

H. C.-97-A]

In the High Court of Orissa  
ORDER SHEET

SARAT CHANDRA DASH  
S.N.JENA, R.B.DASH,  
R.K.MUDULI,

BLAPL/W. P. (C) No. 1157/2024 of 20

MAHENDRA KU. SAHOO  
(Cameat)

PRATIMA MANJARI KAR

Petitioner

Versus

SUREKHA SAMAL

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 09/05/2024</p> <p>Register and Put up for Orders</p> <p>Registrar (Judicial)</p> <p>Mr Mahendra Ku. Sahoo Filed cameat No- 51/24 on 22/4/24 which is kept belcu (and copy of the cameat not filed)</p>

FC199443



**.IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No.1157 of 2024**

***Pratima Manjari Kar***

....

***Appellant***

Mr.Sarat Chandra Dash, Advocate

*-versus-*

***Surekha Samal and others***

....

***Respondents***

Mr.Mahendra Kumar Sahoo, Advocate

(for Respondents No.1 to 3)

Mr.Saswat Das, AGA

(for Respondents No.4, 5 and 6)

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MS. JUSTICE SAVITRI RATHO**

**ORDER**

**03.07.2024**

**Order No.**

01.

**I.A.No.2868 of 2024**

This matter is taken up through Hybrid mode.


2. Heard learned counsel for the parties.
3. There is a delay of 5 days in preferring the appeal.
4. Considering the reasons stated in this Interlocutory Application, the delay in preferring the appeal is condoned.
5. The I.A. is disposed of.

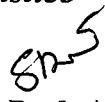
**W.A. No.1157 of 2024**

6. Issue notice.
7. Mr. Saswat Das, learned Addl. Government Advocate accepts notice on behalf of Respondents No.4, 5 and 6. Mr. Mahendra Kumar Sahoo, learned counsel accepts notice on behalf of Respondents No.1 to 3.
8. Let required number of copies of the memo of appeal be served upon the learned counsel for the above noted Respondents within a week.



9. List this matter on 24.07.2024 alongwith W.A. No.1211 of 2024 and batch as the same order passed by the learned Single Judge is under challenge in these appeals.

  
(Chakradhari Sharan Singh)  
Chief Justice

  
(Savitri Ratho)  
Judge

*Bichi*

D-MA-19953/24

# IN THE HIGH COURT OF ORISSA

MA Case No. 1154/24

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p style="text-align: right;">SR made As2 3-5-24</p> <p>Defect-2, 5(d), 5(e), 9(a)</p> <p>Ph 3-5-24</p> <p>Defect no. 5(e) as per SR removed.</p> <p style="text-align: center;">K.L. 07.5.24</p> <p style="text-align: center;">KAILASH CHANDRA BARIK Assistant Registrar (Estt.) High Court of Orissa</p> <p>1. 1.A filed for Condonation of delay.</p> <p>2. Legible copy of page 133 filed.</p> <p>Defect 2 &amp; 9(a) removed.</p> <p>Ca 7.5.24</p> <p>AG receipt</p> <p>AG Receipt is filed &amp; defect-5(d) is removed.</p> <p>No Defect.</p> <p>Ph 9.5.24</p>



# IN THE HIGH COURT OF ORISSA

Case No. WA-1157/2024

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>(i) D.A No- 2868/24 is at 'flag B' for condonation of delay.</p> <p>(ii) Caveat petition no- 51/24 is at flag 'c' (2nd copy of caveat not filed)</p> <p>For Orders</p> <p>Along with wpcy-18706/15 a disp of cau</p> <p>Susmita Panda 20/6/24</p> <p>DB</p> <p><u>vide memo</u></p> <p><i>[Signature]</i> 20/6</p>

