

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 188 of 2016

Sabita Pradhan

....

Appellant

M/s. G. K. Nanda and associates, Advocates

-versus-

***Commissioner-cum-Secretary to
Government of Odisha, Panchayatraj
Department, Bhubaneswar and others***

....

Respondents

Mr. Ishwar Mohanty, Additional Standing Counsel for State

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

10.10.2022

Order No.

Misc. Case No.829 of 2016

03.

1. For the reasons stated, the delay of 8 days in filing the appeal is condoned. The application is allowed.

W.A. No.188 of 2016

2. The short question that arose before the learned Single Judge for consideration in the writ petition i.e. W.P.(C) No.1807 of 2016 filed by the present Appellant was whether the application submitted by the Appellant for the post of Yogana Sahayak was received within the deadline of 5th January, 2015 as contended by her or received only on 8th January, 2015?

3. This is the second round of litigation concerning the issue of engagement of the Appellant as Yogana Sahayak. Earlier she had filed W.P.(C) No.13498 of 2015, which was disposed of by the

learned Single Judge on 31st July, 2015 directing the Block Development Officer (BDO), Barkote to consider and dispose of the Appellant's representation.

4. After the representation was rejected, the second round commenced with the Appellant filing W.P.(C) No.1807 of 2016, which was dismissed by the learned Single Judge by the impugned order dated 3rd March, 2016. It has been noted therein that the Appellant was unable to produce any document to show that the application submitted by her was in fact received before the deadline of 5th January, 2015.

5. However, learned counsel for the Appellant draws attention to the handwritten document purportedly by the Sarpanch, who was one of the members of the Committee for selecting the candidate whereby he is supposed to have acknowledged that the application submitted by the Appellant was received on 5th January, 2015. His contention is that this document has not been considered by the learned Single Judge.

6. On perusal of the said document, it is seen that it is a handwritten one and there is no affidavit by the Sarpanch clarifying that in fact the application submitted by the Appellant was received on 5th January, 2015 itself. It appears to be a self-serving document without any substantiation. It would have required evidence to be led by the parties which obviously could not have been undertaken before the learned Single Judge. It was open to the Appellant to have produced an affidavit of the Sarpanch, which the Appellant obviously failed to do.

7. Consequently, the Court is unable to find any error having been committed by the learned Single Judge in dismissing the writ petition.

8. The appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda/S. K. Guin

