

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19810 of 2022

Abinash Lenka

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Petitioner

Mr. S.K. Samal, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

09.12.2022

Order No.

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This matter is taken up through Hybrid mode.

2. Heard Mr. S.K. Samal, learned counsel appearing for the petitioner and Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking direction to opposite party no.2 to select the petitioner as against the post of TGT (ARTs), pursuant to advertisement dated 23.12.2021 under Annexure-1 on the basis of the score secured in the C.B.T., by taking into consideration the objection dated 20.05.2022 submitted by the petitioner before the Verifying Official and further to issue direction to the said opposite party to issue necessary engagement order in his favour within a stipulated period.

4. Mr. S.K. Samal, learned counsel appearing for the petitioner contended that the petitioner has not been selected against the post of TGT (Arts) because of production of B.Ed. certificate issued by the Guru Nanak College of Education, Bidar under Gulbarga

University of Karnataka. It is further contended that the B.Ed. certificate issued by the Guru Nanak College of Education, Bidar under Gulbarga University of Karnataka is an affiliated college. Therefore, there is no justification to reject the candidature of the petitioner for appointment to the post of TGT (Arts). To substantiate his contentions, he has placed reliance on the documents under Annexure-9 series.

5. Mr. B. Mohanty, learned Standing Counsel for School and Mass Education Department contended that since the petitioner had not produced any material indicating affiliation of Guru Nanak College of Education, Bidar under Gulbarga University of Karnataka, his name was not recommended. Referring to counter affidavit, he contended that the petitioner was required to submit affiliation certificate for the year of his study, but the petitioner submitted the affiliation certificate of B.Ed for the year 2013-14 issued by Gulbarga University, Karnataka instead of 2012-13. As a consequence thereof, an enquiry was conducted and Assistant Director, Directorate of Secondary Education, Odisha sought for instructions from Gulbarga University, Karnataka with regard to genuineness of affiliation certificate of B.Ed for the year 2012-13 of the petitioner. Now, the Director of Higher Education has received clarification from Gulbarga University, Karnataka. Therefore, there is no impediment on the part of the authority to consider the candidature of the petitioner.

6. Considering the contentions raised by learned counsel appearing for the parties and after going through the records, it appears that though the petitioner was selected for initially appointees teacher in Secondary Schools, but his name was not

recommended because he had not produced proper affiliation certificate of B.Ed for the year 2012-13 issued by Gulbarga University, Karnataka. More so, he had produced two affiliation certificates, which created confusion in the minds of the authorities. Therefore, Assistant Director, Directorate of Secondary Education, Odisha sought for instructions, vide letter dated 26.01.2022, from Gulbarga University, Karnataka with regard to genuineness of affiliation certificate of B.Ed for the year 2012-13 of the petitioner. In response to same, the Registrar, Gulbarga University Kalaburagi, vide letter dated 31.10.2022, issued clarification to the Director, Secondary Education, Odisha to the following effect:

“With reference to the above cited subject and reference No.(2) as per your requisition regarding inquiry of the genuineness certificate of B.Ed affiliation, notification for the year 2012-13 of Guru Nanak B.Ed college of Education, Bidar, it is hereby certified that the affiliation issued by Gulbarga University, (Office order no. GUK/ACA/affiliation/2012-13/1358 dated 27.08.2012) is genuine”.

In view of above communication made by the Registrar, Gulbarga University, Karnataka stating that the affiliation certificate of B.Ed for the year 2012-13 of the petitioner is genuine, there is no impediment on the part of the authority concerned to consider the case of the petitioner.

7. In the above view of the matter, this Court directs the petitioner to produce necessary certificates before opposite party no.3-District Education Officer (DEO), Ganjam, who, after due verification, shall make necessary communication to the Director, Secondary Education, Odisha, so that follow up action can be taken for appointment of the petitioner in accordance with law. The entire exercise shall be done within a period of six weeks from the

date of communication/production of the order.

8. With the above observation and direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

