
(2024) 02 OHC CK 0052

In the Orissa High Court

Case No : Writ Petition (C) No. 1129 Of 2024

Kamalini Garia Vs Collector Cum District Magistrate, Subarnapur & Others ?

Date of Decision : 07-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0052

Hon'ble Judges : M.S. Raman, J

Bench : Single Bench

Advocate : Sohan Mishra, A.R. Dash

Final Decision : Disposed Of

Judgement

M.S. Raman, J

1. This matter is taken up through hybrid mode.
2. Heard Mr. Sohan Mishra, learned counsel for the petitioner and Mr. A.R. Dash, learned Additional Government Advocate appearing for the State.
3. The petitioner has come up before this Court by way of filing the writ petition seeking to quash fresh advertisement dated 12.01.2024 pursuant to the disengagement of one Seema Behera, who was stated to be selected pursuant to advertisement dated 14.11.2022.
4. Mr. Sohan Mishra, learned counsel for the petitioner submitted that the petitioner in the said select list stood second. So far as the selected candidate – Seema Behera is concerned, her marks on account of Scheduled Caste Certificate being added, she got selected as she secured highest mark. It is submitted that an objection was raised against such selection with regard to the caste of Seema Behera, which was scrutinized by the Selection Committee. It was found that the competent authority issued such Caste Certificate in her favour and upheld the selection of Seema Behera. But, subsequently, the Sub-Collector, Sonapur, the Opposite Party No.3 vide letter No.5029 dated 05.12.2023 vide Annexure-13 series instructed the Child Development Project Officer, Tarva to disengage

Seema Behera from the post of Anganwadi worker, Bijapadar as she furnished "fake Caste Certificate" at the time of selection. Consequent upon such instruction from the Sub-Collector, Sonapur, Seema Behera being disengaged, a fresh advertisement dated 12.01.2024 has been published.

Mr. Sohan Mishra, learned counsel for the petitioner pointed out that on 15.12.2023 the petitioner made a presentation to the Child Development Project Officer, Tarva in the district of Subarnapur and also filed a grievance petition before the Collector, Sonapur on 18.12.2023. It is submitted at the Bar that in the grievance petition it has been explained that having stood second as per the selection list pursuant to advertisement dated 14.11.2022, the petitioner should have been given scope to be engaged in place of Seema Behera as the first selected candidate was found to have submitted fake caste certificate.

5. Mr. A.R. Dash, learned Additional Government Advocate appearing for the State submitted that since more than one year has been elapsed since the advertisement dated 14.11.2022 was published and consequent upon such advertisement, Seema Behera was engaged, there is no illegality in floating a fresh advertisement. He further submitted that pursuant to the advertisement, since the petitioner has already participated in the selection process for the post of Anganwadi worker, the present writ petition is not maintainable. However, he submitted that the representation of the petitioner can be considered by the Authority concerned.

6. Considering the submission of the learned counsel for the parties and on perusal of the records, this Court directs the Sub-Collector, Subarnapur, the Opposite Party No.3 to consider and dispose of the representation as stated to have been submitted by the petitioner as expeditiously as possible preferably within a period of one month from the date of receipt of certified copy of this order. Needless to say that this Court has not expressed any opinion on the merits of the case.

7. With the aforesaid observation and direction, this writ petition stands disposed of on the consent of the learned counsel for the respective parties.

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