

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 324 of 2017

Abanti Rath

....

Appellant

M/s. R. N. Singh and associates, Advocates

-versus-

State of Odisha and others

....

Respondents

Mr. M. K. Khuntia, AGA for State

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

12.12.2022

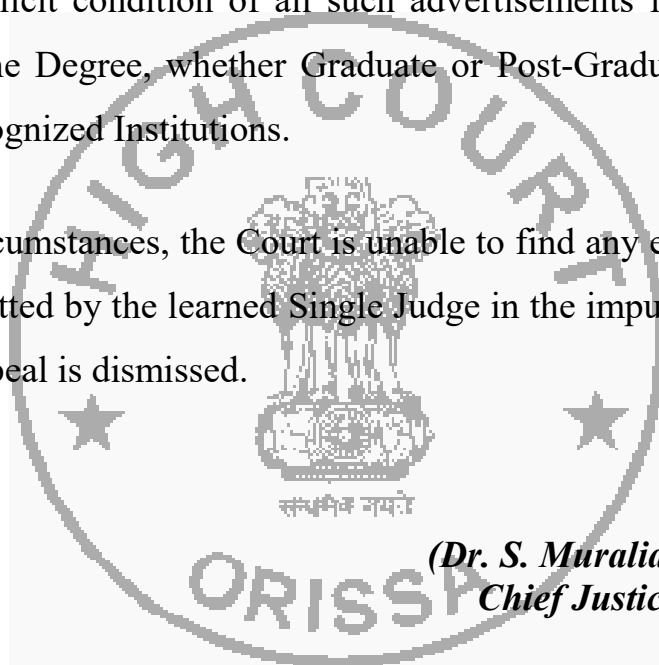
Order No.

02. 1. The challenge in the present appeal is to an order dated 8th August 2017 passed by the learned Single Judge dismissing W.P.(C) No.9197 of 2013 filed by the present Appellant whose name did not find place in the final merit list of candidates who applied for the post of Part Time Art Instructor (Performing Art), Balasore.
2. A perusal of the advertisement reveals that the requisite qualification for the aforementioned post was “Degree in Visual Art/Fine Art or Post Graduate in Visual Art/Fine Art.” The learned Single Judge found that the Appellant had obtained the Graduation from Akhila Bharatiya Gandharba Mahavidyalaya Mandal, Mumbai, which was at the relevant time not a University within the meaning of Section 2 (f) of the UGC Act, 1956. The said Institution did not come within the purview of UGC.

3. As a result, although the Appellant had Post-Graduate Degree from a recognized University, the Graduate Degree was not. On this short ground that she did not satisfy the requisite qualification, her candidature was rejected.

4. Learned counsel for the Appellant contends that since the minimum qualification was either Graduation or Post-Graduation, as long as the Post-Graduate Degree was from a recognized Institution, the Appellant should not be deprived of an appointment. It is an implicit condition of all such advertisements for teaching posts that the Degree, whether Graduate or Post-Graduate, should be from recognized Institutions.

5. In the circumstances, the Court is unable to find any error having been committed by the learned Single Judge in the impugned order. The writ appeal is dismissed.



(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. K. Guin