# IN THE HIGH COURT OF ORISSA

Case No. WA-1157/2024

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	03.07.2024	<p>For Admission</p> <p>(i) Caveat petition no - 51/24 is at flag 'c'.. (2nd copy of caveat not filed)</p> <p>(ii) I.A no- 2737/23 is at flag 'A' for stay.</p> <p>(iii) I.A no- 5107/24 is at flag 'D' for appropriate order.</p> <p>(iv) Receipt showing service of copies of memo of appeal on counsel for Respondent not filed.</p> <p>wep(c)- 18706/15 tagged with wa-1211/24</p> <p>DB</p> <p>Susmita Panda</p> <p>22/7/24</p> <p><u>Adm to 24/7/24</u></p> <p><del>22/7</del> 4/12</p>



CNR  
Filing No  
Date and Time  
Case No  
Registration Date and Time  
Misc Case/IA  
Petitioner Name  
Petitioner Advocate Name  
Respondents Name  
Respondents Advocate  
Amount  
Police Station  
FIR

**ORISSA HIGH COURT**  
**FILING ACKNOWLEDGEMENT SLIP**

**ODHC010334202024**

**D- WA/0019953/2024**

**02/05/2024-16:24:41**

**WA/1157/2024**

**09/05/2024**

**2737/2024,2868/2024**

**PRATIMA MANJARI KAR**

**SARAT CHANDRA DASH**

**SUREKHA SAMAL**



Thursday 09th of May 2024 04:25:54 PM



CNR  
Filing No  
Date and Time  
Case No  
Registration Date and Time  
Misc Case/IA  
Petitioner Name  
Petitioner Advocate Name  
Respondents Name  
Respondents Advocate  
Amount  
Police Station  
FIR

**ORISSA HIGH COURT**  
**FILING ACKNOWLEDGEMENT SLIP**

**ODHC010334202024**

**D- WA/0019953/2024**

**02/05/2024-12:18:52**

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2737/2024

PRATIMA MANJARI KAR

SARAT CHANDRA DASH

SUREKHA SAMAL



Thursday 02nd of May 2024 12:21:25 PM

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9439065118

D- W.A. - 19953/24

1. RFA/RSA/FAO/SAO/LPA/SPA/CRP/Review pet/O. Ref/EXFA/EXSA/SM/APP Tr. P(c) WP (c)/WA/SCLP/Co. Appl/Co. Pet/Co. Case/Co. App/Bkg, P/Mat. A/Mat Ref/RP (FAMCT) Test Case / Intest. Case/L.A. Ref/ RCFA/ L.A.A./RCSA/RE Rev/MAC/MAC APP/EL Pet/ ELAPP/Arb, P/Arb. A/Arb. A/Insurance Ref/Cont. Cas(c)/Coutd. App (c) / MFA(name of the Act)/MSA/SP. JC (name of the Act) Cri A/Cri. Rev/Ckl. M. C/ BLAPI/Cal. MAPPI/WP (crl) CUSREF STREV.

Case Type WRIT APPEAL No 1157, 2024 Date of Regn. 2.5.2024.

2. If 'State' is Party, Name of the Deptt: (Pet/Res) [Put Mark]

State of odisha School & Mass education

If Public Undertakings (Specify name): (Pet/Res) [Put Mark]

3. (a) Number of Category under which the matter fails:

31

07

01

If Others, Specify the subject \_\_\_\_\_

(b) Which is applicable? [Put

Mark]

(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) [Put Mark]

Appeal under Article -4 of odisha High court order  
1948 read with Clause 10 of Letter Patent Constitutory High court  
of Indukuma Patna & Rule 6 of Chapter III  
of rules of High Court of Odisha 1948

5. Section/Sub-Section Involved

6. Rules Involved

7. Whether any other matter is pending in this Court on the same point of law:

If so, give the number of matter: \_\_\_\_\_

8. Whether any other matter is pending against the impugned order/Judgement?

If so give the number of matter \_\_\_\_\_

9. Whether the matter is covered by any judgement of. the Supreme Court this Court or any other High Court, If so give the details of the judgement

10. Point of law involved in the matter \_\_\_\_\_

Date 2.5.2024

Signature of the Advocate

As check correct  
 No.  
 WA-51/24  
 About  
 P

1st Copy

IN THE HIGH COURT OF ORISSA, CUTTACK

Writ Appeal No. 1157 OF 2024

Code No. 310701

Pratima Manjari Kar ....

