

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17137 of 2022

Lucky Behera and others

..... Petitioners
Mr.U.K.Samal, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr.S.N.Patnaik, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.07.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This case was listed before Court No.XVII. On being mentioned, this matter is taken up.
3. Heard Mr.U.K.Samal, learned counsel for the Petitioner as well as Mr.S.N.Patnaik, learned Additional Government Advocate.
4. The present writ application has been filed by a group of persons, who have been deprived of getting an opportunity to apply for the post of Anganwadi Worker of nine Anganwadi Centre including Solagan Anganwadi Centre. Further, they have prayed in the writ application to quash the advertisement/Notification dated 22.06.2022 under Annexure-1 published by the C.D.P.O., Kandadahad.
5. Learned counsel for the Petitioner submits that the advertisement pursuant to which the selection process for engagement of Anganwadi worker has been started have not been duly published in the locality as has been provided in the guidelines,

as a result of which the Petitioners, who are 14 in number of Solagan village, under P.S. Parjang in the district of: Dhenkanal did not get an opportunity to apply for engagement to the post of Anganwadi Worker of different Anganwadi Centre.

6. It is submitted by the learned counsel for the Petitioners that the Petitioners fulfilled all the eligibility criteria as provided in the advertisement. However, since the said advertisement was not given due publicity, they did not get any opportunity to apply for the said post. As such they have been illegally debarred to apply for the said post.

7. Learned Additional Government Advocate on the other hand submits that the C.D.P.O. had published the advertisement as is required under the guidelines. Therefore, no illegality has been committed by the CDPO while publishing the said advertisement. In such view of the matter, learned Additional Government Advocate submits that the writ application at the instance of the writ petitioners is not maintainable in law and the same is liable to be dismissed.

8. Having heard learned counsel for the Petitioners and upon careful examination of the materials on record, this Court finds it difficult to come to a conclusion that whether the advertisement was given due publicity as has been provided in the guideline. However, considering the seriousness of the allegation that the advertisement was not given due publicity, which is a basic requirement and had to give equal opportunity to give appointment, this Court directs the Collector, Dhenkanal to examine the matter and if required, he may conduct an enquiry. In the event, it is found that the advertisement under Annexure-1 dated 22.06.2022 was not given due publicity as has been alleged by the present Petitioners, then necessary follow up action be taken in the matter. Further, in the event it is found that the

village of the Petitioners were left out, then the Petitioners may be given an opportunity to submit their application. In the event they submit their application, the same shall be considered along with other application as per guidelines.

9. Further it is directed that till final decision is taken in the matter, the engagement pursuant to Annexure-1 so far as Sl.No.8 i.e. Solagan shall be kept in abeyance.

10. With the aforesaid observation and direction the writ application stands disposed of.

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

RKS

