IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) Nos. 2379 & 5815 of 2024

Subhakanta Mishra .... ***Petitioners***

Dr. B.K. Mishra, Advocate

-versus-

State of Odisha & Ors.

.... ***Opposite Parties***

Mr. C.K. Pradhan, AGA
Mr. A. Behera, Adv. for O.P.2

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
09.04.2026

Order No.

09. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties.

3. Pursuant to the order dtd.26.03.2026, Mr. A. Behera, learned counsel appearing for the OPSC produced the result of both the Petitioners in a sealed cover and the same was opened in presence of both the learned counsels appearing for the Parties.

4. From the result sheet, it is found that while Petitioner in W.P.(C) No.2379 of 2024 has secured 5 marks in the interview out of 10, Petitioner in W.P.(C) No.5815 of 2024 has secured 7 marks in the interview out of 10.

4.1. Mr. Behera, learned counsel appearing for the Commission taking into the mark secured by the Petitioners in the interview and the mark secured in the written examination as well as the GATE score contended that both the Petitioners have qualified in the selection process.

5. Heard learned counsel appearing for the Parties.

6. Since the issue involved in both the Writ Petitions is identical, both the maters were heard analogously and disposed of the present common order.

7. It is the case of the Petitioners that pursuant to the advertisement issued by the Commission for recruitment to the post of Asst. Executive Engineer Electrical in Group-A of the Orissa Engineering Service under the Department of Energy vide advertisement No.21 of 23/ 2024 under Annexure-3, both the Petitioners were eligible to participate in the selection process for the post in question.

7.1. It is contended that as per the advertisement the educational qualification so prescribed in Para-4 reads as follows:-

> ***"4. EDUCATIONAL QUALIFICATION:***
> *A candidate must hold a Degree in Electrical Engineering or an equivalent qualification from any University or Institutions recognized by the Government or he / she must be an Associated Member of the Institution of Engineers of India in Electrical Engineering".*

7.2. It is contended that even though as per the advertisement Petitioners were eligible to participate in the selection process, but while issuing the impugned corrigendum on 19.01.2024, when the qualification possessed by the Petitioners i.e. Degree in Electrical & Electronics Engineering was held as not equivalent to the degree in Electrical Engineering, Petitioners challenging the corrigendum approached this Court in both the Writ Petitions. Pursuant to the interim order passed in both the Writ Petitions, Petitioners were allowed to participate in the selection process, but with the condition that the result will not be published without leave of this Court. Subsequently this Court passed further interim order in both the cases with a direction to keep reserve one (1) post each for both the Petitioners.

7.3. It is further contended that even though the Petitioners do not have the qualification of degree in Electrical Engineering, but they participated in the selection process with having the equivalent qualification of Electrical & Electronics Engineering. As per the certificates available in both the writ petitions, Petitioners possess the qualification of Degree in Electrical & Electronics Engineering and the same is not disputed by the learned counsel appearing for the Commission.

7.4. Learned counsel appearing for the Petitioners accordingly contended that since Petitioners have qualified the recruitment process, so contended by the learned counsel appearing for the Commission, this Court may dispose of the Writ Petition by directing the Commission to publish the result of both the Petitioners and recommend their names, by holding that the qualification acquired by the Petitioners is equivalent to the qualification prescribed in the advertisement, which was illegally withdrawn vide the impugned corrigendum dtd.19.01.2024.

7.5. In support of equivalency of the qualification of Degree in Electrical and Electronics Engineering to that of the Degree in Electrical Engineering, learned counsel appearing for the Petitioners relied on the notification issued by the VSSUT and Biju Pattnaik University of Technology. Notification issued by BPUT on 16.06.2020 reads as follows:-

> *"In continuance to the University Notice No. BPUT-III-CD/34/19/5167 DTD 06.11.2019, this is to clarify that B. Tech in Electrical Engineering and B.Tech in Electrical & Electronics Engineering are equivalent to each other for the students admitted from 2007 to 2017 in four years B. Tech course and for the students admitted from 2008 to 2018 in Lateral Entry B. Tech course of BPUT.*
>
> *Therefore, the students of the above said batches of BPUT having B. Tech degree in Electrical & Electronics Engg. Would also be treated equivalent to the students having B. Teach in Electrical Engineering of BPUT for the above mentioned period.*

This notice is issued in larger interest of the students of BPUT for their higher studies and employment".