Appellant

Versus

Surekha Samal & others. ...

Respondents


I N D E X

<u>Sl. No.</u>	<u>Description of documents</u>	<u>Page Nos.</u>
1	Synopsis	A
2	Date chart	B
3	Memorandum of Appeal	1 - 20
4	<b><u>Annexure-1 series</u></b> Copies of H.S.C., +2, +3, Upasastri amd C.T. certificate and mark-sheet of the appellant.	21 - 28
5	<b><u>Annexure-2</u></b> Copy of the advertisement No. 243 dated 22.01.2011.	29 - 32
6	<b><u>Annexure-3</u></b> Copy of the engagement order of the appellant.	33
7	<b><u>Annexure-4 series.</u></b> Copies of the show case reply submitted by the appellant.	34 - 40
8	<b><u>Annexure-5</u></b> Copy of the order dated 18.10.2011 passed by this Hon'ble Court in W.P.(C) No. 27323 of 2011.	41 - 42
9	<b><u>Annexure-6</u></b> Copy of order dated 21.05.2015 passed by the	43 - 57

	Collector.	
10	<b><u>Annexure-7 series</u></b> Copy of the writ application with annexures in W.P.(C) No. 18706 of 2015 with counter and rejoinder.	58-195
11	<b><u>Annexure-8</u></b> Copy of certified copy of the order dated 28.03.2024 passed by this Hon'ble Court in W.P.(C) No.18706 of 2015.	196-217
12	VAKALATNAMA	

Cuttack

Date: 01.05.2024

  
 S.C. DASH

Advocate for appellant.

En.No. 88/2013: M.No. 9439065118.

APPENDIX-I

"A"

**IN THE HIGH COURT OF ORISSA: CUTTACK.**

**Writ Appeal No. 1154 of 2024**

Pratima Manjari Kar

.....

Appellant

Versus

Surekha Samal & others.

.....

Respondents.

**SYNOPSIS**

Opposite party No. 6 in W.P.(C) No. 18706 of 2015 is the appellant in this appeal. She has filed this appeal seeking quashing of the order dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 18706 of 2015 by which the Hon'ble Single Judge while allowing the writ application filed by respondents 1 to 3 quashed the order dated 21.08.2015 passed by the Collector-cum-Chief Executive Officer, Zilla Parishad, Bhadrak-respondent No.5 in Misc. Case No. 03 of 2014 on the ground that the appellant obtained the Upasastri Certificate by suppressing the fact that she had passed the +2 Arts examination earlier to the Upasastri Examination and, therefore, such Upasastri certificate on the basis of which she got engagement as Sikshya Sahayak, has got no legal sanction. Therefore, the Hon'ble Single Judge directed the recruiting authority to recast the merit list excluding the appellant and two others and issue engagement order accordingly. The consequence of the impugned order is that the appellant will lose her job after putting in 13 years of service. Hence, this writ appeal.

(S.C. Dash)

Cuttack

Advocate for the appellant.

Date: 01.05.2024.

Enrl. No.88/2013: M.No.9439065118.



APPENDIX-I I

"B"

IN THE HIGH COURT OF ORISSA: CUTTACK.

Writ Appeal No. 1157 OF 2024

(Arising out of order dated 28.03.2024 passed in W.P.(C) No.18706 of 2015)

Pratima Manjari Kar

.....

Appellant

Versus

Surekha Samal & others

.....

