

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1656 of 2016

Pradeep Kumar Chand Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
04.08.2022**

Order No

02. 1. This matter is taken up through Hybrid Mode.

**2. Heard Mr. M.K.Rath, learned counsel for the
Petitioner and Mr. R.N. Mishra, learned Additional
Government Advocate for the State-Opposite Parties.**

**3. The present Writ Petition has been filed by the
Petitioner with the following order:-**

*“(i) An appropriate direction be passed directing the
Respondents to issue order of appointment in favour of
the applicant for the post of Staff Nurse under SEBC
category within a stipulated period; and*

*(ii) To pass such further order / orders as may be
deemed fit and proper in the facts and circumstances
of the case and allow the original application with
costs”.*

**4. It is submitted that pursuant to the advertisement
issued on 3.3.2014 under Annexure-1, the petitioner made
his application for the post of Staff Nurse.**

**5. It is submitted that after due consideration of his
application, his name was included in the final merit list
published in respect of Jagatsinghpur District under**

Annexure-3, wherein the petitioner's name find place at Sl. No.16.

6. Mr. Rath further submitted that subsequent to the publication of the final merit list under Annexure-3, when the petitioner was intimated to appear before the authority for verification of the original documents, he filed an affidavit sworn on 4.4.2016 indicating therein that the resident certificate obtained by him vide Resident Misc. Case No.2364 of 2013 and issued on 6.8.2013 has been missed somewhere and accordingly he submitted that he may be allowed some time to file the original resident certificate of the same.

7. It is submitted that the verification of the document was made on 5.4.2016 and the petitioner after obtaining the original of the said resident certificate submitted the same on 11.04.2016.

8. It is submitted that even though the petitioner submitted the original of the said resident certificate on 11.04.2016, but his claim was not considered further and he was not provided with the appointment.

9. A counter affidavit has been filed by the opposite party Nos.3 and 4 indicating therein that since the petitioner failed to produce the original resident certificates on 05.04.2016 his case was rightly not considered.

10. Heard learned counsel for the Parties. After going through the same, this Court finds that the petitioner since had submitted the photo copy of all the certificates including the resident certificate his candidature was not

only considered but also his name was included in the final merit list under Annexure-3. This Court further finds that the petitioner in support of not producing the resident certificate on 5.4.2016 also filed an affidavit indicating therein that since he has lost the same, the petitioner be allowed sometime to produce the same. This Court further finds that the said original residence certificate was produced before the opposite party No.4 on 11.04.2016, just six days after the date of verification of the documents.

11. Therefore, as per the considered view of this Court, the claim of the petitioner for his appointment should have been considered by the opposite party No.4 by accepting the resident certificate which was produced in original on 11.04.2016. Since that has not been done, this Court directs the opposite party no.4 to consider the claim of the petitioner for his appointment by accepting the said resident certificate annexed under Annexure-5 to the writ petition. This Court further directs the opposite party No.4 to take steps for providing appointment to the petitioner after such verification of the documents along with the original resident certificate. The entire exercise shall be completed within a period of one month from the date of receipt of this order. The opposite party No.4 is directed to act on production of this order by the petitioner.

12. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge