

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30568 of 2022

Guru Govinda Samal

....

Petitioner

Mr. S. Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. T.K. Pattnaik, ASC

Mr. S.B. Jena, Advocate

(For O.P. No.3)

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

**ORDER
09.12.2022**

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and Mr. S.B. Jena, learned counsel appearing for the Odisha Staff Selection Commission as well as learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the writ petition and the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with the following prayer:-

“It is therefore prayed that your Lordship would be pleased to admit this writ petition, issue notice to Opp. Parties asking them to show cause as to why the petitioner shall not be given appointment as Junior Engineer (Civil) pursuant to select list vide notification dated 14.12.2016 under Annexure-2 and if they do not show or show insufficient cause, then necessary directions may be passed directing the Opp. Parties to give appointment to the petitioner in the post of Junior

Engineer (Civil) in the interest of justice.”

4. It is submitted by the learned counsel for the Petitioner that pursuant to the advertisement dated 04.08.2014, the Odisha Staff Selection Commission conducted recruitment test for the post of Junior Engineer (Civil). Accordingly, a merit list was prepared and in the merit list, the name of the Petitioner appears at Serial No.34. However, all the candidates named in the selected list have been given appointment, but no appointment order was issued in favour of the Petitioner. Accordingly, the Petitioner has approached this Court by filing the present writ petition.

5. It is further submitted by the learned counsel for the Petitioner that earlier there was an Original Application at the instance of 162 candidates and in view of the interim order passed by the Tribunal to keep one sit reserved, the Petitioner's case was not considered, therefore, he has not been given appointment even in the last candidate in the selected list. It is further submitted that the said OA has been disposed as infructuous in the meantime. As such, there is no bar in considering the case of the Petitioner, who was duly selected and his name appears in the select list.

6. In such view of the matter, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.3 to consider the case of the Petitioner and in the event there is vacancy, the Petitioner be given appointment within a period

of two weeks from the date of production of certified copy of this order. The Petitioner is directed to approach before the authority along with the certified copy of this order and on production of certified copy of this order before the authority concerned, the authority concerned shall act and take a decision as directed hereinabove.

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

Debasis

