
(2010) 02 OHC CK 0003

In the Orissa High Court

Case No : Writ Petition (C) No. 19876 of 2008

Chandradhwaja Meher

APPELLANT

Vs

State of Orissa and others

RESPONDENT

Date of Decision : 02-02-2010

Acts Referred:

Citation : (2011) 1 OLR 443 Supp

Hon'ble Judges : R.N. Biswal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.N. Biswal, J.—As per the writ petition, the petitioner and two others, namely, Bibek Tripathy and Jugal Biswal were selected/ appointed on 10.11.2005 as storage agents of Dunggripali Block in accordance with guidelines prevalent in the year 2005. The petitioner continued discharging his duty to the utmost satisfaction of his authority and his license was renewed from time to time and he has been continuing as such till date. As Bibek Tripathy and Jugal Biswal were black listed, their quotas were also tagged to him. Pursuant to the advertisement dated 28.10.2006 for appointment of storage agent for the year 2007-08, petitioner along with some others offered their candidatures. Without selecting the petitioner, the official opp. parties selected opp. parties 6 to 10 as storage agents of Dungerepalli Block. In this writ petition, he has assailed the order of rejection of his application and the order of appointment of opp. parties 6 to 10 as storage agents.

2. Opp.party No. 8, Sudhir Meher, in his counter affidavit contended that he has been rightfully selected as storage agent in accordance with the guidelines of the year 2007-08. The petitioner could not be selected because of lack qualification.

3. Opp.party No. 5 also took similar stand in his counter affidavit and contended that opp.party No. 2 rightly appointed the suitable candidates as storage agents for a period of two years. As there was no separate guidelines by then, they were

appointed as per the guidelines prevalent at the time of inviting applications during November, 2006.

4. Opp.party Nos. 2 and 4 in their joint counter affidavit contended that since the name of petitioner was neither recommended by the concerned Collector nor by any local peoples' representative and since he lacked minimum educational qualification of Matriculation as required under the guidelines, his case was not considered.

5. The petitioner was appointed as storage agent of Dunguripalli Block for one year i.e. 2005-06. As per Annexure-3 filed by the petitioner himself, the term of his appointment was extended only for one month i.e. from 1.11.2008 to 31.11.2008. Accordingly, they prayed to dismiss the writ petition.

6. Annexure-1 shows that Bibek Tripathy, Jugal Biswal and the petitioner were appointed as storage agents in respect of Dunguripalli Block for the financial year 2005-06. As per Clause-V(2) (III) of the guidelines for appointment of storage agents for the year 2007-08, the minimum qualification of a candidate seeking appointment as storage agent must be Matriculate. Since the petitioner was not a Matriculate, he was rightly not selected as the storage agent.

In W.P.(C) No. 17262 of 2008 this Court cancelled the selection/ appointment of Ratha Meher-Opp.party No. 9.

7. Learned counsel for the petitioner submitted that as per the guidelines of the year 2007-08, all formalities for appointment of storage agent should be completed before 1.1.2007. In the present case, the same having not been done, the entire selection is bad in law. Only because selection could not be made within the stipulated period as given in the guidelines, the selection of opp.party Nos. 6, 7, 8 and 10 cannot be held as illegal.

Accordingly, the writ petition stands dismissed with the observation that opp.party No. 9, whose selection has been cancelled cannot be appointed as a storage agent.

No costs.