

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2312 of 2018

Padmanav Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
20.09.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Roy, learned counsel on behalf of Mr. S. Rath, for the Petitioner and Mr. S. Swain, learned counsel appearing for O.P. No. 2 as well as Mr. M.K. Balabantaray, learned Standing Counsel appearing for the State-Opp. Party.
3. The present writ Petition has been filed by the Petitioner with the following prayer:-

“In view of the facts mentioned above the applicant humbly prays that this Hon'ble Tribunal may graciously be pleased to issue notice to the Respondents/Opp.Parties, asking them to show cause as to why:

(A) the impugned Notice/Order bearing No.5459, dated 16.07.2018, under Annexure-4 shall not be quashed as illegal, arbitrary and devoid of application of mind so far as it relates to the applicant;

(B) the Respondent No.2 shall not be directed to consider the case of the applicant for appointment to the post of Lecturer in Zoology as had been applied for by him in view of the fact that the applicant's Masters Degree in Biosciences is equivalent to Masters Degree in Botany and Zoology.

AND

Pass any other Order(s)/Direction(s) as this Hon'ble Tribunal may consider fit and proper in the facts and circumstances of the case.

AND

For this act of kindness the applicant as in duty bound shall ever pray.”

4. It is submitted that even though the Petitioner submitted his application pursuant to the advertisement issued by the Commission under Annexure-1 vide advertisement No. 2 of 2017-18 for the post of Lecturer in Zoology, but his candidature was rejected on the ground that he has no requisite qualification.

5. It is also submitted that when the Petitioner was not allowed to take part in the interview, which was due to be held on 17.07.2018 the Petitioner moved an application before the Commission under Annexure-5. Mr. Roy further submitted that Petitioner though had the requisite qualification, but his candidature has been illegally rejected by the Commission.

6. After going through the materials available on record, this Court finds that the advertisement was issued during the year 2017-18 and the interview was held on 17.07.2018. Learned Tribunal while issuing notice of the matter has not passed any interim order protecting the interest of the Petitioner.

7. Mr. Swain, learned counsel appearing for the Commission on the other hand submitted that the process of selection has already been completed with the appointment of all the selected candidates.

8. Since there is no interim order in favour of the Petitioner nor the selected candidates have been impleaded as Party to the writ Petition, the prayer as made in the writ Petition cannot be allowed. Therefore, this Court is not inclined to entertain the writ Petition and accordingly dismiss the same.

(Biraja Prasanna Satapathy)
Judge

Sneha