

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

**W.P.C(OAC) No.901 of 2015**

**Biswakeshan Pandey**

....

**Petitioner**

*-versus-*

**State of Odisha & Others**

....

**Opposite Parties**

**COROM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**10.08.2022**

**Order No**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A.
3. The petitioner has filed the present writ petition with the following prayer:

*“In view of the facts stated above the applicant prays that the Hon’ble Tribunal may graciously be pleased to direct the respondents no.1 & 2 to convene a review Selection Committee to consider the case of the applicant taking into account the grading of JEWEL to be OUTSTANDING.*

*And accordingly be pleased to direct the respondents to promote/appoint the applicant to the Orissa Revenue Service Group-“B” in case the Review meeting of the Selection Committee finds the applicant suitable for promotion.”*

4. It is submitted that for the recruitment year 2012 even though the case of the petitioner was recommended vide Annexure-2, but the selection Committee did not consider the case of the petitioner on the ground that the CCR for the period 2008-09,

2009-10 & 2010-11 was reported as “Jewel”. Even though notice of the writ petition has been issued since 17.4.2015, but no counter affidavit has been filed by the State-opp. parties. This Court vide order dated 12.5.2022, gave time for filing of counter affidavit and held that if no counter will be filed by the next date, the matter will be decided on its own merit. In spite of such order, no counter affidavit has been filed.

**5.** From perusal of the record, it is found that for the period of 2008-09, 2009-10 & 2010-11, the CCR of the petitioner is marked as “Jewel”. As per the considered view of this Court the said marking is more than an outstanding marking which is generally given to the employees. Therefore, non-consideration of the case of the petitioner by the Selection Committee in its proceeding dated 16.12.2014 under Annexure-4 on the ground that the CCR for the said period is marked as “Jewel” is not just and proper. Therefore, this Court while disposing of the writ petition directs Opp. party No.2 to reconsider the matter by convening the Review DPC and the CCR for the aforesaid period be treated as “Outstanding”. The entire exercise shall be completed within a period of two months from the date of receipt of this order. If ultimately, the petitioner is found eligible, he will get promotion from the date his juniors are given such promotion pursuant to the recommendation of the selection Committee under Annexure-4.

**6.** Accordingly, the Writ Petition is dispose of.

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

sangita

