

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3064 of 2014

Balakrushna Bhuyan

....

Petitioner

Mr. S.K. Rath, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. S.N. Pattnaik, A.G.A

CORAM: JUSTICE V. NARASINGH

ORDER

29.08.2022

Order No.

06.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Rath, learned counsel for the petitioner and Mr. S.N. Pattnaik, learned Additional Government Advocate for the State Opposite Party Nos.1 to 4.
3. The petitioner has filed this Writ Petition seeking to quash the notice dtd. 03.02.2014 issued by the Collector, Malkangiri under Annexure-7, inviting application for contractual engagement of Jogana Sahayak, being contrary to the office memorandum dated 12.08.2013 of the Deputy Secretary, Food Supplies & Consumer Welfare Department, Government of Odisha and the order dated 21.03.2014 passed by this Court in W.P.(C) No.9649 of 2012.
4. Learned counsel for the petitioner contended that the action so taken by the authority is in gross violation of the office order dated 12.08.2013 of the Government of Odisha and the order dated 21.03.2014 passed in W.P.(C) No.9649 of 2012. The petitioner, who was working as PDS Salesman in the Gram

Panchayat, has been deprived of regularization, though similarly situated persons have already been extended with such benefit.

5. Counter affidavit has been filed on behalf of Opposite Party Nos.2 to 4. Referring to the same, learned counsel for the Opposite Parties contended that in view of the modified eligibility criteria for selection of Jogana Sahayak under Annexure-6 letter was addressed to all Sarpanches/Panchayat Executive Officers requesting them to pass the required resolution in the concerned Gram Panchayat to engage Jogana Sahaayk.

6. It is further contended that the Government of Odisha in Civil Supplies and Consumer Welfare Department vide memorandum no.7040 dated 21.04.2012 inter alia dealt with selection of Jagana Sahayak under Annexure-2. And by communication no.7443 dated 27.04.2012 under Annexure-3 procedure for selection of Jogana Sahayak has been laid down and accordingly Gram Panchayats shall make resolution in their meetings to appoint Jogana Sahayak if they have allocation to deal with at least 150 quintals of PDS items in a month.

7. Having heard learned counsel for the parties and after going through the record, this Court is of the considered view that if similarly situated persons have already been extended with the benefits of regularization, the petitioner ought not to be discriminated.

8. In such view of the matter, if a vacancy is available as stated, the case of the petitioner shall be considered by the Collector, Malkangiri for engagement as Jogana Sahayak, by relaxing the qualification and age of the petitioner, in accordance with law.

9. The entire exercise shall be done as expeditiously as possible, preferably within three months from the date of communication/production of this order.

10. With the above observation and direction, the Writ Petition stands disposed of.

(V. NARASINGH)
Judge

Ayesha

