

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.2846 of 2015

Priyanka Mohanty

....

Petitioner

Mr. Chittaranjan Pattnaik, Adv.

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. Biplaba Mohanty, SC
(for S & ME Deptt.)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
12.10.2022

09.

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. The Petitioner, in this Writ Petition, seeks to quash the provisional merit list prepared by the Directorate of Secondary Education, School and Mass Education Department, Government of Odisha for appointment of contract teachers in Government High Schools for the year 2014-15 pursuant to the Advertisement dated 28.10.2014 issued by the Opposite Party No.1/ Secretary, School and Mass Education, Odisha, Bhubaneswar. She further seeks a direction from this Court to the Opposite Parties/ Department to prepare a fresh merit list on the basis of the

marks obtained by the candidates applied for the post of Classical Teacher on contractual basis.

4. Learned counsel for the Petitioner submits that the Petitioner has preferred an Original Application which has later been transferred to this Court and re-numbered as WPC (OAC) No.2846 of 2015. He further submits that the Government of Odisha, Department of School and Mass Education, Bhubaneswar issued an Advertisement dated 28.10.2014 inviting applications for filling of 5634 vacant posts on contractual basis in different Government High Schools of the State. The said Advertisement was also made in conformity with G.A. Department Notification No.33068/ Gen. dated 27.10.1989. Pursuant to the said Advertisement, the Petitioner applied for the post of Classical Teacher (Sanskrit) submitting all the required certificates before the authority.

5. Grievance of the Petitioner is that the Petitioner is a SEBC candidate. After verification of applications, provisional tabulation sheet was prepared according to the marks obtained by the candidates including the Petitioner wherein the Petitioner's name found place at serial Nos.60 (under trained category) and 61 (under untrained category) respectively. Though the Petitioner secured highest marks than the candidates whose names found place in the merit

list and got selected, but her name did not find place in the merit list.

6. Opposite Party No.3/ District Education Officer, Dhenkanal has also filed counter affidavit wherein at Paragraph-8 it has been mentioned as follows:

“That it is humbly submitted that the total percentage of marks secured by the applicant No.1 is **248.89** and applicant No.2 is **222.86**. The cut-off marks of the candidates those who have been provisionally selected by the Director, Secondary Education, Odisha under SEBC category for the post of contractual Classical Teacher was **240.55**.”

7. In such view of the matter, the Petitioner seems to have secured highest marks than the candidates whose names found place in the merit list and got selected for the post. However, the recruitment is pertaining to the year 2014 and the said recruitment process has already been over and appointments have been made. The Petitioner has approached to the Odisha Administrative Tribunal, Cuttack but the matter could not be heard for such a long time. However, considering the facts and circumstances of the case, if any post is lying vacant, the authority can consider the case of the Petitioner, if she is otherwise eligible, within a period of three months from today.

8. Accordingly, this Writ Petition is disposed of.

9. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

