

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.29950 of 2022

Dhabaleswar Nag* *Petitioner

Mr.S.K. Joshi, Advocate

-versus-

State of Odisha & others* *Opp.Parties

Mr.Arupananda Das

Addl. Government Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
14.11.2022**

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioner Dhabaleswar Nag challenging the advertisement dated 15.09.2022 for the post of Jogana Sahayaka issued by the Block Development Officer, Sinapali (opposite party no.5) under Annexure-4 in respect of Litiguda Grampanchayat.

It is the case of the petitioner that the petitioner was engaged as a salesman at Litiguda Grampanchayat under Sinapali Panchayat Samiti since 30.11.2017 and he was continuing as such and performing his duty sincerely, for which a Grampanchayat meeting was convened on 20.09.2019 and in presence of all the

members, it was unanimously decided to engage the petitioner as Salesman of Grampanchayat since 2019 and his name was recommended to Block Development Officer, Sinapali Panchayat Samiti on 30.09.2022 and after receipt of the same, the Block Development Officer, Sinapali forwarded the same to District Panchayat Officer, Nuapada for the approval of the petitioner as Salesman.

Learned counsel for the petitioner further submitted that by virtue of notification dated 11.03.2013, Food, Supplies and Consumer Welfare Department, Government of Odisha relating to appointment (Promotion) of GP 'Salesman' as 'Jogan Sahayak', it was observed that Gram Panchayat Salesman working in Nuapada district as well as in other districts of the State may be engaged by GPs as 'Jogan Sahayak' if they have got requisite minimum educational qualification prescribed for Jogan Sahayak as per the circular of the Department dated 21.04.2012.

Learned counsel for the petitioner further submitted that another consolidated guideline relating to engagement of Jogana Sahayak for smooth operation of Fair Price Shop managed by Gram Panchayat was issued by the Food, Supplies & Consumer Welfare Department, Government of Odisha dated 27.03.2018. He submitted that while the matter was referred by the B.D.O, Sinapali on 30.12.2021 in respect of Litiguda Grampanchayat to the District Panchayat Officer, Nuapada basing on the

Grampanchayat resolution, he should not have issued the advertisement dated 15.09.2022 relating to filling up the post of Jogan Sahayak. Learned counsel for the petitioner further submitted that the petitioner is having all the requisite qualification as per the advertisement under Annexure-4 and he may be permitted to file a representation before the Block Development Officer, Sinapali (opposite party no.5.) within a period of two weeks from today with a copy of the order of this Court with all the required documents and the same may be directed to be considered by the opposite party no.5.

Learned counsel for the State submitted that the petitioner was working as salesman in Litiguda Grampanchayat as reveals from the documents annexed to the writ application and the post of Jogan Sahayak is different than salesman and if a person has got experience as salesman, the same can be considered while engaging him as Jogan Sahayak.

After going through the submission made by the learned counsel for the parties, the averments taken in the writ petition and without expressing any opinion on the merits of the case, this writ petition is disposed of directing the petitioner to file a representation before the Block Development Officer, Sinapali (opposite party no.5) within a period of two weeks from today annexing all the required documents and the same shall be considered in accordance with law by the opposite party no.5 after giving an opportunity of hearing to the

petitioner as well as all concerned and communicate the result thereof to the petitioner.

A free copy of this order be handed over to the learned counsel for the State which will be forwarded to the Block Development Officer, Sinapali.

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

It is made clear that this Court has not expressed any opinion about the eligibility/experience/suitability of the petitioner in his engagement as Jogan Sahayak. The Block Development Officer, Sinapli is at liberty to consider the representation on its own merit.

(S.K. Sahoo)
Judge



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