

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.17329 of 2022

**Chinmay Kumar Nayak &
Another**

Petitioners

-versus-

State of Odisha & Others Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
19.07.2022**

**Order
No**

1.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Budhadev Routray, learned Senior Counsel for the Petitioner and Mr. Y.S.P.Babu, learned Addl. Government Advocate for the State.
3. Copy of the Addl. Affidavit filed in Court today be kept on record.
4. The Petitioners are aggrieved by the non-consideration of their objections filed to the provisional gradation list issued by the Government in the Home Department on 02.03.2022 under Annexure-4.
5. It is submitted that without considering the objection which has been duly filed on 11.03.2022 under Annexure-5-Series, the said Department has moved the Orissa Public Service Commission seeking relaxation of the eligibility criteria for promotion of OPS (J.B) in the rank of Deputy Superintendent of Police to the rank of

OPS (S.B) i.e., Addl. Superintendent of Police vide Annexure-8.

6. It is submitted that since the final gradation list has not yet been published after due consideration of the objections filed by the Petitioners, the action of the Home Department in moving the OPSC seeking relaxation of the eligibility criteria is not permissible.

7. Mr. Babu on the other hand submitted that if necessary direction be issued, then the concerned authority will publish the final gradation list by considering the objection made by the Petitioner under Annexure-5-Series within a stipulated time.

8. Taking into account the submissions made by the learned counsel for the Parties, this Court directs the Opposite Party No.1 to consider the objection made to the provisional gradation list under Annexure-5-Series prior to publication of the final gradation list within a period of one month from the date of receipt of this order.

9. However, it is observed that if any further decision is taken in the meantime prior to finalization of the gradation list the same shall be subject to challenge before appropriate forum.

10. The Writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge