

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18935 of 2016

Sujata Sahoo

.....

Petitioner

Mr. P.K. Panda, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

11.10.2022

Order No.

11.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Panda, learned counsel for the petitioner and Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to produce the records with regard to merit list of the Junior Clerks of N.C.C. wing prepared by the opposite party no.2 along with the selection made in the year 2000 and further seeks to quash the order dated 25.08.2016 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 1854 of 2015 under Annexure-11. She further seeks to cancel the final gradation list of the Junior Clerks of N.C.C. dated 06.05.2015 vide Annexure-6 declaring the same as improper, irrational, arbitrary and bad, and to issue direction to opposite party no.2 to prepare the gradation list afresh following the principle/methodology adopted in earlier occasion in the interest of justice, equity and fair play.

4. Mr. P.K. Panda, learned counsel for the petitioner contended that though in the gradation list prepared as on 01.01.2015 under under Annexure-6 dated 06.05.2015 the petitioner's name finds place at sl.no.55, but the petitioner claims that she should be placed at sl.no.26. He further contended that the tribunal failed to appreciate the contention raised by the petitioner in proper perspective, for which the

order impugned passed by the tribunal is liable to be set aside.

5. Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties contended that the tribunal is well justified in passing the order impugned which does not warrant any interference of this Court. It is contended that the petitioner along with other 46 Junior Clerks were selected during the year 2000 and given appointment in 2000-01 in different NCC units of the State. The petitioner had secured 95 marks in the competitive examination and according to her position in the mark list, she has been enlisted in the gradation list of Junior Clerk at sl.no.55. Thereby, fixation of seniority has been done on the basis of the mark secured by the petitioner. As such, no illegality or irregularity has been committed by the authority.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the seniority of the petitioner has been fixed in the gradation list prepared as on 01.01.2015 as at sl.no.55. But neither before the tribunal nor in this writ petition the petitioner has impleaded the persons over and above whom she wants his placement in the gradation list and, as such, nowhere such question has been raised before the tribunal. Therefore, due to non-joinder of proper parties, this Court is not inclined to entertain this writ petition by holding that the order passed by the tribunal is well justified and does not require any interference of this Court.

7. Accordingly, the writ petition stands dismissed.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE