

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.221 of 2019

Ashok Kumar Das

....

Appellant

Mr. A. Kanungo, Advocate

-versus-

Union of India and others

....

Respondents

Mr. Chandrakanta Pradhan,

Senior Panel Counsel, Government of India

CORAM:

**THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
09.11.2022**

Order No.

I.A. No.310 of 2021

04.

1. For the reasons stated, the I.A. is allowed. Accordingly, the delay in filing the writ appeal is condoned.

W.A. No.221 of 2019

2. The present appeal is directed against a judgment dated 26th March, 2019 passed by the learned Single Judge dismissing the Appellant's writ petition i.e., W.P.(C) No.23758 of 2017, which had been filed seeking the consequential benefits of a judgment dated 4th August, 2017 passed in W.P.(C) No.8666 of 2011.

3. The Appellant claimed that he had been selected in the LDCE 2005 for the appointment as Sub-Inspector (Exe) along with his

colleagues and, therefore, he also had to get all the benefits that were granted to them in the aforementioned writ petition.

4. In the reply filed to the writ petition before the learned Single Judge, the Central Government informed the Court that although the Petitioner/Appellant had appeared at each and every stage of the recruitment process, he failed to secure the minimum cut off marks i.e., 270 out of 600. He had scored only 260 marks.

5. Learned counsel for the Appellant insists that unless the record was produced, the learned Single Judge could not have proceeded on the above basis. The Court is unable to agree. An affidavit filed by the Central Government before the learned Single Judge was obviously based on the records. The Appellant is unable to show that his marks in the selection process were any different from what was stated in the aforementioned affidavit.

6. Consequently, the Court is not inclined to interfere with the impugned order. The writ appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

M. Panda