

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OA) No. 1577 of 2016

Sibaranjan Sabat

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
12.12.2022

Order No

05. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. K.C. Sahu, learned counsel for the Petitioner and Mr. A.P. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. The present writ petition has been filed with the following prayer:-

“(i) The Hon’ble Tribunal be pleased to admit & allow this original application,

(ii) The Hon'ble Tribunal be pleased to quash the impugned stipulation of qualification in the advertisement under Annexure-3 so also the impugned reject list under Annexure-4 by holding that the impugned rejection of the candidature of the applicant as illegal, arbitrary & discriminatory with further directing the respondents for accepting the application/candidature & allowing him to participate in the recruitment process for the post of Contractual MPHWW(Male) along with the D.Pharmaceutical candidates & if the names of the applicant comes in the merit list then he shall be given appointment in the post of Contractual MPHWW(Male) for the interest of justice.

AND/OR

(iii) The Hon'ble Tribunal may be pleased to pass any order(s)/direction(s) as deems fit and proper for the interest of justice.”

4. It is contended that even though the Petitioner possesses the qualification of B.Pharm, but in view of the stipulations contained in the advertisement, wherein the prescribed qualification is Diploma in Pharmacy, the Petitioner could not make his application. However, pursuant to the interim order passed by the learned Tribunal on 27.07.2016 the Petitioner was allowed to participate in the selection process. It is contended that since learned Tribunal while so permitting, observed that the result should not be declared till final outcome of the O.A., Opp. Parties are not publishing the result.

5. Mr. A.P. Das, learned ASC on the other hand submitted that pursuant to the said order even though the Petitioner was allowed to take part in the selection process, but as against the advertised vacancy of 13 posts, the Petitioner's position in the merit list is at Sl. No. 152. It is accordingly submitted that since the Petitioner's position is much below as against the available vacancies, Petitioner cannot be provided with the appointment, even if his result is published.

6. Be that as it may, in view of the order passed by the learned Tribunal on 27.07.2016 since the Petitioner has been permitted to take part in the selection process, the Opp. Parties are directed to publish his result and intimate the same to the Petitioner within a period of one month from the date of receipt of this order.

7. The writ petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha