



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 454 of 2015

Dambarudhar Bernal

....

Petitioner

Mr. Trilochan Nanda, Advocate

-versus-

***State Administrative Tribunal
represented through its Deputy
Registrar and Others***

....

Opp. Parties

Mr. Satya Brata Mohanty, AGA

CORAM:

**JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH**

ORDER

Order No.

25.02.2026

14.

A discharged Constable is knocking at the doors of the Writ Court assailing the order dated 19.12.2014 of the Odisha Administrative Tribunal, Cuttack Bench, Cuttack whereby Petitioner's O.A. No.4274(C) of 2012 has been negatived.

2. Learned counsel for the Petitioner very vociferously submitted that discharge of his client vide discharge letter dated 25.08.2012 is bad in law, inasmuch as the same has been issued under Police Manual Rule 668(A), as his client had already successfully completed the probationary period. The said Rule having been structured with the building block of probationary period, once that period is over, it becomes invokable. In support of that, he drew the attention of the Court to several antecedents such as training, second training and the knee injury



which his client suffered and the advice of the Medical Board for allotting lighter work on account thereof.

3. *Per contra*, learned AGA, Mr. Mohanty, resists the petition making submission in justification of the impugned order of the Tribunal and the reasons on which it has been constructed. He took us to the text of Rule 668(A) of the Manual contending that the probationary period having not been declared to have been successfully completed, the said Rule is invokable and in matters like this, a Writ Court exercising the limited supervisory jurisdiction under Article 227 of Constitution of India, cannot undertake deeper examination. So contending, he seeks dismissal of the Writ Petition.

4. Having heard learned counsel for the parties and having perused the petition papers, we decline indulgence in the matter broadly agreeing with the reasoning part of Tribunal's order, which reads as under:

“On hearing learned counsel for both sides, we note that the applicant was appointed as a constable in the 4th India Reserve Battalion (IRB) on 13.07.2009 (Annexure-1) with a direction to report by 20.07.2009. Constables are appointed for a probation period of two years with effect from the date of their appointment. Rule- 668 PMR states that during such probation period authority empowered to make such appointment can remove an Executive Officer directly appointed or revert such an officer promoted who has shown himself unfit for such appointment or promotions without following procedural formalities prescribed under Rule-828 of the PMR. As per the India Reserve Battalion Service (Method of Recruitment & Conditions of Service of Constables) Order, 2006 the person appointed shall be on a probation for a period of two years. As far as training is concerned, a candidate on being selected and appointed as constable shall have to undergo the training of 9 months duration at designated Police Training Institutions and any other specialized training, required for the job, as decided by the D.G. &



I.G. of police. If the person is found physically unfit during the period of training he shall be discharged from the service. In case he is declared "failed" in the examination at the end of training, he will be allowed one more chance to appear in the next examination, without having to repeat the training. If he is again declared failed, he shall be discharged from service. Rule-14 (3) of IRB (Method of Recruitment and Conditions of Service of Constables) 2011 prescribed probation period of two years or till successful completion of basic course of Training. However, AET training course is not a basic course of training, but an advanced Anti Extremist Training (AET). As per Rule-14 of the IRB (Method of Recruitment and Conditions of Service) Order, 2006, if a person is found physically unfit during the period of training, he shall be discharged from service. Hence the applicant has been found to be medically unfit by a Medical Board (Annexure-A to the written notes of submission of the respondents) and hence unable to undergo this specialized AET training, which is required for performance of his duties. This IRB order, 2006 is framed under Section-2 of Police Act, 1861 (8 of 1861) and pending framing of regular recruitment rules under Article-309 of Constitution of India. Completion of this specialized training is also covered under Rule-14 of IRB order 2006. Hence, we do not find anything illegal or irregular in the order of discharge issued against the applicant.”

4.1. The vehement submission of learned counsel for the Petitioner that his client had already been declared to have completed successfully the probationary period, post training and therefore, Rule 668(A) of the Manual is not invokable, is difficult to countenance. The intent & content of discharge order dated 25.08.2012 accords with the text & context of the Rule 668(A) of the Manual.

4.2 The Apex Court in ***K.S.R.T.C. vs. S. Manjunath***, AIR 2000 SC 2070 has observed as under:

“17...where there is no maximum period prescribed for probation and either there is a Rule providing for extension of probation or there is a Rule which requires a specific act on the part of the employer (either by issuing



an order of confirmation or any similar act) which would result in confirmation of the employee. In these cases unless there is such an order of confirmation, the period of probation would continue and there would be no deemed confirmation at the end of the prescribed probationary period...”

In the above circumstances, the petition being devoid of merits is liable to be dismissed and accordingly it is, costs having been made easy.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

AKPradhan