

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1600 of 2016

Panchanan Swain

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
06.09.2022**

Order No

- 02.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. K.K.Swain, learned counsel for the Petitioner and Mr. Mishra, learned Addl. Government Advocate for the State-Opposite Parties. Counter affidavit filed by the learned counsel for the Opposite Parties in Court be kept on record.
3. The Present Writ Petition has been filed by the Petitioner with the following relief:-
- “(i) admit the original application.
- (ii) Call for the records.
- (iii) Issue appropriate orders directing the respondents, particularly, the respondent Nos.3 and 4 to issue necessary engagement order in favour of the applicant keeping in view the position of the applicant on the basis of the merit list for the post of PET pursuant to the advertisement under Annexure-1; and the merit list under Annexure-7.
- (iv) pass such other order / order and direction / directions as this Hon’ble Tribunal may deem fit and proper”.

4. It is submitted that pursuant to the advertisement issued under Annexure-1, the Petitioner made his application for the post of P.E.T indicating his preference in respect of Khurda District vide Annexure-4.

5. It is submitted that after due verification of the documents, the Petitioner's name was reflected in the draft merit list vide Annexure-6 at Sl. No.35 and in the new (Additional) merit list published under Annexure-7, the Petitioner's name finds place at Sl. No.38.

6. It is submitted that even though in both the merit lists under Annexure-6 & 7, Petitioner's name was reflected, but he was not provided with appointment and accordingly the present writ petition has been filed with the aforesaid prayer.

7. A counter affidavit has been filed by the Opposite Party No.3. After going through the same, this Court finds that the Petitioner was not provided with the appointment in Khurda District as his name was not sponsored by the State-Opposite Party No.1. It is also admitted in the counter that even though Petitioner's name was reflected in the merit list, but as his name was not sponsored by the State, no appointment order could be issued in his favour.

8. Mr. P.K.Mohapatra, learned counsel for the Petitioner on the other hand submitted that as on date around 493 posts of P.E.T are vacant in the entire State and the Petitioner can be appointed as against one such post.

9. In view of stand taken in the counter affidavit, more particularly at Paragraph-10 of the counter, this Court while disposing the writ petition directs the opposite party Nos.1 and 2 to take necessary steps for providing appointment to the Petitioner in either Khurda District or in any other district of the State. The entire exercise shall be completed within a period of four months from the date of receipt of this order. The Petitioner is directed to appear before the Opposite Party No.2 with the certified copy of this order within a period of seven days from today. The Opposite Party No.2 is further directed to act on the same and take appropriate action as directed hereinabove.

10. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat