



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31492 of 2023

Manas Ranjan Behera

....

Petitioner

Mr. K.C. Pradhan, Advocate
on behalf of Mr. B.B. Singh, Advocate

-versus-

***State of Odisha and
Others***

....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No.

24.02.2026

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. K.C. Pradhan, learned counsel appearing on behalf of Mr. B.B. Singh, learned counsel for the petitioner and Mr. C.K. Pradhan, learned Addl. Govt. Advocate for the State.

3. The present Writ Petition has been filed inter alia challenging order dated 24.04.2023, so passed by Opp. Party No.4 under Annexure-1.

4. Learned counsel for the petitioner contended that pursuant to the advertisement issued under Annexure-2, when petitioner was not allowed to participate in the selection process on the ground of being overaged, the matter was carried to the Tribunal in O.A. No.229(C) of 2015.



4.1. Pursuant to the interim order passed by the Tribunal, petitioner though was allowed to participate in the selection process but his result was not published. It is further contended that the aforesaid Original Application after being transferred to this Court, was disposed of vide order dated 28.02.2023 under Annexure-4. Even though vide the said order, this Court was not inclined to extend the benefit of age relaxation in favour of the petitioner but considering the submission that some vacant posts are there, where claim of the petitioner can be considered, this Court granted liberty to move Opp. Party No.4 to get the benefit against such vacant post of Constable.

4.2. It is contended that in terms of such liberty granted by this Court, petitioner though made a detailed representation under Annexure-5, but it has been considered and rejected without proper appreciation, vide the impugned order dated 24.04.2023 under Annexure-1. It is accordingly contended that the impugned order is not sustainable in the eye of law.

5. Basing on the stand taken in the counter affidavit, learned Addl. Govt. Advocate contended that claim of the petitioner to get the benefit of age relaxation and consequential extension of the benefit, was not acceded to by this Court in its order dated 28.02.2023 in W.P.C(OAC) No.229 of 2015.



5.1. This Court considering the submission made by the learned counsel for the petitioner therein that some posts are lying vacant, only permitted the petitioner to make an application for consideration of his appointment against any vacant post of Constable, meant for eligible Home Guards in terms of the advertisement issued under Annexure-2. But petitioner in his representation under Annexure-5, never indicated anything about the vacancy available and instead made a representation by reiterating his claim for age relaxation, which was never accepted by this Court in its order under Annexure-4.

5.2. It is contended that since the representation under Annexure-5 has been made not in terms of order dated 18.02.2023, no illegality or irregularity can be found with the impugned rejection.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that pursuant to the advertisement issued under Annexure-3, petitioner when was not found eligible to make the application on the ground of being over aged, he moved the Tribunal in O.A. No.229(C) of 2015.

6.1. Pursuant to the interim order passed by the Tribunal, petitioner though was allowed to participate in the selection process but his result was not published. Ultimately, the said application on being transferred to this Court was disposed of vide order dated 28.02.2023 under Annexure-4, with a liberty to move Opp. Party No.4



to get the benefit of appointment against any available vacancies.

6.2. This Court taking into account the fact that petitioner was ineligible to make the application, but allowed to participate in the selection process basing on the order passed by the Tribunal, never allowed the claim of the petitioner so made with regard to age relaxation. But basing on the submission made that some vacant posts are lying vacant pursuant to the advertisement and his claim be considered against those vacant posts, this Court granted the liberty. However, it is found that petitioner has not made the representation under Annexure-5, in terms of the liberty granted by this Court.

6.3. Therefore, this Court does not find any illegality or irregularity with the impugned rejection and accordingly is not inclined to interfere with the impugned order dtd.24.04.2023 under Annexure-1 and dismiss the writ petition.

7. The Writ Petition stands dismissed.

(Biraja Prasanna Satapathy)
Judge

Basudev