

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.3732 of 2015

Manjulata Nayak

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.07.2022

Order No

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard learned counsel for Petitioner and learned counsel for the State-Opposite Parties.
- 3.** The present Writ Petition has been filed with the following prayer:-

“Under the above circumstances, it is humbly prayed that the Original Application may be allowed and the impugned advertisement dated 11.3.2015 under Annexure-2 may be quashed and the very selection of opposite party No.4 for the post of Lady Matrons in respect of Baidakhia Ashram School pursuant to the final select list under Annexure-3 may be quashed / set aside and the selection of the applicant may be confined to the advertisement dated 28.11.2014 under Annexure-1 and the applicant may be selected and engaged for the post of Lady Matron in respect of Baidakhia Ashrama School in Keonjhar District as she was the only candidate for the said post or she may be appointed / adjusted against any of the vacant posts of Lady Matron which is available in Keonjhar District as 33 posts are lying vacant pursuant to the advertisement dated 28.11.2014”.

4. It is submitted that pursuant to the earlier advertisement issued on 28.11.2014 by the Collector-cum-District Magistrate, Keonjhar, the Petitioner not only made an application as a S.E.B.C women candidate, but she was the only applicant who had made such an application.

5. It is also the case of the Petitioner that instead of providing her appointment basing on the said advertisement dated 28.11.2014 when another advertisement was issued on 11.03.2015 under Annexure-2 without considering her claim, the present Writ Petition was filed.

6. A counter affidavit has been filed by the Opposite Parties by enclosing the advertisement issued on 28.11.2014. In the said advertisement, the minimum age prescribed for making an application was 45 years of age and above. Admittedly as on date of the said advertisement, the Petitioner had not attained the age of 45 years and she could not have made any application pursuant to the said advertisement. Thus, the prayer made by the Petitioner in the present Writ Petition is mis-conceived and cannot be entertained.

7. Accordingly, the Writ Petition is dismissed.

(Biraja Prasanna Satapathy)
Judge

Subrat