

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23663 OF 2022

-versus-

State of Odisha & Others		Opp. Parties
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COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

Order No	<u>ORDER</u> 28.9.2022
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- 2.** **1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. Dutta, learned counsel for the petitioner and Mr. Choudhury S. Mishra, learned A.G.A and Ms. Mohapatra, learned counsel appearing for Opp. Party No.6.
- 3.** The present writ petition has been filed by the petitioner challenging the order dated 12.9.2022 issued under Annexure-9 with the intimation that the petitioner will be disengaged w.e.f 19.9.2022 from her engagement as MBK. Mr. Dutta, learned counsel for the petitioner submitted that the said direction was issued basing on the order passed by the Collector and District Magistrate, Balasore on 8.7.2022 in Misc. Case No.17 of 2022 under Annexure-5. It is submitted that Collector and District Magistrate, Balasore-Opp. Party No.2 while deciding the matter pursuant to the order passed by this Court in W.P.(C) No.2203 of 2022 held the private opp. Party No.6 to have secured 16

mark and accordingly the petitioner was found ineligible vis-à-vis the said opp. Party no.6. Basing on the said order passed by the Collector and District Magistrate, Balasore, the impugned order at Annexure-9 has been issued, by disengaging the petitioner from the post of MBK of the Grama Panchayat. It was the sole contention of Mr. Dutta that private opp. Party no.6 was allowed 5 extra mark taking into account her acquiring the computer qualification from a private college.

4. This Court while issuing notice of the matter vide order dated 14.9.2022 taking into account such submission of Mr. Dutta passed an interim order with a direction to maintain status quo. Ms. Mohapatra on her appearance on behalf of opp. Party no.6 has filed a counter affidavit. In the said counter affidavit vide Annexure-A/6, it has been clearly indicated that the institution from which the private opp. Party no.6 acquired the computer qualification is a Govt. sponsored college and accordingly she has been rightly allowed 5 marks for that.

5. This Court after going through the documents annexed to the counter affidavit found that the college from which the opp.party no.6 has acquired the computer qualification is a Govt. sponsored college and the said fact is

clearly admitted by the Regional Director of Education under Annexure-A/6.

6. After considering the submission's made by the learned counsel for the parties and after going through the materials available on record, this Court finds that opp. Party No.2 has rightly passed the order at Annexure-5 by holding opp. Party no.6 more suitable than the petitioner. Therefore, since the impugned order dated 12.9.2022 has been issued pursuant to the said order of Collector, Balasore, this Court also finds no illegality in the said order dated 12.9.2022. Accordingly, this Court is not inclined to entertain the prayer made in the writ petition.

7. The Writ Petition is accordingly dismissed.

(Biraja Prasanna Satapathy)
Judge

sangita