

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 2592 of 2007

<i>Mataji Swain</i>		<i>Petitioner</i>
		<i>Mr. D.K. Mohapatra, Advocate</i>
	Vs.	
<i>State of Odisha and others</i>		<i>Opposite party</i>
		<i>Mr. H.K. Panigrahi, ASC</i>

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

04.01.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. D.K. Patnaik, learned counsel for the petitioner and Mr. H.K. Panigrahi, learned Additional Standing Counsel
3. The petitioner has filed this writ petition seeking to quash the merit list prepared by the Government on 20.09.2006 under Annexure-5 and to declare the consequential action of the opposite parties pursuant to re-select list including appointment of opposite party no.5 as invalid and inoperative in the eye of law.
4. On perusal of the record, it is evident that at the outset, the petitioner has impleaded only opposite party no.5 as a party to this case.
5. Mr. H.K. Panigrahi, learned Additional Standing Counsel contended that since the petitioner has challenged the merit list prepared by the Government on 20.09.2006 wherein along with opposite party no.5 many other

candidates are there, the petitioner ought to have made those persons as opposite parties in this writ petition, however, the said selected persons have not been made as parties to the application itself. In the event, the writ petition is allowed, the affected persons could not have been given opportunity of hearing and, thereby, the writ petition suffers from non-joinder of parties.

6. Having heard learned counsel for the parties and after going through the records, it is evident that the petitioner has filed this writ petition seeking for quashing of the merit list prepared by the Government on 20.09.2006 vide Annexure-5, but except opposite party no.5, he has not made anybody from the select list as parties to this case. In the event the petitioner has not been selected, it is incumbent upon him to implead the persons whose name finds place in the merit list, so that they could have been given opportunity of hearing.

7. In view of the above, this Court is of the considered view that due to non-joinder of the persons named in the merit list as parties, this application cannot sustain and accordingly the writ petition stands dismissed.

Arun

(DR. B.R. SARANGI)
JUDGE