

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.703 of 2015

Sushil Kumar Sutar

.... ***Appellant***
Mr.R.P. Das, Advocate

-versus-

State of Orissa and others

.... ***Respondents***
Mr. Iswar Mohanty, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

ORDER

27.09.2022

Order No.
03.

M.C No. 1006 of 2015

1. This is an application for condonation of delay.
2. For the reasons stated therein, the delay is condoned. The Misc. Case is disposed of.

W.A. No.703 of 2015

3. The present appeal is directed against the judgment dated 14th October, 2015 passed by the learned Single Judge allowing the W.P.(C) No. 19448 of 2013 filed by Respondent No.5 Manoj Kumar Nayak thereby cancelling the appointment of the present Appellant as Gram RozgarSevak (GRS) in the office of the Project Director, DRDA, Kendrapara.

4. There are two grounds in which the Appellant's engagement as GRS was cancelled. One was that the advertisement issued way back on 13th December, 2007 required the applicant to possess educational qualification of +2 or Intermediate. The advertisement did not permit any equivalent qualification. Admittedly, the Appellant possessed only a 'Upasashtri' certificate and not +2 or Intermediate certificate.

5. The second ground on which his engagement was cancelled was that one SubhralineNayak who had been engaged as GRS on 11th July,2008 pursuant to the aforementioned advertisement resigned from service on 3rdFebruary,2011 and upon her resignation, the present Appellant was engaged without going in for a fresh advertisement.

6. As regards the qualification, the learned counsel for the Appellant contends that the 'Upasashtri' qualification is equivalent to +2. Considering that the advertisement did not permit a person having 'equivalent' qualification to apply but only a candidate having +2 or intermediate certificate, the candidature of the Appellant could not have been considered.

7. As regards the second ground, the learned counsel for the Appellant is unable to explain how possibly the Appellant could have been engaged three years after the selection was over upon the resignation of an incumbent GRS without going in for a fresh advertisement.

8. Consequently, the Court finds no merit in the present appeal and it is dismissed as such.

(Dr. S. Muralidhar)

Chief Justice

(Chittaranjan Dash)

Judge

B.C.Mohanty