

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.1605 of 2016

Mukesh Ojha

.... Petitioner

-versus-

**Chairman, State Selection
Board, Odisha Police,
Cuttack & Another**

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
06.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Sethi, learned counsel for the Petitioner and learned counsel for the Opposite Parties.
3. The Petitioner has filed the present Writ Petition with the following prayer:-
- “(i) To direct the respondents to appoint the applicant as constable against the vacancy caused due to selection of home guard candidates under UR candidates on the basis of their merit.
- (ii) To direct the respondents to grant all financial and consequential benefits flowing from the date when others have got appointment.
- (iii) And pass such other order / orders as may be deemed fit and proper for the interest of justice”.
4. Learned counsel for the Petitioner submitted that similar issue was raised before the learned Tribunal in O.A. No.1771(C) of 2013 and learned Tribunal vide its order

dated 17.03.2016 disposed of the said application with the following order:-

“ In view of the above discussions, the O.A is allowed. Respondents are directed to re-caste the Home guard select list published pursuant to recruitment test held as per the advertisement as at Annexure-1 and the aforesaid select list should be prepared taking into consideration 10 % of the Home guard vacancies i.e. 32 posts without calculation the same vertically i.e. SEBC, SC & ST. In case the applicant comes within 32 numbers of posts meant for Home guard category, as per the advertisement, he should be offered appointment from the date other selected candidates as per that advertisement were given their appointment. However, it is mate clear that the application shall be entitled the actual financial benefits from the date of his joining.

The entire exercise be completed within a period of one month from the date of receipt of copy of this order, under intimation to the applicant”.

5. Learned counsel for the Petitioner further submitted that the said order passed by the learned Tribunal was challenged by the State-Opposite Party before this Court in W.P.(C) No.572 of 2017 and this Court vide order dated 23.03.2021 while dismissing the said Writ Petition confirmed the order passed by the learned Tribunal.

6. Mr. Sethi, further submitted that after such order passed by this Court on 23.03.2021, the matter was carried to the Hon'ble Apex Court and the Hon'ble Apex Court also dismissed the application so filed against the said order.

7. It is also submitted that after confirmation of the order passed by the learned Tribunal by this Court as well

as the Hon'ble Apex Court, the order passed by the learned Tribunal has been implemented in the meantime.

8. In view of such submissions made by Mr. Sethi, learned counsel for the Petitioner, this Writ Petition is disposed of with a direction on the Opposite Party No.2 to consider the claim of the Petitioner in the light of the order passed by the learned Tribunal in O.A. No.1771(C) of 2013. The said exercise shall be completed by Opposite Party No.2 within a period of two months from the date of receipt of this order.

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

(Biraja Prasanna Satapathy)
Judge

Subrat

