

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12039 of 2022

Janmejaya Kumar

..... Petitioner
Mr.Seshadev Dash, Advocate

-versus-

State of Odisha & others

..... Opposite Parties
Mr. Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.05.2022

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 the learned Additional Government Advocate.
3. The present writ petition has been filed by the petitioner with the following prayer:

“The Petitioner, therefore, most humbly prays that, your Lordship would be graciously pleased to quash the merit list dated 12.02.2014 as at Annexure-4 so far as the Petitioner and Opposite Party No.5 are concerned and result of DPC dated 20.03.2020 as at Annexure-2 followed by order of promotion dated 14.05.2020 as at Annexure-3 so far as the Opposite Party No.5 is concerned and direct the Opposite Party No.3 to recon the seniority of the Petitioner at Sl.No.1 of the Merit list dated 12.02.2020 and conduct a review DPC and promote the Petitioner to the post of Revenue Inspector under UR category in place of Opp.Party No.5 with all benefits w.e.f. 14.05.2020 within short time period as deem fit and proper by this Hon’ble Court.

And issue any order or orders and direction as the Hon’ble Court deemed fit and proper the fact and circumstances of the case.

And if the Opp. Parties failed to show cause or sufficient cause the Rule be made absolute.

4. It is submitted by the learned counsel for the Petitioner that an advertisement was published for recruitment to the post of Revenue Inspector/Assistant Revenue Inspector and Amin for Kalahandi district. Although advertisement was published in the year 2013 , the selection process as it appears continued thereafter. The order dated 14.05.2020 under Annexue-3 reveals that some names are finalized and promotion were given to the rank of Revenue Inspector in the year 2020. Thereafter under Annexure-4 in reply to a R.T.I. application dated 12.07.2021, a comparative merit list of the candidates for the post of Amin held on 28.01.2014 to 30.01.2014 reveals that one Baikuntha Panigrahi whose name appears at Sl.No.1, had secured 62 marks out of total mark of 50 in the subject computer. The Petitioner's name is reflected against sl.no.2. Relying upon such merit list, learned counsel for the Petitioner submits that it is apparent on the face of record that the authority has committed a mistake while preparing comparative merit list. Accordingly, he awarded mark of 213 instead of 260 mark in computer to one Baikuntha Panigrahi whereas the Petitioner has secured 209 marks and he secured 2nd rank. It is further submitted by the learned counsel for the Petitioner that in the event full mark of 50 is awarded to candidate, who secured 1st rank, the Petitioner will be eligible to be appointed to the post of ARI/Amin. Upon perusal of the record, this Court is convinced with regard to the mistake apparent on the face of the record.

5. Learned counsel for the Petitioner at this juncture submits that he has submitted a representation before the Collector & District Magistrate, Kalahandi, Opposite Party No.3 on 10.01.2022 under

Annexure-5 which is pending before him for consideration.

6. Learned Additional Standing Counsel on the other hand submits that he has no objection if a direction is given to the Collector, Opposite Party No.3 to consider the matter particularly taking into consideration the mark that has been awarded in computer to one Baikuntha Panigrahi.

7. Considering the aforesaid submissions and keeping in view the factual mistake as apparent on the face of the record, this Court thinks it proper to dispose of the writ application at the stage of admission with a direction to the Opposite Party No.3 to consider the representation of the Petitioner under Annexure-5 dated 10.01.2022 within a period of eight weeks from the date of production of certified copy of this order. The Opposite Party No.3 is directed to consider the representation of the Petitioner strictly in accordance with law and shall dispose of the same by passing a speaking and reasoned order within the period as aforesaid. The decision so taken shall be communicated to the Petitioner within a period of two weeks thereafter.

8. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy of this order as per Rules.