



IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Dambarudhar Bernal ***Petitioner(s)***

Mr. B. K. Panda, Advocate

-versus-

***State Administrative Tribunal,
Cuttack Bench, Cuttack and
others*** ***Opp. Party(s)***

Mr. Partha Sarathi Nayak, AGA

CORAM:

**HON'BLE MR. JUSTICE S.K. SAHOO
HON'BLE MR. JUSTICE S. S. MISHRA**

Order No.

**ORDER
10.09.2025**

11. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioner-Dambarudhar Bernal challenging the order dated 19.12.2014 passed by the learned State Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.4272(C) of 2012 in dismissing the O.A.

It appears that the O.A. has been filed by the petitioner seeking for the following relief: -

"(i) To quash the order dtd. 25.8.12 under Annexure-3.



(ii) To direct the respondents reinstate the applicant as constable.

(iii) To grant all financial and consequential benefits flowing from the reinstatement.

(iv) And pass such other order/orders as may be deemed fit and proper for the interest of justice."

Grounds have been taken in the O.A. that the petitioner was duly selected and appointed as a Constable in the 4th I.R. Bn., Deogarh and since the date of appointment, he discharged his duties to the utmost satisfaction of the all concerned. It is further stated that he completed the basic course of training in the year 2010 and he has completed his probation period in 2011 and in the year 2011, the petitioner undergone an operation in his right knee. The petitioner was sent for Anti Extremist Training (AET) course of training and he was found to be medically unfit and on the basis of the report given by the medical board dated 01.03.2012, he was discharged from the service, which was challenged before the learned State Administrative Tribunal, Cuttack Bench, Cuttack. In the impugned order dated 19.12.2014, the learned Tribunal has held as under:-

"5. On hearing learned counsel for both sides, we note that the applicant was appointed as a constable in the 4" 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 promotion 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."

Learned counsel for the petitioner submitted that since in the counter filed by the opposite parties before the learned Tribunal as well as before this Court, it has been admitted that he has completed his basic course of training in the year 2010 and he has completed his probation period in the year 2011, even if the petitioner could not complete the training of AET course owing to his medical unfitness, he should not have been discharged from service. He might not get the benefits attached to the training.

Learned counsel for the State at this juncture wants to obtain instruction regarding the position of rule that even if an incumbent completed the basic course of training and probation period successfully, for want of completing of the AET course of training for medical unfitness, he would be removed from the



service.

Put up this matter in the week commencing from 13th October, 2025.

Learned counsel for the State shall produce the relevant materials on that aspect.

Free copy of this order be supplied to the learned counsel for the State.

(S.K. Sahoo)
Judge

Ashok/Swarna

(S.S. Mishra)
Judge