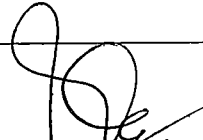
Respondents

DATE OF EVENTS

Sl.No.	Date	Events
1	22.01.2011	Advertisement was issued by the District Project Coordinator, Sarva Sikshya Abhiyan, Bhadrak inviting application from eligible candidates for engagement as Sikshya Sahayak in Bhadrak revenue district. ( <b>Annexure-2</b> ). Pursuant to which the appellant submitted her application.
2	11.03.2011	Document verification was done of the selected candidates as per the merit list.
3	18.03.2011	This Hon'ble Court passed order in W.P.(C) Nos.6438 of 2011 and 6458 of 2011 to consider the cases of the petitioners therein who have passed +2 Vocational course with C.T.Training.
4	30.04.2011	Engagement order was issued to the appellant.

		<b>(Annexure-3).</b>
5.	06.08.2011	Show case notice was issued to the appellant and others +2 Vocational/Upasastri applicants who have been selected and engaged on the ground that they have filed forged and fake Vocational/Upasastri certificates to which the appellant filed her reply and additional reply. <b>(Annexure-4 series).</b>
6	24.11.2011	Respondent no.6 called upon the appellant to submit her statement of defence as to why she shall not be disengaged from the post of Sikshya Sahayak as she submitted Upasastri pass certificate and mark-sheet suppressing the fact that she had earlier passed the + 2 Arts. Examination.
7	18.10.2011	This Hon'ble Court passed order in W.P.(C) No. 27323 of 2011 filed by the appellant that the enquiry proceeding vide Misc. Case No. 27 of 2011 be disposed of within four weeks and till then the appellant shall not be disengaged. <b>(Annexure-5).</b>
8	05.05.2015	This Hon'ble Court passed order in a batch of writ application with lead case No. 5077 of 2014 directing the Collector-cum-Chief Executive Officer, Sarva Sikshya Abhiyan Bhadrak to reconsider the anomaly, if any, and take a decision by taking into consideration the show cause reply along with the enquiry report after supplying the copy of the enquiry report to the affected parties and affording them reasonable

		opportunity of hearing.
9	21.05.2015	The Collector-respondent passed order refusing to interfere in the matter on the ground that the examination conducting authority of Vocational/Upasastri Course has not cancelled or withdrawn the certificates issued in favour of the successful candidates and those candidates had put in four to five years of service <b>(Annexure-6)</b> .
10		Respondents 1 to 3 filed W.P.(C) No. 18706 of 2015 challenging the order dated 21.05.2015 of the Collector <b>(Annexure-7 series)</b> .
11	28.03.2024	This Hon'ble Court quashed the order of the Collector and allowed W.P.(C) No. 18706 of 2015. <b>(Annexure-8)</b> .

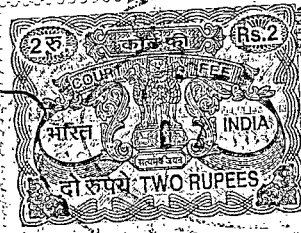
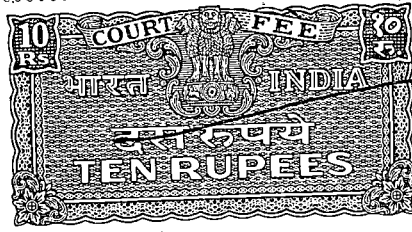
  
S(C.Dash)

Cuttack

Advocate for the appellant.

Date: 01.05.2024.

Enrl. No.88/2013: M.No.9439065118.



