

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1710 of 2017

Chittaranjan Nayak

.....

Petitioner

Mr. Niranjan Panda, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. J.P. Pattnaik, GA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

26.10.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. Niranjan Panda, learned counsel appearing for the petitioner and Mr. J.P. Pattnaik, learned Government advocate appearing for the State-opposite parties.

3. The petitioner, who is a Diploma holder in Electrical trade, has filed this writ petition seeking to quash the order dated 02.01.2017 passed by opposite party no.1 in Annexure-13, by which his representation in pursuance of the order dated 26.10.2016 passed in O.A. No. 2956 of 2014 has been rejected.

4. Mr. Niranjan Panda, learned counsel appearing for the petitioner contended that for the post of Livestock Inspector, minimum qualification has been prescribed as +2 Science. The petitioner, being a Diploma Engineer in the Electrical Wing, his case can be considered as equivalent to +2 Science and he should have been selected for the post of Livestock Inspector along with all the benefits admissible to him. The benefit having not been extended, the petitioner has approached this Court by filing the present writ petition.

5. Mr. J.P. Pattnaik, learned Government advocate appearing for the State-opposite parties contended that for the post of Livestock Inspector, qualification has been prescribed in the advertisement. It

is contended that since the petitioner does not satisfy the requirement of the advertisement, even though he is a Diploma holder in Electrical Engineering from the International Council of Management Studies, Chennai, the same cannot be considered as equivalent to +2 Science for appointment in the post of Livestock Inspector. Thereby, the claim so made by the petitioner cannot be sustained in the eye of law. Consequentially, he seeks for dismissal of the writ petition.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that an advertisement was issued in Annexure-7 inviting applications from the eligible candidates to participate in the process of selection for the post of Livestock Inspector, for which qualification has been prescribed as +2 Science or +2 Vocational Course in the field of Animal Husbandry/Dairy/Poultry/Meat and Animal Production with satisfactory performance in Artificial Insemination (A.I.) activities for three years. Admittedly, the petitioner is a Diploma Engineer in Electrical Engineering and, as such, Diploma certificate of any engineering trade is considered to be +2 Science qualification. But the qualification possessed by the petitioner cannot be considered as equivalent to +2 Science, as per the statutory provisions of Odisha Veterinary Technical Service, Group-C (Recruitment and Conditions of Service) Rules, 1983. As such, due introduction of advanced technology in the field of animal genetics and treatment of animals, higher scientific knowledge is highly necessary for selection of candidates to the post of Livestock Inspector. Therefore, Government took a decision to give preferential treatment to the Gomitra candidates, who have possessed +2 Science or +2 Vocational qualifications for selection to the post of Livestock

Inspector. Therefore, the Diploma Certificate in Electrical Wing obtained by the petitioner cannot be considered as equivalent to +2 Science for selection to the post of Livestock Inspector. More so, the petitioner had earlier approached the tribunal by filing O.A. No. 3161 (C) of 2013, which was disposed of by the tribunal, vide order dated 17.02.2014, directing the authority to consider the case of the petitioner and pass necessary order. In compliance of the said order, the grievance of the petitioner has been considered and rejected by the authority. Thereby, for the selfsame relief, the petitioner again cannot approach the tribunal challenging the order dated 02.01.2017 passed by the authority in Annexure-13.

7. In the above view of the matter, this Court is of the considered view that since the post of Livestock Inspector is a post, which requires scientific treatment of animals due to adoption of modern technology in the field of animal genetics, question of giving equivalent treatment to the certificate obtained by the petitioner in Diploma in Electrical Engineering, does not arise for such appointment.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok