

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2983 of 2012

Sanjaya Kumar Sahu

....

Petitioner

-versus-

D.G. And I.G. of Police, Odisha
& Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
02.12.2022

Order No

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. G.R. Sethi, learned counsel for the Petitioner and Mr. A.P. das, learned ASC appearing for the Opp. Parties.

3. The present writ petition has been filed with the following prayer:-

“i) To quash the order dtd.25.5.12 under Annexure-7.

ii) To direct the respondents to award 16.25 marks in the written test and accordingly calculate his total mark.

iii) To direct the respondents to appoint the applicant from the date when the candidates securing less mark than him under SEBC category have got appointment.

iv) And pass such other order/orders as may be deemed fit and proper for the interest of justice.”

4. It is contended that the Petitioner took the examination conducted by the State Selection Board, Odisha, Cuttack for recruitment to the post of Sepoy. Even though the Petitioner appeared the written examination, but the answer sheet of the written test was not evaluated on the ground that the Petitioner has not marked the

question Set Code by blackening the relevant code, which is applicable to his case i.e. question set code “C”.

5. Mr. Sethi, learned counsel for the Petitioner submitted that the Petitioner obtained the answer sheet under the RTI annexed vide Annexure-5, wherein it has been reflected that the Petitioner has blackened the relevant column by darkening question set code “C”. Accordingly, it is contended that since the Petitioner has filled up the the answer sheet in all respect, the same should have been evaluated and appropriate mark should have been awarded. It is also contended that if the answer sheet would have been evaluated with award of mark, the Petitioner should have come into the zone of selection.

6. Mr. A.P. Das, learned ASC on the other hand made his submission basing on the stand taken in the counter affidavit. It is contended that the Petitioner has never marked the question set code reflected in answer sheet and after obtaining the information under the RTI he has manipulated the same. Mr. Das brought to the notice of this Court the document annexed vide Annexure-A to the counter filed by the Opp. Parties. In the said Annexure the stand taken by the Petitioner that he has marked the question set code “C” by blackening the same is not reflected.

7. Since the document annexed vide Annexure-5 and Annexure-A to the counter is not matching and it is a disputed one, this Court in exercise of the writ jurisdiction cannot decide the same. Accordingly, this Court is not inclined to interfere with the prayer as made in the writ petition and dismiss the same.

(Biraja Prasanna Satapathy)
Judge

Sneha