

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No. 209 of 2015

Swarna Prava Dei

....

Appellant

Mr. Pramod Kumar Nayak, Advocate

-versus-

Collector, Kendrapara and Others

....

Respondents

Mr. Ishwar Mohanty, Addl. Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

22.09.2022

Order No.

03. 1. The challenge in the present appeal is to an order dated 10th February, 2015 passed by the learned Single Judge dismissing the Appellant's writ petition i.e. W.P.(C) No.13718 of 2012 in which the Appellant had questioned her non-selection as Sikhaya Sahayak and had also questioned the engagement of Respondent Nos.4 to 8 as such.
2. The case of the Appellant was that Respondent Nos. 4 to 8 had obtained fake residential certificates from the office of the Tahasildar, Marshaghai to the effect that they were the residents of Garadpur Block and on that basis their selection as Sikshya Sahayak should be cancelled. In the counter affidavit filed in the said writ petition, it was pointed out that earlier the Appellant had filed W.P.(C) No.19434 of 2009 on the same ground and the said writ petition had been disposed of by this Court by an order dated 22nd May, 2018 directing the Collector-cum-Chief Executive Officer, Zilla Parishad, Kendrapara to dispose of the representation of the Appellant. Thereafter, the Collector rejected the claim by an order dated 21st March, 2012 finding that the Appellant had scored less marks than the others who had been engaged out of the merit list.

3. It appears that after the order was passed on 25th May, 2010 the Collector had issued notice to all concerned to be present for hearing and also directed the Tahasildars of Marshaghai and Derabish to conduct an inquiry and report about the genuineness of the residential certificates issued by the respective the Tahasildars in favour of Respondent Nos.4 to 8. Those inquiries revealed that the residential certificates were not fake as claimed by the Appellant. In any event, on merits also the Appellant having scored less marks than Respondent Nos. 4 to 8 was not selected.

4. The learned Single Judge has declined to interfere after noting that the Appellant had scored less marks than Respondent Nos. 4 to 8.

5. Learned counsel for the Appellant contends that the enquiry itself was not properly conducted and therefore, all the other selected should have eliminated from the merit list. The Court is unable to agree with the above submissions. There is no material whatsoever placed on record to show that the inquiries were not conducted properly.

6. With the Appellant having scored less marks than Respondent Nos.4 to 8 on merit, there is no error committed by the learned Single Judge in rejecting the claim of the Appellant. There are no grounds made out for interference. The writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge