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SooperKanoon Citation : sooperkanoon.com/526215

Court : Orissa

Decided On : Jan-04-2008

Reported in : 2008(1)OLR391

Judge : N. Prusty, J.

Appellant : Ashok Kumar Panda

Respondent : State Project Director, O.P.E.P.A.-cum-director Elementary Education and Three ors.

Advocate for Pet/Ap. : Mr. Barik

Disposition : Petition dismissed

Judgement :

ORDER

N. Prusty, J.

1. The petitioner, who was one of the applicants for his engagement as Sikhya Sahayak under Pattamundai Block in the district of Kendrapara, has filed this writ petition for a direction to the opposite parties to reconsider his case for his engagement as Sikhya Sahayak as per the Additional provisional merit list

(Annexure-4).

Heard Mr. Barik, learned counsel for the petitioner and Mr. H.P. Rath, learned Standing Counsel for School and Mass Education Department.

Learned counsel for the petitioner submits that even though the petitioner belongs to Kendrapara Block, he had applied to be engaged as Sikhya Sahayak in respect of the vacancy in Pattamundai Block and for such engagement he had filed a resident certificate as a resident of Pattamundai Block. Even though his name finds place in the additional provisional merit list at Sl. No. 2, he has not been given engagement and persons securing less marks than him have been engaged. Learned counsel submits that his case is completely governed by the decision of this Court rendered in the case of Chandramani Jena and Ors. v. State of Orissa reported in 2007 (II) OLR 577.

2. Mr. Rath, learned Standing Counsel submits that the principles decided in the case of Chandramani Jena and Ors. v. State of Orissa reported in 2007 (II) OLR 577, cannot be made applicable to this case, since in the said case this Court has observed that none of the applicants can be discriminated on the ground of residence, but in the instant case even though the petitioner belongs to Kendrapara Block, he has fraudulently obtained resident certificate in respect of Pattamundai Block and by utilizing that forged certificate he has applied for the post and accordingly his name finds place at Sl. No. 2 of the aforesaid Additional provisional merit list. When it was detected that even though the petitioner belongs to Kendrapara Block and he has applied to be engaged as Sikhya Sahayak in Pattamundai Block by utilizing that forged certificate, his name was deleted from the select list.

3. At this stage, learned counsel for the petitioner submits that 'even though the petitioner belongs to Kendrapara Block, he can apply in respect of any Block throughout the State as per the decision in the case of Chandramani Jena and Ors. v. State of Orissa reported in 2007 (II) OLR 577 and his application cannot be rejected on the ground of residence.

4. Considering the submissions made by the learned counsel for the petitioner, I am of the considered view that a person can apply for his engagement as Sikhya Sahayak in respect of any one of the Blocks throughout the State even though he does not belong to the said Block. But nobody can be allowed to apply for his engagement in a particular Block by utilizing a forged certificate showing him as a resident of that particular Block, for which he submitted his application. As such, the ratio of the decision in the case of Chandramani Jena (supra) cannot be applied to this case, in the facts and circumstances narrated above.

5. In view of the above, I do not find any merit in this writ petition and the same is accordingly dismissed.

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