

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27061 of 2022

Mohammad Abas

....

Petitioner

Ms. B.K. Pattnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“It is therefore humbly prayed that this Hon’ble Court may graciously be pleased to admit the case, call for the records and after hearing both the parties pass the following reliefs;

- i) *To quash the order dated 20.08.2022 under Annexure-10.*
- ii) *To direct the Opposite Party No.3 to accept the joining report of petitioner as Sepoy of 7th O.S.A.P. Battalion and appoint him as per order under Annexure-7 prepared in compliance to order dated 5.7.2018 of this Hon’ble Court passed in W.P.(C) No.28566 of 2013 with all financial and consequential benefits.*

And pass such other order/orders as may be deemed fit and proper for the interest of justice.”

4. It is submitted by learned counsel for the Petitioner that being aggrieved by the order dated 30.08.2022 passed by the A.I.G. of Police (Personnel), Odisha, Cuttack under Annexure-10 to the writ petition rejecting the Petitioner's prayer for recruitment for the post of Sepoy in 7th O.S.A.P. Battalion, Bhubaneswar, the Petitioner has preferred this writ petition. It is further submitted that while rejecting the candidature of the Petitioner vide order dated 30.08.2022 under Annexure-10, no reason whatsoever has been ascribed.

5. This Court on perusal of the rejection order under Annexure-10 to the writ petition observes that it does not carry any reason to justify the rejection order. It is needless to mention here that the reason on the heart and soul of any order supports the decision taken by the authority while taking a decision.

6. Learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, justifies the conduct of the Opposite Parties by referring to the documents.

7. However, this Court is not convinced to the approach of the authorities in rejecting the prayer of the Petitioner by a non-speaking order.

8. In such view of the matter, this Court disposes of the writ petition at the stage of admission by setting aside the order dated 30.08.2022 passed by the A.I.G. of Police (Personnel), Odisha, Cuttack under Annexure-10 to the writ petition and the matter is remitted back to the Opposite Party No.2-D.G. & I.G. of Police, Orissa, Cuttack to consider the matter afresh and disposed of the

application of the Petitioner by a speaking and reasoned order in accordance with law within a period of four weeks from the date Petitioner's approach before the Opposite Party No.2. The Petitioner is directed to approach the Opposite Party No.2 along with certified copy of this order within two weeks from today. The decision so taken by the Opposite Party No.2 shall be communicated to the Petitioner within two weeks thereafter.

9. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

Debasis

