

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3821 of 2016

Sanjaya Kumar Mallik

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.11.2022

Order No

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. J.K. Lenka, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned Standing Counsel appearing for the State-Opp. Parties and Mr. B.K. Dash, learned counsel appearing for O.P. No. 5.

3. The present writ Petition has been filed with the following prayer:-

“The Applicant therefore prays that, this Hon'ble Tribunal may be graciously pleased to admit this Original Application and after hearing the Advocate for the Applicant, allow this Original Application, directing and commanding the Respondents to employ the Applicant engaging him as and in the post of Jr. Engineer (Civil) on the basis of his passing out year 2008 in terms of the Government Policy decision made for empanelling the Diploma Holder Civil Engineers.

And be further pleased to direct the Respondents to engage the Applicant employing him as Jr. Engineer (Civil) Under the Government of Odisha in any of its Department within a reasonable time frame as may be fixed by this Hon'ble Tribunal.

And also be pleased to direct the Respondents to confer due seniority at par with his batch mates in case of the Applicant in terms of the Government policy decision dated

06.08.1989 regarding empanelment on the year wise passing out basis.

And pass such other order(s)/direction(s) as may be deemed fit, just and proper in the bonafide interest of justice and equity.

And for this act of kindness the Applicant as in duty bound shall ever pray.”

4. It is submitted that because of the fault committed by the Opp. Parties, the Petitioner could be sponsored by the Committee of Chief Engineers from the Panel maintained by it and accordingly the Petitioner could not get benefit of appointment.

5. Mr. Balabantaray, learned Standing Counsel on the other hand submitted that the issue with regard to sponsoring candidates from the panel has already been decided by this Court in its Judgment rendered in W.P.(C)(OAC) No. 2645 of 2014 & batch.

6. In view of the Judgment passed by this Court in the above mentioned case, the prayer as made in the writ Petition cannot be allowed.

7. Accordingly, the writ Petition is dismissed.

(Biraja Prasanna Satapathy)
Judge

Sneha