

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2192 of 2010

Harish Chandra Kundu

....

Petitioner

Mr. G.R. Sethi, Adv.

-Versus -

***I.G. of Police, Western
Range and others***

....

***Opposite Parties
State Counsel***

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

28.02.2022

**Order No.
03**

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties to issue letter of appointment in his favour pursuant to the advertisement dated 08.10.2008 for appointment of constables in 4th and 5th Indian Reserve Battalion within a stipulated time.

3. Mr. G.R. Sethi, learned counsel for the petitioner contended that while entertaining this application, the tribunal vide order dated 23.07.2010 passed interim order to the extent that any appointment made to the post of constable in the 4th India Reserve (I.R) Battalion, Rourkela pursuant to the advertisement dated 16.04.2010 (Annexure-3) would abide by the result of the writ petition.

4. Mr. M. Balabantaray, learned Standing Counsel contended that pursuant to the aforesaid advertisement, the recruitment has already been completed long since and, as such, the persons those who have been appointed pursuant to

such advertisement, they have not been made parties to the writ petition.

5. Having heard learned counsel for the parties and after going through the records, it appears that pursuant to the advertisement, the selection process has already been over and the persons those have been selected and appointed, they have not been made parties to the writ petition and, as such, now their selection and appointment was under challenge in this writ petition. Therefore, in the event, this writ petition is allowed, the persons those who have already got appointment and right has already accrued in their favour will be jeopardized. As such, without hearing them, order cannot be passed.

6. In the above view of the matter, due to non-joinder of proper parties, this writ petition suffers from non-joinder of proper parties. Accordingly, the writ petition stands dismissed as not maintainable.

(Dr. B.R. Sarangi)
Judge

Ashok