criteria. It has also been clearly stated in point 10.1 under the heading of Important Instructions to the candidates which runs as follows

10.IMPORTANT INSTRUCTIONS TO THE CANDIDATES

10.1 SCREENING AND ELIGIBILITY WILL BE BASED ON THE DETAILS PROVIDED BY THE CANDIDATE. BEFORE APPLYING FOR THE POST THE CANDIDATE SHOULD ENSURE THAT HE/SHE FULFILLS THE ELIGIBILITY AND OTHER NORMS MENTIONED IN THE MODALITIES. FURNISHING OF WRONG/FALSE INFORMATION WILL BE A DISQUALIFICATION AND OAVS WILL NOT BE RESPONSIBLE FOR ANY CONSEQUENCE OF FURNISHING OF SUCH WRONG/FALSE INFORMATION

5. In the instant case, the petitioner is a candidate belonging to S.E.B.C. category who is willing to apply for the post of TGT Science having requisite qualification. But, so far as the age limit is concerned, the petitioner has crossed the age limit of 43 years despite enhancement of age limit from 38 years to 43 years as mentioned in para 5.2 of the Corrigendum No.454 dated 31.01.2022. The said para 5.2 of the Advertisement No.1/2021 relating to the age limit is extracted hereunder.

Para 5.2 Candidates shall be under 38 years of age and above 21 years of age as on 01.01.2021. However, in case of SC/ST, Women, SEBC, the upper age limit shall be relaxed by 5 years and in case of PH candidates the upper age limit shall be relaxed by 10 years. Age limit of Ex-serviceman

shall be as per G.A. Notification No.22586/Gen. Dtd. 16.10.1985 and Rules/guidelines of Govt. of Odisha in operation”.

On perusal of the averments, it clearly reveals that the petitioner has neither mentioned his date of birth in his averments nor annexed any document with respect to the age of 43 years as on 1.1.2021. Needless to say that the currently the application is being submitted through online process. if any false data is submitted with regard to age, qualification etc. the application would not be entertained through online process. On the otherhand, the defects, if any, would be indicated on the screen of the digital system from the uploaded original relevant documents. It is not man made. So, the claim of the petitioner to be 43 years as on 1.1.2021 without documents is not believable. If the date of birth would have been correct, there would have no scope for rejection on this ground.

6. Therefore, considering the aforesaid facts and submissions, the application made for the post stated above, is not entertainable.

7. Accordingly, the writ petition as well as I.A. stand dismissed.

8. Issue urgent certified copy as per Rules.

(S.K. Panigrahi)
Judge