

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1204 of 2015

Sankar Prasad Sahoo

.....

Petitioner

Mr. G.R. Sethi, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. H.M. Dhal, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

28.10.2022

Order No.
02.

This matter is taken up through hybrid mode.

2. Heard Mr. G.R. Sethi, learned counsel for the petitioner and Mr. H.M. Dhal, learned Addl. Government Advocate.

4. The petitioner has filed this writ petition seeking direction to the opposite parties to appoint him as Excise Constable following 10% reservation policy for Home Guards.

5. Counter affidavit has been filed by the opposite parties, wherein it has been stated that no such reservation was kept for Excise Constable for Home Guards and, as such, Excise Department letter no.254/Ex. Dated 18.01.2002, keeping reservation of 10% of posts of Excise Constables for Home Guards, is an executive instruction. Such decision was made by the Government in Excise Department considering the situation arose at that time when there was no reservation for Home Guards by the Home Department in the recruitment of Police Constables. Home Department is the mother Department for Home Guards, whereas Excise Department is another foreign department. Therefore, keeping reservation for people of Home Department by the Excise Department administratively not suitable. Since the provision of reservation for Home Guards is no more in the Orissa

Lower Excise Service Rules, 2011, the claim made by the petitioner cannot be sustained in the eye of law.

6. In the above view of the matter, the writ petition merits no consideration and the same is hereby dismissed.

Ashok

(DR. B.R. SARANGI)
JUDGE

