

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.3204 of 2014

Sachindra Chandra Pradhan

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. R.C. Pattnaik, ASC (S&ME)

CORAM:

JUSTICE M.S. RAMAN

ORDER

11.04.2022

Order No.

- 01.**
1. This matter is taken up by virtual/physical mode.
 2. The Original Application No.3204(C) of 2014 was filed before the Orissa Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC(OAC) No.3204 of 2014.
 3. Perusal of record shows that the Petitioner challenged the advertisement No.03 of 2014-15 dated 06.09.2014 relating to recruitment to the post of Odisha Education Service-II (School Branch), Group-B.

The basic challenge of the Petitioner is that the condition mentioned in the advertisement with regard to upper age limit i.e. 32 years should have been relaxed. The Petitioner submitted before the learned Administrative Tribunal that he was entitled to age relaxation as per Rule 21 of the Orissa Educational Service Group-B (Recruitment to the School Branch) Rule, 1971 for the reason

that no recruitment was conducted in the year 2013 to the post of OES-II (School Branch) Group-B.

4. Vide order dated 16.10.2014, learned Administrative Tribunal declining to pass interim order and pass the following order:-

“XXX

XXX

XXX

So far as prayer for interim order is concerned, we are not inclined to pass any order, as the applicant has already appeared in the recruitment test to the post of O.E.S.-II (School Branch) Group-B in the year 2012 and there is no provision to conduct recruitment each year. Rule 5 of O.E.S. Class-II(Recruitment to the School Branch)Rules, 1971 provides that direct recruitment shall be held at such intervals as the Commission in consultation with Government from time to time as regards to likely number of vacancies in any year, determined. The vacancies which have been advertised relates to years 2013 and hence there is no scope to extend the benefit of the proviso to Rule-2 of the O.C.S. (Fixation of Upper Age Limit) Rule, 1989.

5. Counter affidavit came to be filed by Opposite Party No.1 containing therein at para-8 that since the posts were created in the year 2013 and the vacancy arose out of retirement in the year 2013 and promotion to the higher posts in the year 2014, which is much after Orissa Civil Service (Fixation of Upper Age Limit) Amendment Rules, 2011 came into force. Therefore, relaxation of upper age limit available in Rule 2 of 1989 Rules are no more available after 2011 rules are put in place.

6. Since the matter relates to 2014 and in view of the aforesaid submission of learned Standing Counsel with regard to counter

filed by the Opposite Party No.1, the matter has become infructuous.

7. Accordingly, the writ petition stands dismissed as infructuous.

(M.S. Raman)
Judge

Aks

