

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31073 of 2022

***Prasanta Kumar Dwibedy and
others***

....

Petitioners

Mr. Subham Sharma, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. B. Pr. Tripathy, A.G.A.

*Mr. D.P. Nanda, Sr. Advocate for the
O.P. Nos.2 and 3*

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

**ORDER
05.12.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
- Opposite Party Nos.2 and 3 entered appearance through Mr. D.P. Nanda, Sr. Advocate files a memorandum in Court today. The same is accepted and be kept on record.
2. Heard learned counsel for the petitioners, learned Additional Government Advocate for the State and Mr. D.P. Nanda, learned counsel for the Opposite Party Nos.2 and 3.
3. The present writ petition has been filed by the petitioners with a prayer for a direction to quash the impugned Advertisement No.OHPC:HQ:HRD:RECTT: 04/2022 dated 27.10.2022 by Odisha Hydro Power Corporation Ltd-Opposite Party No.2 for recruitment to the post of various Non-Technical Non-Executive (TNE) Trainees i.e. Jr. Clerk trainee/LD Asst. Trainee in different work posts under Annexure-8. Further prayer has been made to restrain the Opposite

Parties from filling of the proposed posts reserved for Petteru Small Hydro Electric Project (Operation & Maintenance) in pursuance to the Advertisement No.03 of 2022 on 27.09.2022.

4. It is submitted by learned counsel for the petitioners that earlier the petitioners approached this Court by filing W.P.(C) No.7428 of 2019 vide order dated 16.05.2019 this Court disposed of the writ petition by directing that the petitioners may not be disengaged in the meantime. Further, it is submitted that a proceeding under the I.D. Act is pending before the Industrial Tribunal. Pursuant to the advertisement published by the Opposite Party No.2, the petitioners apprehend that they might be disengaged by the employer. Therefore, they have approached this Court by filing the present writ petition.

5. Mr. D.P. Nanda, learned senior counsel appearing for the Corporation submits that there is no apprehension or danger to the petitioners as the Opposite Party No.2 is not going to disturb the petitioners while a proceeding is going on before the Tribunal. In such view of the matter, Mr. Nanda, learned senior counsel appearing for the Opposite Party Nos.2 and 3 submits that the writ petition is premature and the same should not be entertained.

6. Considering the submissions made by the respective parties, this Court by taking note of the submissions made by Mr. Nanda, learned senior counsel appearing for the Opposite Party Nos.2 and 3 to that effect that while recruiting persons under the advertisement in question, the petitioners shall not be disturbed and further it is open for the petitioners to apply for regular appointment pursuant to the said advertisement. In such eventuality, their cases shall be considered for regular appointment under Annexure-8. Learned

counsel for the petitioners further expresses his apprehension that for applying under Annexure-8 for appointment, the age of the petitioners would create a hurdle as they have all become over-aged now to apply under the said advertisement. In view of such apprehension, this Court directs that the Opposite Party Corporation shall do well to either grant relaxation or condone the age of the petitioners and similarly place persons in the event they opt to apply for appointment under the said advertisement.

7. With the aforesaid observation/direction, the writ petition is disposed of.

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

Jagabandhu

