
(2021) 12 OHC CK 0153
In the Orissa High Court
Case No : Writ Appeal No. 965 Of 2021

Chumki Bose

APPELLANT

Vs

State Of Orissa And Others

RESPONDENT

Date of Decision : 23-12-2021

Acts Referred:

Citation : (2021) 12 OHC CK 0153

Hon'ble Judges : Dr. S. Muralidhar, CJ; A. K. Mohapatra, J

Bench : Division Bench

Advocate : A. Mahanta, S. Pattanayak

Final Decision : Dismissed

Judgement

1. The Appellant is aggrieved by the impugned order of the learned Single Judge dated 26th November, 2021 dismissing the Appellant's W.P.(C) No.36565 of 2021.
2. The Appellant's application for the post of Member of the District Consumer Dispute Redressal Forum (DCDRF), Nuapada was rejected on the ground that she had failed to produce, along with her application, copy of the bachelor's degree certificate.
3. The learned Single Judge, noting the above factor, declined to entertain the writ petition which sought a mandamus to the Respondents to entertain the Appellant's application and issue her an admit card so that she could appear in the written examination which was to be held on 28th November, 2021 for the said post.
4. Learned counsel for the Appellant refers to the terms of the advertisement. One of the requirements, as far as the application for the post of Member of the DCDRF is the production of "a bachelor's degree certificate from a recognized university". Clause 11 of the advertisement clearly states that incomplete and/or defective applications shall be 'summarily rejected' and that no correspondence in that regard would be entertained.

5. As it transpires, admittedly the Appellant did not produce the copy of the bachelor's degree certificate. Instead, she filed an undertaking stating that she would produce such certificate at a subsequent point in time. Learned counsel for the Appellant argues that the said undertaking should be treated as sufficient compliance with the requirements of the terms of the advertisement and on that basis, an admit card ought to have been issued to the Appellant. Secondly, he submits that in the advertisement there was no whisper of the holding of any written examination and, therefore, this could not have been insisted upon after the submission of the applications.

6. As far as the first contention is concerned, the advertisement does not exempt an Applicant from submission of the requisite documents. In other words, it makes the submission of the documents as stipulated mandatory. Consequently, the Court finds no merit in the contention that the Appellant's undertaking to produce the degree certificate at a subsequent point of time should have been accepted by the Respondents. As far as the second contention is concerned, since in any event the Appellant's application was defective, the question of issuing any admit card for the written examination did not arise.

7. The Court finds no ground is made out for interference with the impugned order. The writ appeal is dismissed.

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