



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 29661 of 2024

Khirod Das

.....

Petitioner

Mr. S.K. Samal, Advocate
on behalf of
Mr. R.K. Nayak, Advocate

-versus-

***Odisha Sub-Ordinate Staff
Selection Commission, BBSR
& Ors.***

.....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

06.03.2026

Order No. 05

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Samal, learned counsel appearing on behalf of Mr. R.K. Nayak, learned counsel for the Petitioner and Mr. C.K. Pradhan, learned Addl. Govt. Advocate appearing for the Opp. Parties.
3. It is the grievance of the Petitioner in the present writ petition that pursuant to the advertisement issued on 24.02.2023 under Annexure-1, Petitioner could not get the benefit of appointment as he could not come within the zone of consideration, taking into account the vacancy indicated in the advertisement in question.
 - 3.1. It is however contended that all the selected candidates recommended for appointment, since did not join and Petitioner's name was in the provisional master merit list so published on 07.12.2023 by the Commission, he became eligible and entitled to get the benefit of appointment against the vacancies remained unfilled due to non-joining of the recommended/selected candidates.



3.2. It is further contended that similar issue has been decided by this Court in its order dtd.28.01.2024 in W.P.(C) No. 10034 of 2022 and order dtd.12.03.2024 in W.P.(C) No. 33636 of 2023. It is further contended that taking into account the nature of order passed by this Court in W.P.(C) No. 10034 of 2022 and W.P.(C) No. 33636 of 2023, the Commission had made subsequent recommendation to the Govt. to provide appointment to the Petitioners therein against the available non-joining vacancies.

3.3. It is accordingly contended that Petitioner being similarly situated, the Commission be directed to recommend the name of the present Petitioner for his appointment against the available non-joining vacancies to the G.A. & P.G. Department.

4. Learned Addl. Govt. Advocate on the other hand contended that since Petitioner at no point of time has ventilated his grievance before the appropriate authority for such recommendation, taking into account the non-joining vacancies, if any, the writ petition at the threshold is not maintainable.

5. Having heard learned counsel appearing for the Parties, considering the submission made and placing reliance on the order passed in W.P.(C) No. 10034 of 2022 and W.P.(C) No. 33636 of 2023, this Court while disposing the present writ petition, permits the Petitioner to make a detailed representation before Opp. Party No. 2 for recommendation of his name against the available non-joining vacancy to the concerned Department.

5.1. It is observed that if any such individual representation is moved before Opp. Party No. 2, the said Opp. Party shall do well to take a



lawful decision on the same within a period of three (3) months from the date of receipt of such representation.

5.2. Petitioner is directed to provide a copy of this order and so also the order passed in W.P.(C) No. 10034 of 2022 and W.P.(C) No. 33636 of 2023 and other citations, if any in support of his claim before Opp. Party No. 2 for compliance. Opp. Party No. 2 after such consideration, if recommend the name of the Petitioner, appropriate follow up action be taken by the concerned Department without any further delay.

6. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha