

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9130 of 2022

Jyotish Mohanty

....

Petitioner

Mr. S.N. Patnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.04.2022

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 prayers:

“It is, therefore, most humbly prayed that this Hon’ble Court may graciously be pleased Admit the writ application, to issue rule Nisi calling upon the opposite parties to show cause as to why the prayers made hereunder be not allowed, Upon showing insufficient cause/ no cause make the said Rule absolute, Issue writ/writs in the nature of

- i. Mandamus directing the opp.parties Nos.3 and 4 for issuing appropriate orders approving the post and services of the petitioner who is continuing against the post of Assistant Secretary since 1.4.2011 as he satisfies all the eligibility criteria to get such approval

so as to make him eligible for participating in selection process for the post of Inspector of Cooperative Societies under the Selection quota.

ii. And/or may pass such other writ/writs, order/orders, direction/directions as this Hon'ble Court may think fit and proper for the ends of justice."

4. It is submitted by learned counsel for the Petitioner that the petitioner, who is working as Assistant Secretary, BJB college Students Consumer Cooperative Store Ltd., Bhubaneswar, had applied for promotion to the post of Assistant Secretary/Inspector of Cooperative Societies. Since the petitioners were eligible to the post of Assistant Inspector Cooperative Society /Assistant Secretary their cases should have been considered. The Assistant Registrar, Cooperative Societies, Bhubaneswar Circle, Bhubaneswar sought for instruction from the DRCS, Khordha Division, Khordha 26.10.2018. The DRCS, Khordha Division, Khordha on 28.09.2018 as it appears from the information given to the petitioner had recommended the case of the petitioner to ARCS to consider the matter. Further vide letter dated 15.02.2022, the DRCS, Khordha Division, Khordha has intimated the ARCs, Bhubaneswar Circle, Bhubaneswar for approval of the post of Assistant Secretary/Store Keeper. Learned counsel for the petitioner further submits that pursuant to their approval letter dated 15.02.2022 under Annexure-9 the ARCs has not taken any steps to give them promotion as of now.

5. Learned counsel for the State, on the other hand, submits that since the matter is sub-judice before the ARCS, Bhubaneswar Circle, Bhubaneswar, he has no objection, if a direction is given to the authorities to consider the same in the light of approval granted by DRCS in his letter dated 15.02.2022 and consider the case of the

petitioner within a stipulated period of time.

6. Considering the rival contentions and having gone through the facts as well as documents relied upon, this Court disposes of the writ petition at the stage of admission with a direction to the Assistant Registrar, Cooperative Societies, Bhubaneswar Circle, Bhubaneswar-Opposite Party No.4 to consider the case of the petitioner and take a decision in the matter keeping in view the approval granted by DRCS vide letter dated 15.02.2022 under Annexure-9 and further do the needful to that effect and ARCS-Opposite Party No.4 to proceed further pursuant to approval granted under letter dated 15.02.2022 by DRCS and necessary and prompt steps shall be taken for conducting selection process as expeditiously as possible preferably within a period of three months from the date of production of certified copy of this order. Any decision taken in the matter shall be communicated to the petitioner within a period of ten days thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

(A.K. Mohapatra)
Judge