8915

**IN THE HIGH COURT OF ORISSA : C U T T A C K.**

**WRIT APPEAL NO. 1157 OF 2024**

(ARISING OUT OF W.P.(C) No. 18706 of 2015  
DISPOSED OF ON 28.03.2024)

CODE NO. 310701

IN THE MATTER OF :

Presented on... 9/5/2024

  
Registrar (Judicial)

An appeal under Article 4 of the Orissa High Court Order, 1948 read with Clause 10 of the Letters Patent constituting the High Court of Judicature at Patna and Rule 6 of Chapter III of the Rules of High Court of Orissa, 1948;

A N D

IN THE MATTER OF :

An appeal challenging the order dated 28.03.2024 passed in W.P.(C) No. 18706 of 2015;

A N D

IN THE MATTER OF :

Pratima Manjari Kar, aged about 43 years,

Wife of Rajib Kumar Dash,

At/P.O. Mahammadpur, Via-Similia, Dist.

Balasore, at present working

As Assistant Teacher, Govt. U.P.School, Palli,

At.Palli, P.O.Atto, P.S. Sabarang,

  
Adv.

# **LIMITATION**

Date of Judgement/Awards

28-3-24

Date of Valid Presentation

2.5.24

Total Period Occupied

35 day

Limitation

35 day

Certified Copy Period

35 day

Delay in filing

5 day

3  
30  
2  
35

In Time

Expired on

2. Period of delay

3. Court Fee

4. Authentication fee due on the

(a) Copy of Trial Court Judgement

Rs. .... Decree Rs. ....

(b) Appellate Court Judgement Rs. ....

Decree Rs. ....

5. (a) Copy of Trial Court Judgement/Order

(b) Appellate Court/Revisional Order Judgement

(c) Second Copy of Petition

(d) Receipt showing copy on A.C.

(e) Vakalatnama properly stamped

Executed and accepted

(6) (a) Cause Title

(i) Provision of Law

7. Code

8. Single Judge/Judicial Bench Case

9. Other Defects

5 day  
Rs 12/- Paid

Rs 31/- Paid on C.C.A.

C.C.A. of 28.3.24  
filed

not filed

not filed

not stated

In order

Unwished

Indicated

OR

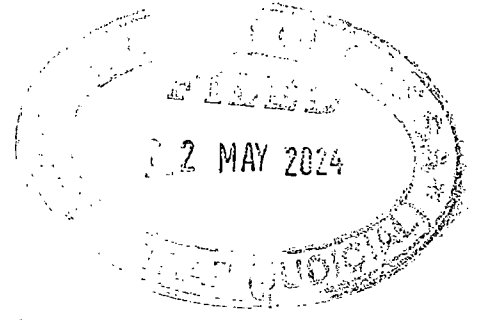
for

STAMP REPORTER

35.24

49(a)

Neat copy of P-133 to be filed



Dist. Bhadrak, Odisha.

..... **Appellant.**

(O.P.No.6 in the writ petition)

**Versus**

1. Surekha Samal, aged about 34 years,  
Daughter of Biswanath Samal, At.  
Bimbalbar, P.O. Patuli, Dist. Bhadrak.
2. Kalpana Panigrahi, aged about 36 years,  
daughter of Gourahari Panigrahi,  
At. Haripur, P.O. Sahar, Via- Sabaranga,  
Dist. Bhadrak.
3. Jyotsnarani Giri, aged about 41 years,  
daughter of Kamalakanta Giri, At. Gopalpur,  
P.O. Ganijanga, Dist. Bhadrak.

**(Petitioners in the aforesaid writ  
petition)**

4. State of Odisha, represented through its  
Commissioner-cu,-Secretary, School and  
Mass Education Department, At. Secretariat  
Building, Bhubaneswar, P.O. Bhubaneswar,  
Dist. Khurda.
5. Collector-cum- Chief Executive Officer, Zilla  
Parishad, Bhadrak, At./P.O./Dist. Bhadrak.
6. District Project Co-ordinator, Sarba Sikshya  
Abhiyan, Bhadrak, At./P.O./Dist. Bhadrak.
7. Tapaswini Jena, aged about 38 years,  
daughter of Narayan Chandra Jena, At.  
Padi, P.O. Adia, Dist. Bhadrak, at present

working as Sikshya Sahayak under Bhadrak district.

