IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7826 of 2022

Sibendra Nath Sahu .... ***Petitioner***
Mr. S.B. Jena, Advocate

-versus-

State of Odisha and another .... ***Opposite Parties***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
04.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the record.

3. The present writ petition has been filed by the petitioner with the following prayer:-

> "Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon'ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate wirt/writs by quashing the order no.6215 dtd.24.2.2022 under Annexure-7.
>
> And further be pleased to direct the opp.parties to consider the case of the petitioner appointment as Junior Manager."

4. It is submitted by learned counsel for the Petitioner that on earlier occasion, the petitioner had approached before the Managing Director, Odisha State Co-operative Bank Ltd. Bhubaneswar for

relaxation challenging the inaction of the Bank authority to grant quota in Bank recruits. This Court after hearing parties, disposed of the earlier writ petition in W.P.(C) No.6530 of 2011 on 17.03.2011 with a direction to consider the case of the petitioner in terms of order dated 02.01.2004 passed in W.P.(C) No.2802 of 2002 with the observation that the opposite parties-Bank while making appointment shall consider the case of the petitioner in terms of the amended rule. If the petitioner has become over age in the meantime, their cases for condonation of over age shall be considered.

5. It is further pointed out by learned counsel for the petitioner that in W.P.(C) No.19218 of 2011 the then Managing Director, State Co-operative Ltd. filed an affidavit before this Court stating therein that Annexure-5 to the writ petition and in paragraph-3 it has been stated therein that the case will be considered by condoning the age. In the last round of litigation that was filed by the petitioner before this court in W.P.(C) No.1133 of 2022 and by order dated 28.01.2022 the petitioner was directed to approach before the Opposite Party No.3 the Managing Director of the Bank, who shall consider the case of the petitioner. In the event the petitioner satisfies all the eligible conditions in the advertisement, case of the petitioner shall be considered under the Rules. So far as non-prescription of 25% of quota for Mater's Degree in Banking Management in the advertisement is concerned, the Opposite Party No.3 by order dated 24.02.2022 has rejected the representation of the petitioner with the observation that the petitioner has already completed 48 years. Therefore, in view of the terms and conditions as contained in the advertisement, he was not found eligible for the post of Junior Manager. Accordingly, the petitioner has approached this Court by

way of filing the present writ petition.

6. It is submitted by learned counsel for the petitioner that the selection for recruitment to the post of Junior Manager was passed over a decade. Final advertisement was published under Annexure-1 dated 06.12.2021. The authorities fixed the age limitation i.e. prescribing minimum age to be 21 years and maximum 32 years with the relaxation to the special category as provided under the law. However, further submits that no age relaxation was given to the candidate like the petitioner. Therefore, they have kept out of zone, is illegal and arbitrary. He further submits that the conduct of the Opposite Party No.3 is contrary own affidavit filed earlier before this Court. It is further submitted by learned counsel for the petitioner that highlighting the issue for condonation of age filed specific representation before the Managing Director, Odisha State Co-operative Bank Ltd., Bhubaneswar on 07.03.2022 and the same is also pending for consideration. Further learned counsel for the petitioner submits that in the event a direction may be given to the Managing Director, Odisha State Co-operative Bank Ltd. Bhubaneswar-Opposite Party No.3 to consider such representation in accordance with law.

7. Learned counsel for the State, on the other hand, submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

8. Considering the submissions made by the parties and limited nature of grievance of the petitioner, this Court disposes of the writ petition at the stage of admission with a direction to the Managing

Director, Odisha State Co-operative Bank Ltd. Bhubaneswar-Opposite Party No.3 to consider the representation of the Petitioner dated 07.03.2022 under Annexure-8 keeping in view the affidavit as well as the fact that the selection took place almost after a decade and shall dispose of the representation in accordance with law within a period of one months from the date of production of certified copy of this order. It is further directed that the opposite party no.3 shall do well to consider the representation of the petitioner and dispose of the same by passing a speaking and a reasoned order on the same. Any decision taken on the same shall be communicated to the Petitioner within a period of two weeks thereafter.

9. With the aforesaid direction/observation, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu