

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16264 of 2022

Manoj Kumar Patel

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Petitioner

Mr. Anup Kumar Pattnaik, Adv.

-Versus-

Union of India & others

.....

Opp. Parties

Mr. P.K. Parhi, ASGI

Ms. Sulochana Patra, CGC

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

06.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Anup Kumar Pattnaik, learned counsel appearing for the petitioner. We have also heard Mr. P.K. Parhi, learned Asst. Solicitor General of India and Ms. Sulochana Patra, learned Central Government Counsel for Opp. Parties No.1 to 3.
3. By means of this petition, the petitioner has urged for implementation of application software for transmission of the online or other applications to the recruitment authorities in time. There cannot be any amount of doubt that the matter entirely falls within the domain of the Union of India in the Department of Telecommunication, the Opp. Party No.3. The Opp. Party No.4 is the subsidiary corporation of the Opp. Party No.3.

4. The grievance of the petitioner as emerges from this writ petition is that on previous occasions, the petitioner lost the opportunity of appearing in the recruitment process for delayed transmission of the application through the proper channel. But there is no detail in this regard. Based on the said experience, the petitioner has urged this Court to direct the Public Sector Enterprises (PSEs) under the control of the Central Government to play a pivotal role in implementation of the Sound Managerial Personal Policy for the Public Sector Enterprises.

5. It has been asserted that the Public Enterprises Selection Board (PESB) invited applications through the online mode/ electronic means from the eligible candidates working in Central/State Govt./Ministries/Departments and also from private sectors for appointment of Board Level Posts in various CPSE/PSU. After perusing the advertisement thoroughly, the petitioner found out that he is eligible to apply for such Board Level Posts advertised by the Opp. Party No.1. Thus, he had duly applied electronically for the advertised Board Level Posts and submitted the documents. The petitioner apprehends that since he had submitted his application online through the proper channel, it may stagger in the movement. The Office Memorandum dated 20.01.2015 as issued by the Opp. Party No.2 stipulates that the Ministries/Departments shall forward the applications within time. No application of the eligible candidate will be withheld by the concerned Ministries/Departments. But in the Office Memorandum dated 30.12.2020, Annexure-6 to this writ petition, it has been provided that for forwarding the applications, the physical mode will be acted upon.

6. The said memorandum dated 30.12.2020 has been challenged by the petitioner. As according to him, in the era of technological revolution and the paperless transmission, physical transmission as prescribed is obstructing the change, as adopted under e-governance. In-service candidates thus faced with uncertainty. Hence, the petitioner has urged this Court to direct the Opp. Parties 3 & 4 to process, verify and forward the application of the petitioner by the online mode forthwith and without delay. It has been urged to set-aside the Para-II of the said Office Memorandum dated 30.12.2020, Annexure-6 to the writ petition, as issued by the Department of Telecommunications.

7. That apart, a general direction has been sought by the petitioner to the effect that in future, all the transaction shall be made through the online platform and not by transmission of the physical copies.

8. Mr. P.K. Parhi, learned Asst. Solicitor General of India has submitted that there is no basis of such apprehension, even if the physical mode is used, as at present, there is no facility of online transmission or verification. He has further contended that the Government of India, in the Department of Telecommunication has been gradually re-engineering the process, but that cannot be done overnight, in compliance with the Government of India protocol.

9. In such circumstances, we direct the Opp. Party No.3 in particular, which issued the Memorandum dated 30.12.2020, Annexure-6 to the writ petition, to introduce secure online systems for recruitment process in time with e-governance mission.

10. The said exercise be taken as expeditiously as possible. In addition thereto, we would direct the Opp. Parties herein to ensure that the application of the petitioner is verified in time so that it

reaches to the competent authority within the time as stipulated. If there is any delay, the Opp. Parties at whose level that will be stuck up, shall be made responsible. We hope and trust that the system will not fail in the manner, as the petitioner has narrated.

11. In terms of the above, this writ petition stands disposed of.
12. There should be no order as to costs.
13. Urgent certified copy of this order be granted as per rules.
14. A free copy of this order be furnished to Mr. P.K. Parthi, learned Asst. Solicitor General of India forthwith.



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



