

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.3936 of 2016

Tapan Kumar Patra

....

Petitioner

Mr. Saubhagya Kumar Samal, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. R.N. Acharya, Standing
Counsel for School & Mass Education

CORAM:
JUSTICE M.S. RAMAN

ORDER

16.08.2022

Order No.

- 01.**
1. This matter is taken up by virtual/physical mode.
 2. The Original Application No.3936(C) of 2016 was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC(OAC) No.3936 of 2016.
 3. The Petitioner, aspirant for the post of contract Teacher (Hindi) failed to submit online application in response to advertisement made for the year 2014-15 due to age specification. Subsequently having relaxed such restriction by way of corrigendum bearing No. 284/VII-(B) SME-(X)-231/14/SME dated 6th January, 2016 issued by the Govt. of Odisha in School & Mass Education Department, he could be enabled to apply for the post of contract Teacher (Hindi). However, the same was rejected on the ground that he had acquired qualification after the cut off date.

The grievance of the Petitioner is that as there was no cut off date fixed in the advertisement, the application should have been treated to be valid.

4. Mr. S. Ku. Samal, learned counsel for the Petitioner submits that *qua* the recruitment year 2014-15 with regard to contractual appointment of Hindi Teacher vis-à-vis aforesaid advertisement, this Court in the case of Satyabrata Nayak and Others vrs. State of Odisha and Others, WP(OAC) No. 902 of 2016 and five other connected writ petitions vide judgment dated 15th September, 2021 held as follows:-

“12. In view of such position, there is no ambiguity in the qualification prescribed under clause 3(f) of the resolution dated 27.10.2014, so far as engagement of Contract Teacher (Hindi) is concerned. But by misconstruing the provisions contained therein, the applications of the petitioners have been rejected on the ground that “B.Ed. after 06.04.2015” or “certificate produced after 06.04.2015”, though pursuant to such clause-3(f), untrained candidates can also make application and thereafter they shall have to undergo required training as per the Government norms.

13. In view of the factual and legal analysis, as discussed above, this Court is of the considered view that the draft reject list, so far as present petitioners are concerned, cannot sustain in the eye of law and the same is liable to be quashed and is hereby quashed. The opposite parties are directed to take into consideration the applications filed by the petitioners in the above mentioned writ petitions, allow them to participate in the process of selection, consider their case for engagement as Contract Teacher (Hindi) by re-drawing the select list and extend them all the benefits in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of communication of this judgment.”

5. Mr. R.N. Acharya, learned Standing Counsel for the School & Mass Education conceded to the position as held in the judgment dated 15th September, 2021 (*supra*).

6. In view of the above submission at the Bar, the writ petition is disposed of in terms of the aforesaid judgment rendered in the case of Satyabrata Nayak (*supra*).

(M.S. Raman)
Judge

Aks

