

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 21562 of 2022

..... *Petitioner*

Dwarikanath Maharana

Mr. G. Sethi, Adv.

-versus-

State of Odisha & Ors. *Opposite Parties*

Mr. D.R. Mohapatra, SC
(for S & ME Deptt.)
Mr. Pranoy Mohanty, Adv.
(for O.P.7)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
21.10.2022

03. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In this Writ Petition, the petitioner challenges the action of Opposite Parties in not appointing him as CRCC and in appointing the Opposite Party No.7 as CRCC in Khalikote Block, in the district of Ganjam.
4. Learned counsel for the Petitioner submits that despite the Opposite Party No.7 is a tainted person which is reflected in different letters by the authorities, he has been appointed as CRCC in Khallikote Block, in the district of Ganjam. However, the petitioner has been

excluded from giving appointment to such post for no reason. It seems that the authorities have overlooked the allegation made against the Opposite Party No.7.

5. Learned counsel for the State brings to the notice of this Court to Paragraphs-6, 7, 8 and 9 of the counter affidavit filed by the Opposite Party No.4/District Project Coordinator, Ganjam, wherein it has been stated as follows:-

"6. That it is humbly and respectfully submitted that on receipt of application forms from different blocks, the O.P.No.5 i.e. District Education Officer-cum-DPC, Samagra Sikshya, Ganjam vide letter No.3038 dated.20.08.2022 prepared a Bblock wise panel of 131 applicants for all blocks wherein seven numbers of teachers from Khallikote block have been enlisted and the name of the O.P.No.7 and name of the present petitioner are find place at SI.No.61 and 64 of the said list respectively. In the said letter dated.20.08.2022, instruction was also given for deputation of teacher for counselling of the respective teachers for selection of CRCCs. The copy of the letter dated. 20.08.2022 enclosed as Annexure-4 to the writ petition.

7. That it is humbly submitted that during the course of counselling on 24.08.2022 it is ascertained that the O.P.No.7 (i.e. Daitari Behera, Asst. Teacher, UGHS, Debijhara) during his tenure as Headmaster-in-Charge of UGHS, Debijhara was involved in many irregularities specifically misappropriation of Govt. money such as different SSA grants and Pre-Matric

scholarship etc. which has also been established during the course of enquiry. Accordingly the candidature of the O.P. No.7 has not been considered in selection process for engagement of CRCCs.

8. That it is humbly submitted that due to the aforesaid misconduct and dereliction in duty, the O.P. No.7 was initially issued with a show cause notice regarding initiation of disciplinary proceedings against him and subsequently he has also been placed under suspension. vide order No. 2238 dated.09.09.2022 of the Block Education Officer, Khallikote. Hence, engagement of O.P. No.7 as CRCC in Khallikote Block does not arise. Therefore the allegation raised by the petitioner regarding deviation of the norms by the O.P.No.4 & 5 with malafied and oblique intension is bad and illegal on the face of records. The copy of the suspension order dated. 09.09.2022 is enclosed here with as Annexure- A/4.

9. That it is humbly submitted that the name of the O.P. No.7 and name of the present petitioner are find place at Sl.No.61 and 64 of the said list respectively. Accordingly after rejection of the candidature of O.P.No.7, there are also two eligible candidate above the name of the petitioner. Hence the claim of the petitioner for his engagement as CRCC in place of the O.P.No.7 is unsustainable. However the process for engagement of CRCC is going on without any deviation."

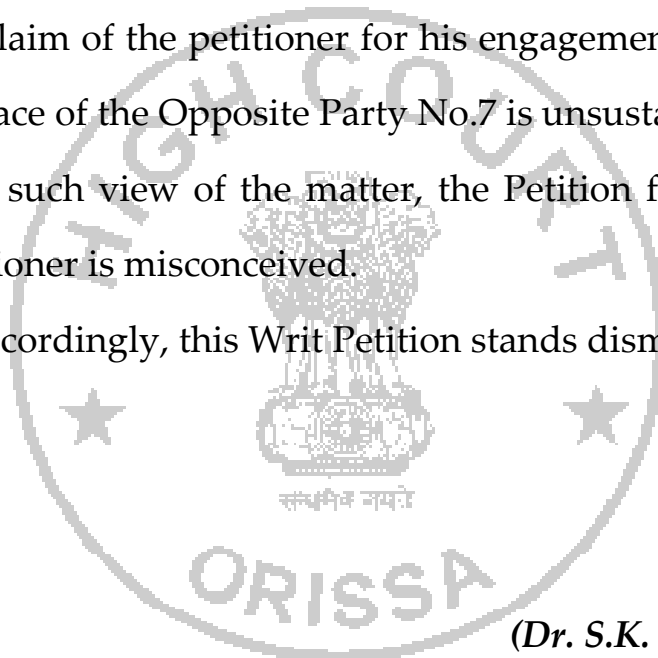
6. It appears from the aforesaid paragraphs of the counter affidavit filed by the Opposite Party No. 4 that the candidature of Opposite Party No.7 has not been

considered in selection process for engagement of CRCCs due to misconduct and dereliction in duty by him.

7. It also appears that the names of the present petitioner and the Opposite Party No.7 are found place at Serial No.61 and 64 of the penal list for selection of CRCC. There are also two eligible candidates above the name of the present petitioner in the penal list. Hence, the claim of the petitioner for his engagement as CRCC in place of the Opposite Party No.7 is unsustainable.

8. In such view of the matter, the Petition filed by the petitioner is misconceived.

9. Accordingly, this Writ Petition stands dismissed.



(Dr. S.K. Panigrahi)
Judge

SD