

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1430 of 2016

Jagabandhu Mohanty 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. N.C.Rout, learned counsel for the Petitioner and Mr. N.Prusty, learned Standing Counsel for the State-Opposite Parties.
3. The Petitioner is aggrieved by the rejection of his application submitted for the post of Contract Teacher pursuant to the advertisement issued under Annexure-A on 27.10.2014 and the corrigendum issued on 06.01.2015 under Annexure-B.
4. It is submitted that even though the Petitioner in terms of the said advertisement and the corrigendum possess the requisite qualification for his selection to the post in question i.e. Contract Teacher (Hindi), but his candidature was rejected vide Annexure-6 on the ground that the petitioner does not possess the requisite qualification.

5. It is submitted that the Petitioner has passed the qualification of Shastri conducted by Sri Jagannath Sanskrit Vishvavidyalaya, Puri.

6. It is submitted that the said qualification acquired by the Petitioner under Annexure-7(A) has been declared as equivalent as a 3 years degree course in Arts, Under 10 +2 +3 pattern by the Utkal University under Annexure-7.

7. It is also submitted that similar issue was raised before the learned Tribunal and the learned Tribunal while disposing a batch of original applications in its order dated 07.03.2017 also held that the qualification obtained by the petitioner is equivalent to +3. It is also submitted that the order passed by the learned Tribunal on 07.03.2017 has been confirmed by this Court in its order dated 20.06.2018 in W.P.(C) No.3132/2018.

8. Making all these submission, learned counsel for the Petitioner submitted that since as per the advertisement issued under Annexure-A and corrigendum issued under Annexure-B, the petitioner possesses the required qualification, his candidature should not have been rejected with the reason indicated in Annexure-6.

9. Accordingly, it is submitted that necessary direction be issued to the opposite parties to consider his application and to take an appropriate decision on the same.

10. Mr. Prusty on being provided with the order passed by the learned Tribunal in the aforementioned case also fairly submitted that the qualification possessed by the petitioner is equivalent to +3.

11. In view of the submission made by the learned counsel appearing for the Parties, this Court finds that the application of the petitioner has been wrongly rejected vide Annexure-6, though he possesses the required qualification in terms of the advertisement issued under Annexure-A and corrigendum issued under Annexure-B.

12. In that view of the matter, this Court while disposing the writ petition directs the Opposite Party No.2 to take a fresh decision on the application of the petitioner. If on such reconsideration the petitioner is found eligible and persons securing similar percentage of mark have been provided with the appointment, then necessary steps be taken to provide appointment to the petitioner. 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 produce the certified copy of this Court before the opposite party No.2 within a period of seven days from today. The opposite party No.2 is directed to act on the direction after receipt of the said order.

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

(Biraja Prasanna Satapathy)
Judge

Subrat