

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1122 of 2016

Sulochana Behera

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.07.2022

Order
No

1.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. L.K.Mohanty, learned counsel for the Petitioner and Mr. N.N.Satapathy, learned Standing Counsel for the State-Opposite Parties.

3. The Petitioner is aggrieved by the rejection of her claim for appointment as Hindi Teacher pursuant to the advertisement issued under Annexure-2 on the ground that the Petitioner is neither trained nor she possesses the qualification of M.A. in Hindi vide Annexure-5.

4. It is submitted that the Petitioner pursuant to the advertisement issued under Annexure-2 made an application and in the said advertisement the qualification prescribed for the post of Hindi Teacher is as follows:-

“(f) Hindi Teacher- Bachelor’s degree from a recognized University with Hindi as one of the elective subject with minimum 50% marks in aggregate (45% for

SC/ST/PH/OBC/SEBC candidates) or with Rastrabhasa Ratna from Rastrabhasa Prachar Samiti, Wardha or with Sastri from Orissa Rastrabhasa Parisada, Puri or with Snataka (Acquired by June-2005, the date up to which the temporary recognition has been granted) from Hindi Sikshaya Samiti, Orissa, Cuttack or an equivalent degree from a recognized institution with at least 50% marks in aggregate (45% for SC/ST/PH/OBC/SEBC candidates) and Hindi Sikshyan Parangat from Kendriya Hindi Sansthan, Agra/B.H.Ed. (a course prescribed by NCTE) from a Institution recognized by NCTE and affiliated to a recognized university / B.Ed. in Hindi (a course prescribed by NCTE) from Dakhin Bharat Hindi Prachar Sabha, Madras, a institution recognized by NCTE and affiliated to a recognized university.

OR

Bachelor's degree with Hindi as one of the optional / Hons Subject with minimum 50% of marks in aggregate (45% for SC/ST/PH/OBC/SEBC candidates) and M.A. in Hindi with minimum 50% marks in aggregate from a recognized University.

(The untrained candidates shall have to undergo required training within the timeline as prescribed by Govt.)”.

5. Mr. Mohanty brought to the notice of this Court, the certificate obtained by the Petitioner from Rastrabhasa Prachar Samiti, Wardha under Annexure-1-Series.

6. Mr. Mohanty submitted that since the Petitioner has got the required qualification as prescribed in Annexure-2, her application should not have been rejected on the ground that the Petitioner does not possesses the requisite qualification.

7. It is also submitted that the Petitioner after being denied from the purview of selections, she even though approached the Opposite Party No.2 under Annexure-6, but no decision has been taken till date. Not only that in spite of issuance of notice since 19.08.2016 no counter

has also been filed. This Court after going through the materials available on record finds that the Petitioner does possess the required qualification in terms of the advertisement issued under Annexure-2. Therefore, the candidature of the Petitioner should not have been rejected on the ground that she does not possess the required qualification.

8. Hence, this Court while disposing the Writ Petition directs the Opposite Party No.2 to take a fresh decision taking into account the qualification possessed by the Petitioner from Rastrabhasa Prachar Samiti, Wardha and such decision shall be taken within a period of two month from the date of receipt of this order. Ultimately, if it is found that the Petitioner is suitable, necessary order of appointment be issued in her favour within that time.

9. With the aforesaid observations and directions, the WPC(OAC) stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat