

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.5857 of 2010

Dr. Mihir Chandra Pany

....

Petitioner

Mr. G. R. Sethi, Advocate

-versus-

***Orissa Staff Selection Commission,
Bhubaneswar and others***

....

Opposite Parties

Mr. S. N. Das, ASC

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

Order No.

ORDER
23.02.2022

05. 1. The challenge in the present petition is to an order dated 26th February, 2010 passed by the Orissa Administrative Tribunal, (OAT), Cuttack Bench, Cuttack in O.A. No.1251(C) of 2004.
2. The Orissa Staff Selection Commission issued an advertisement inviting applications for filling up of 127 posts of Homoeopathic Medical Officers in the State. There were reservations for S.T., S.C. and OBC (SEBC) categories. 3% of the posts were reserved for physically handicapped (PH) candidates. The Petitioner is a PH candidate. At the end of the written and viva voce test, 85 candidates of different categories qualified and a select list was prepared. Admittedly, the Petitioner's name did not find mention in the select list. He contended that the 3% quota for PH candidates should be computed from the total number of 127 posts and not on the 85 qualified candidates. The Petitioner accordingly argued that the number of posts for PH candidates should be 4 and not 3. According to him, if it had been 4, he would have made the cut and got appointment.

3. In response to the above contentions, the State pointed out that even assuming that the number of seats for PH candidates was increased to 4, the Petitioner would still not make the cut since he secured marks less than the last qualified candidate even in the PH category.

4. As it transpired, there were 3 candidates appointed under the PH category. One of whom was a woman. Another woman was appointed in the general category itself. Admittedly, even if the number of PH posts was increased to 4, there would still be 2 males and 2 females, who secured marks above the marks secured by the Petitioner. The Petitioner pointed out that of the 6 candidates, (he was 6th in the merit list), two candidates could not produce the PH certificates and therefore, they were dropped. There are still 4 left in the fray.

5. Considering that the Petitioner's marks were less than the last appointed in the general category within the PH category, the Petitioner would have still not made it had the number of vacancies being earmarked for PH been increased to 4.

6. Consequently, the Court finds no reason to interfere with the impugned order of the OAT. The writ petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge