

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

**W.P.C (OA) No.408 of 2014**

**Malashree Nayak**

....

**Petitioner**

*-versus-*

**State of Orissa & Others**

....

**Opposite Parties**

**CORAM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**16.3.2022**

**Order No**

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. Rajiv Rath, learned counsel on behalf of Mr. A. Rath, learned counsel for the Petitioner and Mr. M. Balabantaray, learned Standing Counsel for the State.
- 3.** This Writ Petition has been filed by the Petitioner challenging the selection list published on 11.02.2014 in terms of the selection process initiated as per the advertisement dated 5.7.2013.
- 4.** Learned Tribunal while issuing notice to the matter vide order dated 26.02.2014 though passed an interim order indicating that any appointment order made pursuant to such selection list dated 11.02.2014 shall be subject to the final outcome of this application, but a counter affidavit has been filed by the opposite party Nos.1 to 3 justifying the selection list published on 11.02.2014. Copy of the said counter though was duly received by the learned counsel for the Petitioner on 13.05.2015 and

numbers of adjournments were allowed on the request of the learned counsel for the Petitioner, but no reply was filed controverting the stand taken by the opposite parties in their counter. Today when the matter was taken up by this Court Mr. Rath, learned counsel for the Petitioner could not justify as to what prevented him from filing a reply to the counter even though the same was received by him on 13.05.2015. Accordingly, I proceeded with the hearing of the matter, deciding the same on the materials available on record.

**5.** In the counter filed by the opposite parties, it has been clearly indicated that no illegality and irregularity has been committed with regard to the entire examination process and it has been conducted in a transparent manner. It was also indicated in the counter that the examination process has been completed since 3.3.2014. In view of such stand taken in the counter and no reply having been filed controverting the said stand, I am constrained to hold that the selection process has been conducted in a fair manner and there is no illegality in the selected list published on 11.02.2014 under Annexure-6.

**6.** Accordingly, I am not inclined to interfere with the matter and the Writ Petition is dismissed. There shall be no order as to costs.

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