

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35668 of 2021

Laxmidhar Singh

....

Petitioner

Mr. L. N. Rayatsingh, Advocate

-versus-

***The Collector, Rayagada and
another***

....

Opposite Parties

Mr.D. Mund, AGA for State

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
12.01.2022**

Order No.

03. 1. This matter is taken up through Video Conferencing mode.
2. In the present writ petition the Petitioner calls in question the order passed by the District Welfare Officer (DWO), Rayagada dated 26.3.2021, whereby the candidature of the present Petitioner was rejected on the ground that he does not belong to Rayagada district. The case of the Petitioner is that pursuant to an advertisement dated 25.6.2018 (Annexure-5) for appointment of contractual teachers by the S.T. and S.C. Development Department issued by the Collector, Rayagada, the Petitioner submitted his candidature along with his residential certificate initially which was obtained from the office of the Tahasildar, Mahanga on 10.02.2020. Petitioner has submitted another residential certificate issued from the office of the Tahasildar, Muniguda in the district of Rayagada. Because of the two residential certificates, confusions arose and the Appointing Authority had rejected his candidature by order dated 26.3.2021 under Annexure-8.

3. It is submitted by learned counsel for the Petitioner that in the advertisement it is clearly stipulated that in the selection process 'first preference shall be given to the eligible candidates from Rayagada District. In case of non-availability of suitable candidates from Rayagada District, applications of the candidates from other Districts will be considered'. In such view of the matter, learned counsel for the Petitioner submits that Petitioner's case should have been considered for the post of TGT (Science) PCM by the Authority, i.e. District Welfare Officer, Rayagada, Opposite Party No.2.

4. Mr. Mund, learned Additional Government Advocate appearing for the State submits that since Petitioner does not belong to Rayagada district, his candidature has been rejected by the Opposite Party No.2. He further submits that the selection process is by now over and therefore there is no scope for reconsideration of the case of the Petitioner.

5. Having heard learned counsel for the Petitioner, this Court on perusal of the advertisement dated 25.6.2018 under Annexure-5 is of the considered view that there is no prohibition for appointment of candidates from outside Rayagada district in the event suitable candidates are not available for the post of TGT(Science) PCM in Rayagada district. However, from the impugned order under Annexure-8 it is seen that Opposite Party No.2 in his order has reflected that Petitioner was selected for the post of TGT(Science) PCM, it is only on the ground that the residence of the Petitioner, his candidature has been rejected.

6. Having heard learned counsel for the parties, this Court disposes of the writ petition with a direction to the Opposite Party

No.2 to consider the case of the Petitioner as he was selected for the post of TGT (Science) PCM for his appointment to such post in the event posts are still lying vacant in the Rayagada district. Petitioner is also directed to appear before the Opposite Party no.2 within two weeks from today along with an authenticated copy of this order with all records. In such event, Opposite Party No.2 shall consider the case of the Petitioner within a period of eight weeks from the date of receipt of such documents. Decision so taken on the same shall be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation, the writ petition stands disposed of.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(A.K. Mohapatra)
Judge