8. Banajini Mishra, aged about 38 years, wife of Jitendra Kumar Padhi, Vill. Chakabental, P.O. Keshpur, Via- Gujidarda, Dist. Bhadrak, at Present working as Sikshya Sahayak under Bhadrak District.
9. Council of Higher Secondary Education, Orissa, represented through its Secretary, At. Prajnapitha, Samantarapur, Bhubaneswar-13, Dist. Khurda.

.....RESPONDENTS.

The matter out of which this writ appeal arises was before this Hon'ble Court in W.P.(C) No. 18706 of 2015 disposed of on 28.03.2024.

TO

THE HON'BLE THE CHIEF JUSTICE OF THE HIGH COURT OF ORISSA AND HIS LORDSHIP'S COMPANION JUSTICES OF THE SAID HON'BLE COURT.

THE HUMBLE MEMORANDUM OF APPEAL OF THE APPELLANT NAMED ABOVE:





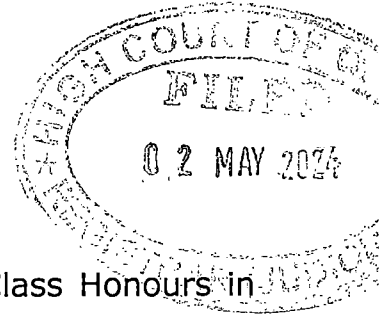
MOST RESPECTFULLY SHEWETH;

1. That the opposite party no. 6 in W.P.(C) No.18706 of 2015 is the appellant in this appeal. By way of this appeal, the appellant seeks to challenge the order dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 18706 of 2015 by which the Hon'ble Single Judge while allowing the writ application filed by respondents 1 to 3 quashed the order dated 21.08.2015 passed by the Collector-cum-Chief Executive Officer, Zilla Parishad, Bhadrak-respondent no. 5 in Misc.Case No. 03 of 2014 and directed respondent 5 and 6 to recast the merit list by excluding the Vocational/Upasastri candidates, i.e. the appellant and respondents 7 and 8 and issue appropriate order of engagement in favour of the petitioners in the writ petition, i.e., respondents 1 to 3 herein as Sikshya Sahayaks or in any equivalent post within a period of four months. The consequence of this order is that the appellant will be disengaged after putting in 13 years of service.

2. That it is appropriate to mention here that the appellant passed the High School Certificate Examination in the year 1997 securing First Division and the Higher Secondary Examination in Arts in the year 1999. After passing the Higher Secondary Examination in Arts, the appellant prosecuted her study in Bachelors in Arts Course in Agarpada College and passed the +3 Arts Final

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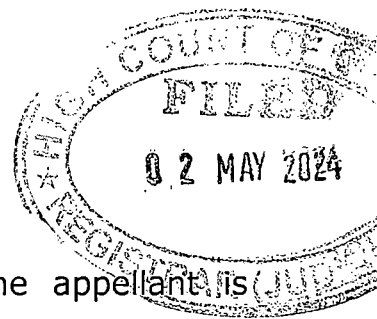
Degree Examination in the year 2002 with Second Class Honours in Economics with Distinction. After coming out successful in the +3 Arts Final Degree Examination, she prosecuted the 2 year Upasastri Course in Chintamani Sanskrit College, Balasore under Shri Jagannath Sanskrit University and passed the said examination in First Division in the year 2006. Thereafter, she prosecuted her Secondary Teachers' Training Course as a regular student in D.I.E.T, Bhadrak, Agarpada and passed the Secondary Teachers' Training Certificate examination conducted by the Board of Secondary Education, Orissa held in the month of December, 2009 in First Division with distinction. For better appreciation of the Hon'ble Court, the pass certificates and marksheets of the all the aforesaid examination taken by the appellant are annexed herewith as **ANNEXURE-1 series.**

