

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WPC (OAC) No. 3729 of 2011**

***Mrutunjaya Naik***

.....

***Petitioner***

Mr. D. Bharadwaj, Advocate

Vs.

***State of Odisha and others***

.....

***Opposite parties***

Mr. M. Balabantaray,  
Standing Counsel

**CORAM:**

**DR. JUSTICE B.R. SARANGI**

**ORDER**

**16.02.2022**

**Order No.**

01

This matter is taken up by hybrid mode.

2. The petitioner has filed this writ petition seeking to quash Annexure-12/a and to issue direction to the opposite parties to give appointment to the petitioner, as he was the qualified candidate in all respect in Orissa Civil Services Examination, 2006.

3. Learned counsel for the petitioner contended that though the petitioner belonged to scheduled caste category, but he claims the benefits under the sports category. It is contended that the application of the petitioner was considered and thereafter he was permitted to appear in the examination. But due to non-submission of requisite sport certificate, the benefit has not been extended to the petitioner. It is contended that though the petitioner belonged to S.C. category, but he has not secured the required marks as secured by the last S.C. candidate in the category. Thereby, he cannot claim the benefit under the S.C. category. But the petitioner has only claim that he should be given the benefit under the sports category, which was not given to him. It is further contended that this fact has been admitted by the OPSC and, therefore, the petitioner may be

permitted to file fresh representation before the authority, which shall be considered in accordance with law.

4. Mr. M. Balabantray, learned Standing Counsel appearing for the State, referring to the counter affidavit filed by the OPSC, contended that the petitioner, having qualified in the OCS (Preliminary) Examination, had submitted his long application form to appear at the O.C.S. (Main) examination, in which he did not claim as a candidate under sports category nor had he submitted the identity card issued by the Director of Sports, Odisha along with the long application form as required under the condition mentioned in sl.no. 8(iii) (h) of the advertisement. But he was provisionally allowed to appear in the OCS (Main) examination and after being successful in the said examination, the petitioner had appeared at the personality test and recommended by the commission for appointment due to fixation of relaxed cut off marks for the sports category candidates and anticipating that it was a mistake on the part of the petitioner and on the principle of benefit of doubt, the petitioner was provisionally selected under sports category subject to production of the requisite sports certificate prior to appointment. Since the petitioner could not produce the required sports certificate, when called for by the appointing authority, his case was not entertained for appointment.

5. Having heard learned counsel for the parties and after going through the records, this Court finds from the counter affidavit filed by OPSC that admittedly the petitioner submitted application as a candidate belonging to sport category and, as such, being an S.C. candidate he had submitted the short application form to appear in the OCS (Preliminary) Examination, in which he had claimed himself as a candidate

under sports category. After qualified in the OCS (Preliminary) Examination, the petitioner had submitted his long application form to appear at the O.C.S. (Main) examination in which he did not claim as a candidate under sports category nor had he submitted the identity card issued by the Director of Sports, Odisha along with the long application form, as required under the condition mentioned in sl.no. 8(iii) (h) of the advertisement. But he was provisionally allowed to appear in the OCS (Main) examination and after being successful in the said examination, the petitioner had appeared at the personality test and recommended by the commission for appointment due to fixation of relaxed cut off marks for the sports category candidates and anticipating that it was a mistake on the part of the petitioner and on the principle of benefit of doubt, the petitioner was provisionally selected under sports category subject to production of the requisite sports certificate prior to appointment. Since the petitioner could not produce the required sports certificate when called for by the appointing authority, he could not able to produce the same and, thereby, his case was not entertained for appointment by the authority.

6. In the above view of the matter, this Court does not find any illegality or irregularity committed by the authority so as to cause interference. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

Ashok

**(DR. B.R. SARANGI)**  
**JUDGE**