

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 33063 of 2020

Parsuram Parhi

.....

Petitioner

Mr. B. Mohanty, Adv.

Vs.

***District Session Judge, Bhadrak
and another***

.....

Opposite Parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

12.10.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. B. Mohanty, learned counsel appearing for the petitioner and Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties.

3. The petitioner has filed this writ petition seeking to quash the order of rejection dated 07.05.2020 and to issue direction to the opposite parties to prepare a select list of the written examination held on 23.04.2017 strictly in consonance with Rule 7(3) of Odisha District Sub-Ordinate Non-Judicial Staff Service (Method of Recruitment and Condition of Service) Rules, 2008 and to allow him to appear in the viva-voce test and consequentially appoint him as Salaried Amin along with all consequential service and financial benefits within a stipulated time.

4. Mr. B. Mohanty, learned counsel appearing for the petitioner contended that the petitioner has filed this writ petition for grant of aforesaid relief.

5. Mr. S. Nayak, learned Additional Standing Counsel appearing for the State-Opposite Parties contended that after

receipt of the order of this Court, the recruitment process to fill up different vacant posts of the Judgeship, including one post of Salaried Amin of “Un-reserved category” was started by issuing advertisement no.01/2019. Therefore, the claim of the petitioner no more subsists and, as such, the writ petition has become infructuous.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the claim of the petitioner has already been considered by the opposite parties, in view of the stand taken by them in paragraph-13 of the counter affidavit, which is extracted hereunder:-

“13. That in reply to the averments made in paragraph-10 of the writ application, it is humbly submitted that it is not known as to whether the petitioner has ever tried to meet the District & Session Judge, Bhadrak or the Registrar, Civil Courts, Bhadrak to put forth his grievance on the matter at any point of time. In the meanwhile there being no legal impediment or orders received from the Hon’ble Court, the recruitment process to fill up different vacant posts of this Judgeship were started by giving the advertisement No.01/2019 including to fill up one post of Salaried Amin of “Unreserved category.” The written examination in English and Arithmetic were conducted on dtd. 05.01.2020 and basing on the result of the written tests, two candidates found to have qualified in such written examination who were called for the practical test in Survey & Settlement on 30.01.2021 and on the same day the viva voce test was also completed. Since only one candidate appeared in the Viva voce test, basing on her combined performance in the written examination, practical test in Survey & Settlement Act and viva voce test in Survey & Settlement Act and viva voce test, she has been sent to the Successful in the test and letter has been sent to the Successful candidate to come with all original documents for verification for appointment in the only post of Salaried Amin in this judgeship.”

7. In view of the above statement made in paragraph-13 of the

counter affidavit, nothing remains to be adjudicated in the writ petition.

8. Accordingly, the writ petition stands disposed of in terms of the averments made in paragraph-13 of the counter affidavit.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