3. That the facts leading to filing of the writ application are that advertisement No.243 dated 22.01.2011 was issued by the respondent no.6-District Project Co-ordinator, Sarva Sikshya Abhiyan, Bhadrak inviting applications in the prescribed format from eligible candidates for engagement as Sikshya Sahayaks in Primary and Upper Primary Schools in Bhadrak revenue district. Last date of submission of application was stipulated as 10.02.2011. It was further stipulated in the advertisement that a candidate is eligible to apply for one education district only. The eligibility qualification was

that the candidate must have passed +2 Science, Arts/Commerce or its equivalent examination declared by the appropriate authority and C.T.training. Copy of the advertisement is annexed herewith as **ANNEXURE-2.**

4. That pursuant to the advertisement, the appellant who had passed the H.S.C.Examination from the Board of Secondary Education, Odisha in First Division and Upasastri Examination from the Sri Jagannath Sanskrit Vishvavidyalaya, Sri Vihar, Puri also in first Division and C.T.Examination made application pursuant to the advertisement. Thereafter a merit list was prepared for all categories of candidates. However, in the said merit list of different categories, vocational course qualified candidates were not included. So some of them approached this Hon'ble Court in W.P.(C) Nos.6438 of 2011 and 6458 of 2011. A co-ordinate Bench of this Hon'ble Court by order dated 18.03.2011 while disposing of the aforesaid two writ applications directed that the cases of the petitioners in the aforesaid two writ applications who have completed +2 Vocational Course with C.T.Training shall be considered and the provisional list of selected candidates already published shall be revised. Accordingly, the merit list was revised and as per the merit list the appellant was called upon to appear for verification of certificates and after the certificates were verified, engagement order was issued in favour of the appellant





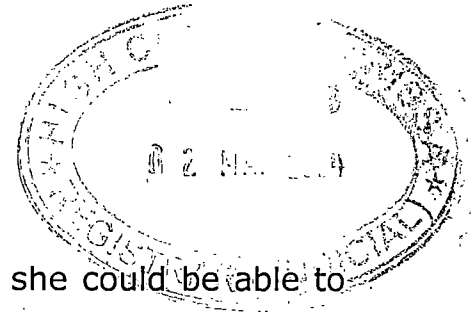
on 30.04.2011. The engagement order issued to the appellant is annexed to this memorandum of appeal as **ANNEXURE-3.**

5. That it is respectfully submitted that in the meantime, one Manini Parida and others made representations to respondents 5 and 6 alleging therein that the present appellant and others had filed forged and fake Vocational and Upasastri Certificates. In the meantime, some of the candidates similarly situated as the petitioners in the writ application out of which this appeal arises made a grievance before the authority that the Vocational and Upasastri candidates had obtained those certificates by suppressing the fact that they had passed +2 Arts/Science/Commerce examinations earlier which amounted to fraud. Some bonafide candidates having Vocational qualification approached this Hon'ble Court in W.P.(C) No. 7478 of 2011 which was disposed of by order dated 24.03.2011 directing the District Project CO-ordinator, SSA, Bhadrak to consider and dispose of the representation submitted by the petitioners within three weeks. On such allegation, enquiry was initiated on the question of submission of forged certificates. Manini Parida and others also filed W.P.(C) No. 18256 of 2011 making such allegation. This Hon'ble Court after hearing the parties was pleased to dispose of W.P.(C) No. 18256 of 2011 on 15.07.2011 with the direction to the official respondents to complete the enquiry and thereafter consider

the representation of the petitioners therein in the light of the enquiry report. It was also directed that authorities shall not appoint the candidates against whom the enquiry is pending till it is complete. The writ petitioners have alleged that notwithstanding the aforesaid order, respondent nos. 5 and 6 asked the Vocational/Upasastri candidates to furnish an undertaking that they had not passed +2 Arts./Commerce/Science before obtaining Vocational/Upasastri certificates. Annexure-4 series is said to be the undertaking given by the appellant. It is pertinent to submit here that engagement order was issued to the appellant on 30.04.2011 which is much prior to the date of disposal of W.P.(C) No. 18256 of 2011.

