

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12161 of 2022

Kalandi Sahoo

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.05.2022

Order No

2. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. B.B.Mohanty, learned counsel for the Petitioner, Mr. M.K. Balabantary, learned Standing Counsel for the State and Mr. S.N.Pattnaik, learned counsel appearing on behalf of Opposite Party Nos.3 and 4.
3. The Petitioner is aggrieved by the order dated 23.03.2022 passed by the Opposite Party No.3 in rejecting the claim of the Petitioner for his selection and appointment as Sub-Inspector of Police pursuant to the advertisement issued by the Commission on 27.12.2017.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner while submitting his application pursuant to the advertisement issued under Annexure-1, he made an application by depositing the required fees through E-challan dated 21.02.2018.
5. It is also submitted that basing on such submission

of application by the Petitioner within the time by depositing the required fees, through E-challan, the Petitioner was permitted to take the written test.

6. It is also submitted in the written test, the Petitioner secured 261.75 marks and in support of the same, learned counsel for the Petitioner brought to the notice of this Court an information provided by the Commission under Annexure-7.

7. It is further submitted that even though candidate securing less mark in U.R category were selected and provided with the order of appointment, but the claim of the Petitioner when was not considered in spite of having secured more marks than other selected candidates, the Petitioner moved the Commission and subsequently approached this Court in W.P.(C) No.3286 of 2022. This Court vide order dated 02.02.2022 disposed of the said writ petition by directing the Commission to take a decision on the representation filed by the Petitioner for selecting him and providing him with appointment. But it is submitted that vide order dated 23.03.2022 the claim of the Petitioner was rejected on the ground that while appearing before the Commission for verification of the documents as provided under Clause-6 of the advertisement, the Petitioner since produced a wrong E-challan, his claim was rejected by the Commission.

8. Mr. Mohanty, further submitted that as reflected from the information provided under Annexure-11, four posts in U.R. category are yet to be filled up as selected

candidates have not joined, in the said post meant for U.R category.

9. Mr. Mohanty accordingly submitted that necessary direction be issued to publish a fresh list and to provide appointment to the Petitioner.

10. Mr. Pattnaik on being instructed by this Court submitted that even though the Petitioner along with his application submitted the fees through E-challan, but on the date of verification of the Department, he produced the copy of the E-Challan, which is alleged to have been issued prior to issuance of the advertisement. But it is fairly submitted by Mr. Pattnaik, learned counsel for the Commission that along with an application, the Petitioner has deposited required fees through E-challan vide E-challan No.0051/8419 dated 21.02.2018.

11. But Mr. Pattnaik, learned counsel for the Commission submitted that unless the Commission is directed by the State-Opposite Party to publish a fresh select list, no such select list can be published while considering the claim of the Petitioner.

12. Mr. Balabantaray, learned counsel for the State on the other hand submitted that there is no provision to send a fresh requisition after publication of the select list and issuance of the appointment orders in favour of the selected candidate.

13. Taking into account the rival submissions made by the learned counsel appearing for the Parties, this Court

observes that if the Petitioner files a fresh representation before the Opposite Party No.1 within a period of ten days hence with a prayer to re-consider his claim, the said opposite party is directed to take a lawful decision on the same within a period of one month from the date of receipt of such representation.

14. It is however observed that since the Petitioner has secured more marks than other selected candidates in U.R. category and he has deposited the required fees through E-challan along with his application vide E-challan No. 0051/8419 dated 21.02.2018, the Opposite Party No.1 while considering the claim of the Petitioner shall take a sympathetic view of the matter and pass a reasoned order by giving a personal hearing to the Petitioner.

15. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat