

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.39746 of 2021

Sasmita Mahapatra

....

Petitioner

*Mr. S.K. Samal,
Advocate*

-versus-

State of Odisha and another

....

Opposite Parties

*Mr. S. Jena,
Standing Counsel for S. & M.E. Deptt.*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

03.01.2022

Order No.

01. 1. Heard Mr.S.K. Samal, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for the School and Mass Education Department.
2. It is submitted by the learned counsel for the Petitioner that the Advertisement under Annexure-1 at page-19 to the writ petition, contains a condition at para-5.C(c) which indicates that “He/she must have passed the Odisha Secondary School Teacher Eligibility Test (OSSTET) in concerned category and subject.” The principal contention raised by the learned counsel for the Petitioner is that the candidature of the Petitioner has been rejected.
3. Mr.Samal, learned counsel further submits that the Government of Odisha, School and Mass Education Department Resolution dated 27.10.2014, which has been annexed and marked as Annexure-11, wherein at Clause-3(c) the Educational

Qualification of Classical Teacher(Sanskrit) provides that “the untrained candidates shall have to undergo required training within the timeline as prescribed by Govt.”

4. It is further submitted that though initially, the authorities intended to conduct two OSSTET examinations, but the second examination could not be conducted due to prevailing pandemic situation and till date one examination could be held, as a result, the Petitioner also could not avail the chance of attaining the OSSTET examination.

5. An advertisement dated 07.03.2019 (Annexure-9) has been made for appearing OSSTET examination. Further, it is stated by the learned counsel for the Petitioner that Odisha Adarsha Vidyalaya Sangathan, which is under the State Government had invited applications for the posts of Principal and Teaching Posts in the Odisha Adarsha Vidyalayas in the State of Odisha, 2019 under Annexure-9, which contains a provision at clause 3.1.(d), which indicates “The candidates who have not passed the OSSTET/CTET but are otherwise eligible for the post may apply for the post with a condition that they shall have to pass OSSTET/CTET within 3 years of joining in the post.”

6. In the above background, the Petitioner raise a limited grievance that he has submitted a representation/objection to the writ petition vide Annexure-7, which is pending consideration and disposal. The said representation is addressed to opposite party no.2.

7. Considering the aforesaid submissions, the writ petition is disposed of directing opposite party no.2/appropriate authority to consider the grievance of the Petitioner and take decision in

accordance with law, taking into account all relevant materials on record, as early as possible, preferably within a period of four weeks from the date of communication of certified copy of this order.

8. The decision so taken shall be communicated by the authority within two weeks thereafter to the Petitioner. The petitioner is at liberty to take appropriate action as available under law pursuant to the decision of the Authority.

9. However, it is clarified that this Court has not expressed any opinion on the merits of the case, in any manner whatsoever.

10. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

