

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17148 of 2022

Santosh Mishra & Ors. *Petitioners*

Mr. Durgesh Narayan Rath, Adv.

-versus-

State of Odisha and Ors. *Opposite Parties*

Mr. Debasis Mohapatra, SC
(for S & ME Deptt.)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER
29.07.2022

Order
No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In this Writ Petition, the petitioners have challenged the advertisement dated 23.12.2021 issued by the opposite party No.2- Director of Secondary Education, Odisha, Bhubaneswar for recruitment for the post of Initial Appointee Teachers in Government Secondary Schools of the State of Odisha, 2021-2022 on the ground that the same is illegal and bad in law as it does not conform to the provisions of the Odisha Reservation of Vacancies in Posts and Services (For Scheduled Castes

and Scheduled Tribes) Act, 1975 (*hereinafter referred to as "the ORV Act" for brevity*) and the law laid down by the Apex Court of India. Moreover, it is also alleged that the said advertisement for recruitment of Initial Appointee Teachers in Government Secondary Schools of Odisha, 2021-2022 on contractual basis is liable to be set aside as it is arbitrary, for it does not prescribe a minimum pass mark for the Computer Based Test (CBT) examination.

4. Learned counsel for the petitioners submits that this Court has earlier decided the similar issue in the case of **Lalatendu Mishra & Ors. –vrs. State of Odisha and Ors.** vide common judgment dated 21.07.2022 passed in W.P.(C) No.12636 of 2022 and batch of cases. Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in the case of **Lalatendu Mishra** (supra).

5. Learned Standing Counsel for the Department of School and Mass Education submits that he has no objection, if this matter is disposed of in the light of the judgment passed in the case of **Lalatendu Mishra** (supra).

6. On perusal of the records and the judgment passed in the case of **Lalatendu Mishra** (supra), it appears that

similar issue has already been decided by this Court in the said judgment which was disposed of on 21.07.2022. The ordering portion of the said judgment is as follows.

“V. Conclusion and order:

37. In the circumstances, having regard to the principles enunciated in the various authorities cited above, I have no hesitation in coming to the conclusion that the petitioners cannot be granted any relief in these Writ Petitions and the present Writ Petitions are liable to be dismissed, being devoid of merit.

Xx xx xx xx”

7. In view of the aforesaid common judgment passed in W.P.(C) No.12636 of 2022 and batch of cases, this Writ Petition is dismissed being devoid of merit.

8. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

BJ