

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.593 of 2012

Chandini Berma

....

Petitioner

Ms. B.K. Pattanaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

09.03.2022

Order No.

03.

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

2. Heard learned counsel for the Petitioner as well as learned counsel for the State.

3. The present writ petition has been filed by the petitioner challenging the action of the opposite parties in drawing the merit list for recruitment to the post of constable exceeding the 50% ceiling limit for reservation quota as decided by the Hon'ble Supreme Court of India in the case of ***Indra Shwney vrs. Union of India and others***. In the aforesaid judgment, it is mentioned that in no case reservation should be exceeded the ceiling limit of 50% of total posts. Challenging such illegal action of the authorities, the present writ petition has been filed.

4. Learned counsel for the petitioner submits that the decision of the authorities for giving reservation category candidate was challenged before this Court in W.P.(C) No.28501 of 2013 and this court by order dated 19.01.2018 allowed the writ petition. Initially,

the petitioners challenged before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. Nos.4088(C) of 2011, 778(C) of 2012, 4087 (C) of 2011 and 2410 (C) of 2012 in O.A. No.921 of 2010 respectively and the same were allowed by the tribunal whereafter disposed of by a common order dated 04.09.2013. Challenging that order one of the petitioner approached this Court by filing W.P.(C) No.28501 of 2013 and this Court was disposed of the same by order dated 19.01.2018 upholding the decision of the tribunal to keep reservation for post within a ceiling limit of 50% and thereafter the decision of this Court was challenged before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s).45091 of 2019. The said Special Leave Petition (Civil) was disposed of by order dated 20.01.2020 by the Hon'ble Supreme Court dismissing the challenge to the order passed by this Court.

5. It is further submitted by learned counsel for the petitioner that after dismissal of the writ petition and subsequently confirmation by the Hon'ble Apex Court, the authorities have re-drawn the select list. Accordingly, a fresh select list has been drawn. In the fresh list, the name of the petitioner finds place at Sl. No.48. She further submits that despite name is reflected in the select list, which was pursuant to the direction of the tribunal as well as this Court, the petitioner has not given appointment till date.

6. Learned counsel for the State submits that the petitioner was not in the refining / redrawn list. However, he further submits that he has no objection, if the authorities are directed to consider the case of the petitioner within the stipulated period of time.

7. Considering the aforesaid submissions made by the parties and keeping in view and the fact that the selection made in the year 2011, the petitioner is waiting since long and get the appointment , without

keeping this matter pending this Court disposes the present writ petition with a direction to the D.G. & I.G. of Police, Odisha- Opposite Party No.2 to consider the case of the present petitioner. In the event it is found that merit list has been redrawn pursuant to the order of the tribunal as well as this Court and confirmed by the Hon'ble Supreme Court then prompt necessary follow up action shall be made by including the present petitioner.

8. It is further directed that entire exercise shall be completed within a period of two months from the date of production of certified copy of this order.

9. With the aforesaid observation, the writ petition is disposed of.

10. Urgent certified copy of this order be granted on proper application.

Jagabandhu

