

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No.3471 OF 2017

Bhabani Sankar Gantayat

.....

Petitioner

Mr. J. Gupta, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

05.09.2022

Order No.

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This matter is taken up by hybrid mode.

2. The petitioner, being a male member, has filed this writ petition seeking appointment in Kasturba Gandhi Balika Vidyalaya.

3. The said question had come up for consideration before this Court in Prafulla Kumar Mohanta v. State of Odisha (W.P.(C) No.25385 of 2017 and batch, disposed of vide common judgment on 31.12.2017), paragraph-10 whereof reads as follows:

“In the entirety of the facts and circumstances of the case and taking into consideration the fact that the decision has been taken by the State with the consent of the Central Government by way of policy decision, it can only be interfered by this Court under its extra ordinary jurisdiction conferred under Article 226 of the Constitution of India if there is any arbitrariness or unreasonableness in the decision, but the petitioners have failed to make out a case of arbitrariness or any unreasonableness rather according to the considered view of this Court, whatever decision has been taken by this policy decision (impugned), the same is based on well founded reasoning and also on the incidence occurred”.

Accordingly, this Court dismissed the said writ petition.

4. The aforesaid judgment passed by the learned Single Judge was challenged in W.A. No.159 of 2018 (Brundabana Sahu v. Union of India & Ors.), wherein the Division Bench of this Court dismissed the said writ appeal and confirmed the judgment passed by the learned Single Judge observing as follows:

“In that view of the matter even the Central Government being

concerned about the position in India and in Odisha has given specific direction to the State government to engage as far as possible only female teachers and other staffs. So we find no unreasonableness in the letter issued by the OPEPA”.

5. In view of such position, the writ petition merits no consideration and the same is dismissed.

Alok

(DR. B.R. SARANGI)
JUDGE

