

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C)(OAC) No.3077 of 2015**

**Anupam Pradhan**

**....**

**Petitioner**

**-versus-**

**State of Odisha & Ors.**

**....**

**Opposite Parties**

**CORAM:  
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER  
30.06.2022**

**Order No**

- 05.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. S.D. Routray, learned counsel for the Petitioner and Mr. B. Mohanty, learned Standing Counsel for School & Mass Education Department.
3. The Petitioner has filed this writ Petition with the following prayer:-

*“That in view of the facts mentioned above the applicants therefore pray that the Hon’ble Tribunal should direct the respondents to give marks for the B.Ed. with Hindi qualification to the applicant in the selection which is equivalent for Parangat qualification and the applicant placement made correctly by adding B.Ed. mark in the selection process and the applicant as a SEBC Candidate and as per advertisement to fill up all vacancy of 112 Contractual*

*Hindi Teachers in Government High School, Balasore District or in preferential District the applicant may be appointed as a Trained Hindi Teacher by maintain equivalence and by filling up all vacancy in Balasore, District and any other order as deem fit be passed.*

*Further issue necessary direction to the respondents in giving appointment to the applicant as per the merit list prepared in respect of Hindi Teacher under Annexure-8 and all service and financial benefits be extended in favour of the applicant.”*

4. Mr. Routray, learned counsel for the Petitioner contended that this question has already been decided by this Court in the case of Satyabrata Nayak and Ors V. State of Odisha, W.P.(C) No. 902 of 2016 and batch of matters disposed of on 15.09.2021, where this Court has held that the draft reject list, so far as the Petitioner in the said case is concerned, cannot sustain in the eye of law and the same was quashed. The opposite parties were also directed to take into consideration the applications filed by the Petitioner therein and allow him to participate in the process of selection and also to consider his case for engagement as Contract Teacher (Hindi) by re-drawing the select list and extend him all the benefits in accordance with law, within a period of three months from the date of communication of the judgment. While passing the said order, this Court has observed that if untrained candidates can have right to make application and subsequently they can undergo required training within the timeline as prescribed by the Government, submission of these application even as untrained candidate, cannot be said to be faulted with. In view of such position the application of the Petitioner under Annexure-4 should have been taken into

consideration and the Petitioner should have been allowed to participate in the process of selection.

5. Mr. B. Mohanty, learned Standing Counsel for the State does not dispute such position. It has also been brought to the notice of this Court that the order passed by this Court in Satyabrata Nayak (supra) has not been challenged in the higher forum.

6. Considering the submission made by learned counsel for the Parties, this Court is of the considered view that since the order passed by this Court in Satyabrata Nayak (supra) has not been assailed, the ratio decided in the said case is fully applicable to the present case.

7. Thus, this writ petition is disposed of in terms of the observation/ direction given in the case of Satyabrata Nayak (supra).

Issue urgent certified copy as per rules.

**(Biraja Prasanna Satapathy)**  
**Judge**

*Sneha*