

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OA) No.1913 of 2017

Sanjaya Kumar Das Petitioner

-versus-

State of Odisha & Others. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
08.09.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. N.K. Mohapatra, learned counsel for the petitioner and Mr. Y.S.P. Babu, learned A.G.A appearing for the opp. Parties.
3. It is submitted that pursuant to the advertisement issued under Annexure-1, the petitioner was allowed to take the written test and he was issued with the admit card in that regard vide Annexure-5. It is submitted that though the petitioner attended the interview on the date fixed, but surprisingly in the merit list issued by Opp. Party –Odisha Adarsa Vidyalaya (in short, “OAVS”) Sangathan, the petitioner was not found eligible on the ground that he has not

fulfilled the required criteria as provided in the advertisement issued under Annexure-1. Mr. Mohapatra, learned counsel for the petitioner submitted that as per the advertisement in Clause 4.1.2 (III), the requirement for consideration and appointment to the post of Principal is as follows:

“ Persons holding posts of PGTs or Lecturer in Central/State Govt./Autonomous organization of Central/State Govt. in the pay band of Rs.9300-34800/- with Grade Pay of Rs.4,800/- with at least 5 years' of regular service in the aforesaid grade.

4. In course of hearing of the matter, Mr. Mohapatra, also brought to the notice of this Court the communication issued by the concerned School authority where the petitioner was earlier working pursuant to the request made issued by the OAVS vide letter dated 22.7.2017. In the said reply, the school in question clearly replied that the petitioner was in receipt of the pay scale of Rs. 9,300-34,800/- with Grade Pay of Rs.4,800/- and he was continuing in his service since 27.8.2009. In view of such communication issued by the school in question on 17.8.2017, pursuant to the letter issued by OAVS, on 22.7.2017 this

Court finds that the petitioner fulfills the eligibility criteria and the ground of rejection indicated in the merit list is not sustainable in the eye of law. This Court further finds that even though the petitioner pursuant to the Admit Card issued in his favour under Annexure-5 attended the interview, but no mark has been awarded towards that in his favour. Even though notice of the matter was issued on 17.11.2017, but no counter has been filed by the opp. parties.

6. Therefore, this Court while disposing of the writ petition directs opp. Party no.2 to reconsider the petitioner's claim taking into account the communication issued by the School i.e. Mewat Madel School Society, Housing Board Colony in its letter dated 17.8.2017. This Court also directs the opp. Party no.2 to award the marks secured by the petitioner in the interview and add the same to the marks secured in the written test and make the selection afresh. If on such reconsideration, the petitioner is found eligible, then necessary steps be taken to provide him appointment as

against the post of Principal in any of the schools coming under Opp. Party No.2. The entire exercise shall be completed within a period of four months from the date of receipt of this order. Petitioner is directed to produce the communication issued by the School on 17.8.2017 basing on the letter issued by the OAVS on 22.7.2017 and a copy of this order before Opp. Party No.2 within a period of seven days from the date of receipt of this order for compliance of the direction.

5. The Writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

sangita