

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17698 of 2010

Sri Krushna Pattanaik

***..... Petitioner
Mr. S.K.Pattnaik, Adv.***

-versus-

***Registrar of Cooperative Societies
Orissa & another***

***..... Opposite Parties
Mr. S.K.Samal, AGA
Mr. S.D.Das, Sr. Advocate***

JUSTICE V. NARASINGH

**ORDER
04.08.2022**

**Order No.
09.**

1. This matter is taken up through Hybrid Mode.
2. None appears for the petitioner when the matter is called.
3. Heard Mr. S.D.Das, learned Sr. Counsel being assisted by Mr. H.P.Mohanty, learned counsel on behalf of the Opposite Party No.2- Urban Cooperative Bank and learned counsel for the State.
4. The writ petition has been filed challenging the action Opposite Party No.2- Bank in initiating steps for appointment to the post of Assistant Manager, inter alia on the ground that the same is in violation of the directions issued by the Registrar, Cooperative Societies, Orissa.
5. But curiously enough in the prayer the petitioner had assailed Annexure-1 issued by the Registrar, Cooperative Societies

basing on which he calls in question the advertisement issued by Annexure-2.

6. For convenience of reference the prayer is quoted hereunder.

“In the facts and circumstances narrated above it is therefore humbly prayed that this Hon’ble Court may graciously be pleased to;

(i) Issue Rule Nisi in the nature of writ of Mandamus or any other appropriate writ or writs calling upon the opposite parties to show-cause as to why such a writ or writs shall not be issued for quashing of the impugned order contained under Annexure-1 passed by the Opposite party No.1 and the advertisement contained under Annexure-2 issued by the opposite party No.2;

(ii) If the opposite parties failed to show cause or show insufficient and/or false cause make the said Rule absolute; and

(iii) Pass any other or further order/orders and/or grant any other relief as may appear just and proper in the interest of justice, equity and good conscience.”

7. Counter affidavits have been filed both by the State as well as Opposite Party No.2-Bank.

8. It has been stated in the counter affidavit that the petitioner being himself a member of the Board of Management, when the decision was taken to issue the impugned advertisement

he could not have filed the writ petition and it is more or less in the nature of public interest litigation and as such the writ petition is liable to be rejected.

9. Learned counsel for the State on the basis of the recitals in the counter affidavit submits that the only instruction issued by the State in the impugned Annexure-1 is to hold recruitment as per the rules governing the field following the norms of the ORV Act, 1975 and as such the challenge to the action of the State Government as communicated in Annexure-1 is thoroughly misconceived.

10. On consideration of the materials on record, this Court finds that the challenge to the impugned advertisement for selection for three posts of Assistant Manager in the Urban Cooperative Bank, Rourkela under the direct recruitment quota is thoroughly misconceived and the writ petition accordingly does not deserve consideration and the same is dismissed being devoid of merit.

11. The interim order dated 22.11.2010 passed in Misc. Case No. 16547 of 2010 stands vacated.

(V.Narasingh)
Judge

Dhal