

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 2908 of 2016

Rabindra Kumar Bidika

.....

Petitioner

Mr. N.S. Panda, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. N.K. Praharaj, Standing Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

22.02.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. N.S. Panda, learned counsel for the petitioner and Mr. N.K. Praharaj, learned Standing Counsel for the State.

3. The petitioner, who was having +2 Vocational (Fisheries) qualification to his credit has filed this writ petition to quash the select list for appointment to the post of Junior Fisheries Technical Assistant (JFTA) under Annexure-6 as per the advertisement dated 20.08.2015 under Annexure-4. He further seeks direction to opposite party no.4 to prepare the select list for appointment of JFTA as per the advertisement under Clause-3 (2) and appoint the petitioner in the post of JFTA with all consequential service benefits.

4. Mr. Panda, learned counsel for the petitioner emphatically submitted before this Court that an advertisement was issued on 20.08.2015 in Annexure-4 for recruitment to the post of Junior Fisheries Technical Assistant (post code-JFTA-80) under the Directorate of Fisheries, Odisha, Cuttack. Clause-3 (2) of the said advertisement prescribed for qualification that the candidate must have passed +2 Vocational (Fisheries) from CHSE/University. If candidates with +2 Vocational (Fisheries) qualification are not available, candidates with +2 Science qualification will be eligible for

appointment. Therefore, candidates having +2 Vocational (Fisheries) qualification and candidates with +2 Science qualification are eligible to apply for the post. The petitioner possesses +2 Vocational (Fisheries) qualification to his credit. But he has not been selected. It is further contended that in the Rejoinder affidavit, list of candidates those who have selected have been annexed, which shows that the candidates having +2 Vocational (Fisheries) qualification are not appointed.

5. Mr. N.K. Praharaj, learned Standing Counsel contended that as per qualification prescribed in Clause-3 (2) of the advertisement itself the candidate must have passed +2 Vocational (Fisheries) from CHSE/University and if candidates with +2 Vocational (Fisheries) qualification are not available, candidates with +2 Science qualification will be eligible for appointment. Therefore, candidates having +2 Vocational (Fisheries) qualification and candidates with +2 Science qualifications are eligible to apply for the post. Pursuant to such advertisement, the candidates having requisite qualification applied for the same and after due process of selection, those who have qualified and successful in the examination, list of such candidates were prepared category wise and accordingly appointment have been issued. Therefore, the claim of the petitioner that his case has not been considered, has no justification at all.

6. Having heard learned counsel for the parties and after going through the record, as per factual matrix mentioned above, there is no dispute that an advertisement was issued on 20.08.2015 vide Annexure-4 by the Odisha Staff Selection Commission inviting application for recruitment to the post of Junior Fisheries Technical Assistant (post code-JFTA-80) under the Directorate of Fisheries, Odisha, Cuttack. Clause-3 (2) prescribes the qualification that the candidate must have passed +2 Vocational (Fisheries) from CHSE/University and if candidates with +2 Vocational (Fisheries) qualifications are not

available, candidates with +2 Science qualifications will be eligible for appointment. Accordingly applications were made. Pursuant to due process of selection a select list was prepared, which has been filed by the petitioner by way of rejoinder in Annexure-7 dated 12.10.2017, wherein it appears that on the basis of marks secured in the process of selections the candidates have been selected. The contention raised by Mr. Panda that the candidate having +2 Vocational (Fisheries) have not been taken into consideration, pursuant to the qualification prescribed in Clause-3(2) of the advertisement is denied by the documents available on record. As it appears that Sl. No. 31, 54 and from 90 to 93 having +2 Vocational (Fisheries) qualifications have been selected by following due process of selection. As the petitioner participated in the selection process and could not be successful cannot challenge the same at this stage.

7. In view of the above, the writ petition merits no consideration and the same is accordingly dismissed.

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(DR. B.R. SARANGI, J.)