7.6. It is also contended that prior to issuance of the notice dtd.16.06.2020 vide another notice issued by the BPUT on 06.11.2019 the qualification B.Tech. in Electrical and Electronics Engineering is equivalent to the Degree in Electrical Engineering. The same thing also followed by the BPUT vide notice dtd.04.01.2021. Not only that VSSUT vide its notice dtd.08.11.2019 has also held that, the qualification B. Tech in Electrical and Electronics Engineering is equivalent to degree in Electrical Engineering.

7.7. It is accordingly contended that in view of the notification issued by the BPUT and VSSUT on different occasion, Petitioners since have the qualification of B. Tech. in Electrical and Electronics Engineering and the same being equivalent to the qualification of B. Tech. in Electrical Engineering, Petitioners are not only eligible to participate in the selection process but also eligible to get the benefit of appointment as they have qualified in the selection process.

7.8. It is accordingly contended that the Commission be directed to recommend the Petitioners for being appointed against the posts, which have been kept reserved as per the interim order of this Court.

8. Learned counsel appearing for the Commission on the other hand contended that, basing on the

requisition issued by the Government, initially while issuing the advertisement vide Advertisement No.21 of 23/24 under Annexure-3, the prescribed qualification was degree in Electrical Engineering or an equivalent qualification from any University & Institution recognized by the Govt. But subsequently on the instruction of the Government, the corrigendum was issued on 19.01.2024, where it has been indicated that the qualification B. Tech. in Electrical & Electronics Engineering is not equivalent to B. Tech. in Electrical Engineering.

8.1. It is accordingly contended that since the Commission issued the corrigendum dtd.19.01.2024 on the instruction of the Government, the Commission has no fault in not allowing the Petitioners to participate in the selection process. However, it is fairly contended that pursuant to the interim order passed by this Court both the Petitioners were allowed to participate in the selection process, and both of them have qualified.

9. Mr. P.K. Panda, learned ASC on the other hand while supporting the impugned corrigendum contended that since the post in question is post of Asst. Executive Engineer (Electrical), Government in its wisdom directed the Commission to issue the corrigendum indicating that B. Tech. in Electrical &

Electronics Engineering is not equivalent to B. Tech. in Electrical Engineering.

9.1. It is accordingly contended that no illegality or irregularity can be found with the action of the commission in issuing the impugned corrigendum under Annexure-4 on the instruction of the Government.

9. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that the Commission issued the advertisement in question vide Advertisement No.21 of 23/ 2024 under Annexure-3 inviting applications to fill up the post of Asst. Executive Engineer (Electrical) and in the said advertisement the prescribed qualification was degree in Electrical Engineering or an equivalent qualification from any University or Institution recognized by the Government. However, while issuing the impugned corrigendum dtd.19.01.2024, it was held that B.Tech. in Electrical & Electronics Engineering is not equivalent to B.Tech. in Electrical Engineering. Petitioners being aggrieved by the stipulation contained in the corrigendum are before this Court in both the Writ Petitions.

9.1. It is found that pursuant to the interim order passed by this Court both the Petitioners were allowed to participate in the selection process and they have

also qualified so admitted by the learned counsel appearing for the Commission.

9.2. Placing reliance on the notifications issued by BPUT and VSSUT on different occasion, it is the view of this Court that qualification of B. Tech. in Electrical & Electronics Engineering is equivalent to B. Tech. in Electrical Engineering.

9.3. Therefore, in view of the qualification prescribed in Para-4 of the advertisement, it is the view of this Court that both the Petitioners possess the required qualification to get the benefit of selection and appointment. Since the Petitioners have qualified in the selection process, which is an admitted fact, this Court while disposing both the Writ Petitions directs the Commission to recommend the Petitioners to the Government-Opposite Party No.1 for their appointment within a period of four (4) weeks form the date of receipt of this order. On being so recommended, Opposite Party No.1 shall take appropriate step in providing appointment to the Petitioners as against the posts kept reserved in terms of the interim order passed by this Court. Such order of appointment be issued within a period of four (4) weeks, from the date of receipt of the recommendation from the Commission.

10. Both the Writ Petitions accordingly stands disposed of. The result sheet of the Petitioners so produced in Court be kept in a sealed cover.

Photocopy of the order be placed in the connected Writ Petition.

(Biraja Prasanna Satapathy)
Judge

Subrat

Signature Not Verified
Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 21-Apr-2026 11:04:09