

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 286 of 2019

Rajendra Kumar Sahoo

.....

Petitioner

Mr. B. Mansingh, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

01.12.2022

Order No.

02

This matter is taken up through hybrid mode.

2. Heard Mr. B. Mansingh, learned counsel for the petitioner and Mr. S.N. Nayak, learned Government Advocate for the State.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to give appointment to him as Sepoy in 5th IRBN, Boudh, taking into account the fact that he has passed the Certificate 'C' Examination of NCC in 'B' Grade held in the year 2017.

4. Mr. Mansingh, learned counsel for the petitioner contended that after notice was issued and on receipt of the same, the opposite parties have redrawn the merit list awarding the marks taking into account the certificate of the petitioner in NCC and as such, he has now been included and selected itself. Including his name recommendation has also been made by the Commandant, 5th I.R. Battalion, Boudh to the AIG of Police (Personnel), Odisha Cuttack vide letter dated 01.10.2022 to give appointment to the petitioner in the post constable under UR category. But the same is still pending and no decision has been taken.

5. Mr. S.N. Nayak, learned Additional Standing Counsel contended that this fact has also been placed on record in the affidavit filed by opposite party no.3 dated 19.10.2022 and the letter of the Commandant, 5th I.R. Battalion, Boudh, which has been communicated to the AIG of Police

(Personnel), Odisha Cuttack on 01.10.2022 for creation of post and also inclusion of the name of the petitioner in the merit list after re-casting the select list and also recommended the same. In that view of the matter, AIG of Police (Personnel), Odisha Cuttack has to pass appropriate order on the request made by the Commandant, 5th I.R. Battalion, Boudh and take follow up action.

6. Having heard learned counsel for the parties and after going through the records, since the petitioner's claim is for inclusion of his name in the select list taking into consideration the marks awarded in passing the Certificate 'C' Examination of NCC in 'B' Grade and now the same has been taken into consideration and the opposite parties have unequivocally admitted such fact that the same has not been awarded to the petitioner and now they have awarded the mark and included the petitioner in the merit list, the petitioner is thereby selected. The name of the petitioner has also been recommended by the Commandant, 5th I.R. Battalion, Boudh, to the AIG of Police (Personnel), Odisha Cuttack vide letter dated 01.10.2022 for taking follow up action, which is still pending.

7. In that view of the matter, this Court directs the AIG of Police (Personnel), Odisha Cuttack to act upon the recommendation made by the Commandant, 5th I.R. Battalion, Boudh dated 01.10.2022 and extend the benefit to the petitioner as due and admissible in accordance with law, preferably within a period of three weeks from the date of communication of the order.

8. With the above observation/direction the writ petition stands disposed of.

Arun

(DR. B.R. SARANGI, J.)