
(2013) 08 OHC CK 0002
In the Orissa High Court
Case No : Writ Petition (C) No. 4368 of 2013

Rohita K. Nayak

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Citation : (2013) 08 OHC CK 0002

Hon'ble Judges : S.C. Parija, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.C. Parija, J.—Heard learned counsel for the parties. This writ petition has been filed challenging the order dated 09.05.2011 of the District Panchayat Officer, Jajpur, as per Annexure-6, wherein it has been stated that as the post of Secretary has been abolished since 07.02.2009, the application of the petitioner for the post of Secretary cannot be considered.

2. Learned counsel for the petitioner submits that the petitioner had appeared in the viva-voce test and had been found suitable and was selected for the post of Secretary of Gamu Gram Panchayat. As the appointment was not approved by the District Panchayat Officer, Jajpur, as required under Rule-212 of the Gram Panchayat Rules, the petitioner had approached this Court in W.P. (C) No. 1046 of 2011. This Court vide order dated 18.03.2011 had directed the District Panchayat Officer, Jajpur-opposite party no. 3 to take immediate steps for approval of the selection of the petitioner as the Secretary of Gamu Gram Panchayat in the district of Jajpur.

3. Learned counsel for the State submits that as the petitioner had never been appointed as the Secretary of Gamu Gram Panchayat, the question of approval of such appointment does not arise. Further, the alleged selection of the petitioner for the post of Secretary was way back in the year 1999, which has never been approved or accepted. It is accordingly submitted that as the post of Secretary of

a Gram Panchayat had already been abolished since February, 2009, the case of the petitioner cannot be considered.

4. On perusal of the Govt. Resolution dated 07.02.2009 under Annexure-7 to the writ petition, it is seen that the State Government in the Panchayat Raj Department abolished the post of Secretary of Gram Panchayat and decided to promote all the Gram Panchayat Secretaries to the post of Village Level Workers.

5. Pursuant to the order of this Court in W.P.(C) No. 1046 of 2011, the District Panchayat Officer, Jajpur, heard the petitioner and passed the Following order:

DT. 09.05.11

Heard the petitioner as per the order panel by the Hon"ble high Court in W.P.(C) No. 1046/2011. His grievance is that as per advertisement he had applied for the post of Secretary of Gomu panchayat in the year 1999. For this purpose he had appeared in the oral test and accordingly he was selected for the post but he was not given any appointment order.

It is found that this is a case of 1999. Now the post of Secretary has been abolished vide Govt. in P.R. Deptt. letter No. 4947 dt. 07.02.2009. Hence, at this state his application for appointment in the post of Secretary cannot be considered.

6. Admittedly, as the Petitioner had never been appointed to the post of Secretary of Gamu Gram Panchayat and his alleged selection to the said post was way back in the year 1999, which had never been approved, no direction can now be issued to give him such appointment. Moreover, the post Secretaries of Gram Panchayat has already been abolished since February, 2009.

7. In view of the above, I do not find any justification to interfere with the impugned order under Annexure-6. The writ petition being devoid of merits, the same is accordingly dismissed.