

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.2685 of 2017

In the matter of an application under Section 19 of the
Administrative Tribunal Act, 1985.

.....

Rashmita Tripathy

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

For Petitioner : M/s.M.K.Khuntia, G.R.Sethi,
J.K.Digal & B.K.Pattnaik.

For Opp. Parties : Addl. Standing Counsel
Mr. P.Bhardawaj.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

संस्थानिक न्यायो

Date of Hearing:09.05.2022 and Date of Judgment:13.05.2022

Biraja Prasanna Satapathy, J.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Sethi, learned counsel for the Petitioner and Mr. Bhardawaj, learned Addl. Standing Counsel for the Opposite Parties.
3. The Petitioner filed the present Writ Petition with the following prayer:-

(i) To quash the order dated 22.03.2017 under Annexure-5 in so far as it relates to applicant.

(ii) To direct the respondents to consider the case of applicant for appointment as Instructor (Physical Education and Art Education).

(iii) And pass such other order / orders as may be deemed fit and proper for the interest of justice”.

4. It is submitted by Mr. Sethi, learned counsel for the Petitioner that pursuant to the advertisement issued for engagement of the part time instructors in Bhadrak District vide Annexure-2, the Petitioner not only participated in the said selection process, but also participated in the said selection process by producing the certificate issued with regard to her participation in the 4th East Zone National Netball Championship held by the Netball Federation of India and recognized by Department of Youth Affairs and Sports Government of India under Annexure-1-Series.

5. It is submitted that even though the certificate issued in favour of the Petitioner under Annexure-1-Series relates to her participation in a National Level Championship, but in the impugned Annexure-5 when, the observation was made that East Zone National Netball Championship is not in a National Championship and it was sent for verification by the District Sports Officer, Bhadrak, the Petitioner being aggrieved by the same approached this Court.

6. It is further submitted that this Court while issuing notice of the matter on 16.10.2017 though passed an order to consider the case of the Petitioner in the light of the selection procedure followed in Balasore District, but no follow up action was taken by the Opposite Parties.

7. It is further submitted that similarly situated candidates with sports certificate issued by the self-same Net Ball Federation of India as like the Petitioner has been provided with appointment by the District Project Officer, RTESS, Balasore on 13.07.2016.

8. It is also submitted that pursuant to the order passed by this Court on 16.10.2017 in the proceeding of the meeting of the Committee Members held on 18.11.2019 one post has been kept reserved subject to the outcome of this case.

9. Mr. Sethi also produced a copy of the proceeding dated 18.11.2019 before this Court. Accordingly, Mr. Sethi, prayed that since basing on similar sports certificate, appointment has been provided in Balasore District, the denial of such benefit in favour of the Petitioner in Bhadrak District needs interference of this Court.

10. Mr. Bhardawaj, learned Standing Counsel for the Opposite Parties, on the other hand while did not dispute the benefit extended in favour of the person whose name appears in order dated 13.07.2016 of District Project Officer, RTESS, Balasore, with having similar sports certificate, submitted that this Court may pass appropriate order on the case of the Petitioner.

11. In view of such stand taken by the learned counsel for the parties and in view of the benefit extended in favour of similarly situated persons with having similar sports certificate in Balasore District, this Court directs the Opposite Parties to consider the claim of the Petitioner in

the light of the decision taken by the authorities of Balasore District.

12. Since in the proceeding of the meeting held on 18.11.2019, one post has been kept reserved for the Petitioner, it is observed that the Opposite Parties may fill up the said post by providing appointment to the Petitioner.

13. It is directed that the entire exercise shall be completed within a period of one month from the date of receipt of this order. Copy of the proceeding dated 18.11.2019 be kept in the case record.

14. With the aforesaid observations and directions, the WPC(OAC) stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 13th of May, 2022/Subrat