

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8797 of 2022

Bishnu Prasad Kar

....

Petitioner

Mr.S.N.Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr.Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

01.

ORDER
18.04.2022

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate.
3. The Petitioner has filed this writ petition with the following prayer:

“Under these circumstances, the Petitioner prays that this Hon’ble Court may graciously be pleased to admit the writ application, issue Rule Nisi calling upon the opposite parties to show cause as to why OCS (Fixation of Upper Age Limit) Amendment Rule, 2022 not applicable in Advertisement No.01/2021-22 (Annexure-2) issued by the Opp.Party No.4 and thereby not increasing the Upper Age Limit from 32 to 38 years.

If the Opp.Parties failed to show cause or show insufficient cause, the said Rule may be made absolute thereby quashing the Advertisement No.01/2021-22 (Annexure-2) issued by the Opp.Party No.4 and further pleased to pass any other Writ/Writs, Direction/Directions, order/Orders as deemed fit and proper in the interest of justice.”

4. It is submitted by the learned counsel for the Petitioner that an advertisement dated 18.03.2022 was published in the daily Odia daily newspaper for recruitment to the post of Secretary (Grade-1) in the Office of the Asarala SCS Ltd. Asarala. On perusal of the said advertisement, it is seen that the upper age limit has been fixed at 32 years as on 01.04.2021 and 37 years in case of SC/ST/OBC/SEBC/Ex-Serviceman. It is further submitted by the learned counsel for the Petitioner that the OCS (fixation of Upper Age limit Rules has been amended in the meantime by Notification dated 11.01.2022 as a result of which relaxation of upper age limit up to 38 years has been granted to all the categories of employees in respect of the recruitment made in the year 2021, 2022 and 2023. Accordingly the upper age limit now has been fixed at 38 years for UR category. Learned counsel for the Petitioner further submits that the said amendment to the OCS (fixation of Upper Age Limit) Rules has not been taken into consideration while issuing advertisement. Therefore, the Petitioner prays for quashing of the said advertisement.

5. Learned Additional Government Advocate on the other hand submits that on perusal of the advertisement under Annexure-2 it appears that the aforesaid Rule has not been taken into consideration by the authority. However, he further submits that instead of quashing the advertisement the Opposite Parties may be directed to issue a corrigendum indicating the revised age and thereby giving opportunity to the persons to participate in the selection process who are within the age group of 32 to 38 years.

6. Considering the aforesaid submissions advanced by the respective parties and taking into consideration the amended provisions of OCS (fixation of Upper Age Limit) Rules 1989 this

Court disposes of the writ application at the stage of admission directing the authorities to amend the advertisement dated 18.03.2022 and if necessary the Opposite Parties should go for publication of a corrigendum giving opportunity to the Petitioner as well as similarly situated persons by publishing in the local widely circulated newspaper as required under law.

7. With the aforesaid observation the writ application stands disposed of.

8. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra, J)
Judge

