

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.408 of 2014

Sunil Kumar Jena* *Petitioner

Mr. S.K. Nayak, Advocate

-versus-

1. State of Odisha

***2. The Director of
Elementary Education,
Bhubaneswar***

***3. Collector of Kalahandi
district, Bhawanipatna***

***4. District Project
Coordinator,
Bhawanipatna***

.... Opp. Parties

*Mr. Biswajit Mohanty,
Standing Counsel (SME)*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
16.12.2022**

Order No.

18. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned Standing Counsel for the School and Mass Education Department.

The petitioner Sunil Kumar Jena has filed this writ petition for quashing the final merit list dated 23.12.2012 under Annexure-7 as invalid and with a direction to the

opposite parties nos.2 and 3 to appoint him as Special Drive (Sikhya Sahayak).

It is the case of the petitioner that the petitioner is a handicapped person and one advertisement was issued in the district of Kalahandi for engagement of handicapped persons in different posts of Special Drive under handicapped category by Sarva Shiksha Abhiyan Department and on the basis of such advertisement, the petitioner submitted his application along with the required documents and a provisional list of candidates was published in which the name of the petitioner finds place in physical handicapped category under Bhawanipatna Education District at Sl. No.7, but when final merit list was prepared under Annexure-7, the name of the petitioner did not find place. Learned counsel for the petitioner further submitted that exclusion of the name of the petitioner from the final merit list in spite of his name being there in the provisional list is illegal and he has ventilated his grievance before the competent authority by filing representations highlighting the exclusion of his name from the final merit list.

Learned counsel for the opposite party no.4 District Project Coordinator, Bhawanipatna has filed the counter affidavit wherein it is mentioned in paragraph no.5 that the provisional merit list is always provisional but not final and after receipt of the applications and preliminary

scrutiny, a database was prepared and uploaded in the website in the name of provisional list for inviting objections from the candidates in case of having any mistake in entering their names, addresses, age and marks etc. and after the last date of receipt of objection, documents verification and physical test by a competent doctor, the final merit list was prepared. It is further stated in the counter affidavit that the candidates were informed as per the letter dated 02.12.2011 through newspaper and website to attend for the document verification and medical test and though all the candidates attended for their original document verification but the petitioner did not come for the same due to which during preparation of the final merit list, his candidature could not be considered.

No rejoinder affidavit has been filed by the petitioner to the counter affidavit filed by the opposite party no.4. No material is brought on record to show that on the basis of information supplied in the newspaper and website, the petitioner attended for original document verification and medical test.

In view of such state of affairs, after hearing the learned counsel for both the parties and the reason assigned in the counter affidavit for non-inclusion of the name of the petitioner in the final merit list, I find no illegality or perversity in the final merit list published under Annexure-7.

Accordingly, the writ petition is being devoid of merit, stands dismissed.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

RKM

