

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1004 of 2017

Jitendra Kumar Patra & Ors.

Petitioners
Mr. S. Roy, Adv.

Vs.

State of Odisha and others

Opposite Parties
Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

16.11.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Roy, learned counsel for the petitioners and Mr. S. Nayak, learned Addl. Standing Counsel for the State-opposite parties.

3. The petitioners have filed this writ petition seeking to quash the order dated 11.04.2017 under Annexure-4, by which guidelines has been fixed with regard to starting of Short Armourer Course at BTI, Burla, and to issue direction to the opposite parties to send them for Armour Course training on the basis of seniority from the list prepared under Annexure-1.

4. Mr. S. Roy, learned counsel for the petitioners contended that the I.G. of Police, SAP, Odisha, Cuttack, issued notification on 11.04.2017, regarding starting of Short Armourer Course at BTI, Burla, wherein it was indicated that the Addl. D.G. of Police, Training and Director, BPSPA, BBSR, vide letter dated 18.03.2017, had sponsored 50 nos. of eligible candidates prepared as per Rule-11(4), i.e., within the age of 35 years and completed 3 years of service, after passing the Basic Sepoys/Constables Course of Training and performance given, who have passed +2 Science/ITI/Diploma according to seniority on the basis of their date of appointment as Constable/Sepoys to undergo the Short Armourer

Course of Training in the 1st phase. It is contended that though the names of the petitioners had been recommended, but they were not allowed to undergo the training. Therefore, they have approached this Court by filing the present writ petition.

5. Mr. S. Nayak, learned Addl. Standing Counsel appearing for the State-opposite parties contended that the period of training was for four months, which was to be started w.e.f. 01.05.2017 and, as such, four months period has already been over w.e.f. 30.09.2017. It is stated that since the period has been expired, the petitioners cannot claim that they should be allowed to go for training. It is further contended that in the meantime the petitioners also age-barred and, as such, they may not be eligible in terms of the Rules. More so, during pendency of the writ petition, many training courses have already conducted by the authority and, therefore, the petitioners would have been selected and gone for training because in the meantime five years have already passed.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that since the training course was for a period of four months, which was to be started from 01.05.2017 and, as such, that four months period has already expired, but the petitioners could not undergo training, even though their names were recommended. Merely because the tribunal passed interim order on 17.04.2017 staying the order dated 11.04.2017 under Annexure-4 till filing of the counter affidavit and its adjudication, the same cannot ipso facto give a right to the petitioners to go for training course. As a matter of fact, the petitioners are to satisfy the requirement of the Rules to undergo the training. Merely because their names find place in the list, no right is accrued in their favour to go for such training

7. A counter affidavit has been filed by opposite party no.2,

wherein it has been stated that there were five vacancies in the rank of Asst. Armourer in the State Armourer Cadre, as intimated by the State Police Headquarters. Willingness of those who were interested to become Asst. Armourer was called for without referring to the eligibility criteria as laid down in Home Department Notification dated 12.09.2012 due to clerical error and, therefore, explanation was called for from clerk and also he was awarded a censure and was relieved from the office. A total number of 441 candidates had submitted their willingness to undergo the Short Armourer Course of Training. As the number of candidates was high as against the number of vacancies and the Armoury trade being a specialized job, it was decided by SAP Headquarters to conduct a screening test to choose suitable candidates for administrative convenience. Out of 441 candidates, 117 had secured more than 60% marks in the screening test and, as such, service particulars of all the above 117 candidates were called for in order to adjudge their suitability based on the eligibility criteria as laid down by the Government in Home Department Notification dated 12.09.2012. After receipt of the service particulars and thorough scrutiny, it was found that some Sepoys/constables were not coming under eligibility criteria as per the approved cadre rule by the Government. As per the approved cadre rule, Sepoys/Constables should be within the age group of 35 years having completed 3 years of service after passing the Basic Sepoy/Constables Course of Training. As such, some of the establishments were left out while obtaining the willingness of the candidates and willingness of the candidates was again called for vide office order dated 24.09.2016 from the Sepoys/Constables who are eligible as per the laid down criteria from all the organizations from where the authority drawn the personel for the purpose of undergoing training. In the meantime, by virtue of the notification of

the Home Department dated 12.09.2012, a cadre rule for Armoury staff has been framed and also communicated to all Police Establishment of the State, where under Rule-11(4), eligibility criteria has been provided for. Therefore, the petitioners have to satisfy the requirement under the Rules to go for training. Since the period of training has already been over, by efflux of time, the writ petition has become infructuous.

8. Accordingly, the writ petition stands disposed of.

Ashok

(DR. B.R. SARANGI)
JUDGE

