

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16015 of 2022

Durjo Nayak

....

Petitioner

Mr. P.K. Pattanayak, Advocate

-Versus -

State of Odisha & Ors.

....

Opp. Parties

Mr. B. Mohanty, SC, S&ME

Deptt. (O.Ps.1-3)

Mr. S.K. Nath, Advocate

(O.P.4)

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.12.2022

Order No.

8

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Pattanayak, learned counsel appearing for the petitioner; Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department and Mr. S.K. Nath, learned counsel appearing for opposite party no.4- Utkal University.

3. The petitioner has filed this writ petition seeking to quash the reject list dated 19.05.2022 under Annexure-4 series issued by opposite party no.2, so far as the petitioner is concerned, and further to issue direction to the opposite parties to include the petitioner's name in the select list in respect of SC (Men) category and issue engagement/appointment order for the post of Physical

Education Teacher (PET) against SC (Men) category in respect of Gajapati Education District by taking into account the equivalency certificate issued by the Utkal University under Annexure-6 within a stipulated period.

4. Mr. P.K. Pattanayak, learned counsel appearing for the petitioner contended that the petitioner, having possessed requisite qualification for recruitment to the post of PET in the Government Secondary Schools of the State of Odisha, 2021-22, applied for the said post, pursuant to advertisement issued by the Director, Secondary Education, Odisha. But his application was rejected, vide reject list dated 19.05.2022 under Annexure-4 series issued by opposite party no.2, on the ground that he had no requisite training qualification as prescribed in the advertisement. Therefore, the petitioner has approached this Court by filing this writ petition.

5. Mr. B. Mohanty, learned Standing Counsel for School, and Mass Education Department contended that even though the petitioner has possessed the training certificate, having been passed from B.R. Ambedkar University, Srikakulam in the State of Andhra Pradesh, the said degree was not approved by the Utkal University by granting equivalence. Therefore, the petitioner was not allowed to appear in the examination by the authority by rejecting his application.

6. Mr. S.K. Nath, learned counsel appearing for opposite party no.4 contended that Utkal University granted equivalence to the degree acquired by the petitioner much after the last date of submission of application. As a consequence thereof, the application submitted by the petitioner has been rejected. Therefore, no fault can be found with the authority in rejecting the application of the petitioner.

7. Having heard learned counsel for the parties and after going through the records, it appears that pursuant to advertisement issued on 23.12.2021 by the Directorate of Secondary Education, Odisha for recruitment to the post of Initial Appointee Teachers in Government Secondary Schools of the State of Odisha, 2021-22, the petitioner applied for to the post of PET against SC category. On verification/scrutinization of the same, a reject list was prepared under Annexure-4 series dated 19.05.2022, wherein the petitioner's name found place at Sl. No.63 and his application was rejected as he had not possessed requisite training qualification prescribed in the advertisement.

8. This Court, vide order dated 21.09.2022 issued notice to the opposite parties, pursuant to which opposite party no.3 filed counter affidavit contending therein that the petitioner having obtained degree from B.R. Ambedkar University, the same was not recognized by the Utkal University by granting

equivalence. In absence of such equivalence, the petitioner cannot take the benefit of appointment to the post of PET. More so, it is the admitted fact that by the time of last date of submission of application form, such recognition was not approved by granting equivalence to the certificate of B.R.Ambedkar University and such equivalence has been granted much after the last date of submission. Therefore, in view of law laid down by the apex Court in ***Himachal Pradesh State Electricity Board Ltd. V. Dharminder Singh***, 2022 LiveLaw (SC) 999, wherein reference has been made in ***Ashok Kumar Sonkar v. Union of India***, (2007) 4 SCC 54 and ***Rakesh Kumar Sharma v. State (NCT of Delhi) & Ors***, (2013) 11 SCC 58, that the cut-off date for acquiring the qualification advertised is the last date of application.

9. Since the petitioner did not have the equivalence certificate by the time of last date of submission of application form, even though the equivalence was granted much after the last date of submission of application form, the same cannot be acted upon. Therefore, the writ petition merits no consideration and the same is dismissed.

(Dr. B.R. Sarangi)
Judge

Alok