

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23558 of 2022

Bikram Behera

....

Petitioner

Mr. Niranjana Lenka, Adv.

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. D. Mund, AGA

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

15.09.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. The Petitioner, in this Writ Petition, seeks to quash the Advertisement/ Notice dated 08.09.2022 issued by the Opposite Party No.3/ Principal, Government Industrial Training Institute, Jajpur inviting applications for selection of Part Time Guest Instructors (PTGIs) for the academic session 2022-23 or till the posting of regular/ Initial Appointee staff by DTE & T (O), Cuttack (whichever is earlier).
4. Grievance of the Petitioner is that since the Petitioner has been continuing as PGTI since 16.09.2019 without any adverse remarks from the authority, sudden issuance of

advertisement for selection of new set of PGTIs replacing the present PGTIs is not tenable in law.

5. Learned counsel for the Petitioner fails to show that the Petitioner has any vested right to the post. It is also clearly stipulated in the advertisement that the engagement is purely temporary in nature and it is a stop-gap arrangement. Since it is a stop-gap arrangement and the nature of job is temporary, the authority has every right to change the PGTIs, if it so desired. This Court should be very slow in interfering with such type of matter.

6. However, learned counsel for the Petitioner brings to the notice of this Court to the order dated 21st April, 2022 passed by the Apex Court in **Manish Gupta & Anr. Etc. Etc. -vrs.- President Jan Bhagidari Samiti & Ors. Etc. Etc.** wherein it has been held that the persons engaged as Guest Faculties on temporary basis cannot be replaced by another set of temporary Guest Faculties.

7. This Court is of the view that the Opposite Party No.3/ Principal, Government Industrial Training Institute, Jajpur while advertising for selection of new PGTIs should afford opportunity to the current set of PGTIs to participate in such interview and on the basis of their

performance appraisal in the past, their cases should also be considered including that of the present Petitioner.

8. In such view of the matter, the Petitioner should also be allowed to participate in the interview process since he had already spent more than three years in the said institution and some weightage should also be given to the experience he has gained during the last three years.

9. In view of the above, the Opposite Party No.3/ Principal, Government Industrial Training Institute, Jajpur to consider the candidature of the present Petitioner taking into account his qualification and experience and allow him to participate in the interview process.

10. Accordingly, this Writ Petition is disposed of.

11. Urgent certified copy of this order be granted in course of the day.

(Dr. S.K. Panigrahi)
Judge

BJ