

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18937 of 2022

*Pradeep Kumar Nayak and Ors. .... Petitioners*  
*Mr. Durgesh Narayan Rath, Adv.*

*-versus-*

*State of Odisha & Ors. .... Opposite Parties*  
*Mr. Ashok Ku. Parija, AG*  
*Mr. Arnab Behera, ASC*

**CORAM:**

**DR. JUSTICE S.K. PANIGRAHI**

**Order**  
**No.**

**ORDER**  
**11.08.2022**

3.
  1. This matter is taken up through hybrid mode.
  2. Learned counsel for the parties are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in the presence of learned counsel for the parties and the order is passed accordingly as follows:-
  3. The selection made by an authority for appointment is not ordinarily open to judicial scrutiny because whether a candidate is fit for a particular post or not, has to be decided by the duly constituted Appointing Authority/Selection Committee which has the expertise on the subject. Since it lacks the expertise, it is not the

function of the Court to hear appeals over the decisions of Selection Committees and to scrutinize the relative merits of candidates.

4. If a candidate despite being aware of any defect or infirmity in a process of selection appears at the examination for recruitment/interview by taking a calculated chance, and finds the result of such examination/interview not palatable to him, he cannot turn around and subsequently contend that the process of examination/interview was either defective or unfair.

5. In the final analysis, this Court is of the opinion that the Writ Petition is devoid of merits for the foregoing reasons. The challenge in this Writ Petition should be spurned, being hit by the doctrine of approbation and reprobation.

6. The Writ Petition is dismissed. No order as to costs.

*(Dr. S.K. Panigrahi)*  
*Judge*