6. That it is humbly submitted that show cause notice dated 06.08.2011 was issued by respondent no.6 to the appellant stating therein that in consonance with the order of the Hon'ble Court in W.P.(C) No. 18256 of 2011, he is to enquire into the disputed cases of +2 Vocational/Upasastri applicants who have been selected and engaged as Sikshya Sahayak in the year 2011. But no materials with regard to which the appellant was called upon to show cause had been supplied. But since the appellant was asked to file the reply to the show cause by 12.09.2011, in the absence of knowledge of exact allegations leveled against her, she filed the reply to the show cause reserving her right to file further reply to the show cause on getting





the copy of the allegation. With much difficulty, she could be able to collect a copy of the allegation made by Manini Parida and others who had alleged that the appellant had submitted forged and fake Vocational/Upasastri certificates during the time of appointment. Thereafter, the appellant filed further reply to the show cause notice refuting the allegation and asserting that the certificate submitted by her is genuine and had been issued by the competent authority. Copies of the reply and additional reply to the show cause notice dated 06.08.2011 submitted by the appellant is annexed herewith as

**ANNEXURE- 4 SERIES.**

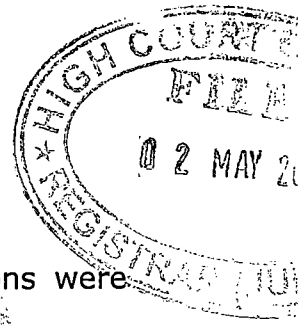
7. That it is further humbly submitted that while the matter stood thus, by order dated 24.11.2011 (Annexure-6 series in the writ petition) respondent no.6 called upon the appellant to submit her statement of defence as to why she will not be disengaged from the post of Shikshya Sahayak as she has submitted Upasastri course pass certificate and mark sheet suppressing the earlier certificate and mark-sheet of passing out of +2 Arts Examination.

8. That it is further humbly submitted that aggrieved by the aforesaid notice to show cause, the appellant approached this Hon'ble Court in W.P.(C) No. 27323 of 2011 challenging the inaction of respondent no.6 in not disposing of the enquiry proceeding initiated against her pursuant to the show cause notice dated 7698

dated 06.08.2011. By order dated 18.10.2011, this Hon'ble Court disposed of the aforesaid writ application with a direction to respondent no.6 to dispose of the enquiry proceeding vide Misc.Case No. 27 of 2011 within a period of four weeks from the date of receipt of copy of the order under intimation to the appellant with a further direction that the appellant shall not be disengaged till then. Accordingly, the appellant and similarly situated person was allowed to continue as Sikshyas Shahayak in view of the interim order passed by this Hon'ble Court. Copy of the order dated 18.10.2011 passed in W.P.(C) No. 27323 of 2011 is annexed herewith as **ANNEXURE-5.**

9. That while the matter stood thus some of the candidates who had undergone C.T.training by virtue of their marks in +2 examination filed writ application in this Hon'ble Court alleging that some candidates have been engaged as Sikshya Sahayak on the basis of the Vocational/Upasastri certificate from the C.H.S.E. Their allegation was that those candidates had earlier appeared in +2 Arts/Science/Commerce Examination under CHSE and as per the regulation of the CHSE they are not eligible to pursue the Vocational Course after passing the +2 and, therefore, the certificates obtained by them in +2 Vocational examination are illegal. Some of the candidates who were engaged on the basis of Vocational Certificate and were issued with second show cause notice also filed writ





applications challenging the same. All those writ applications were clubbed together with lead case number W.P.(C) No. 5077 of 2014.

10. That this Hon'ble Court by a common order dated 05.05.2015 considering the allegations and the counter-allegations made in the batch of writ application disposed of the batch of writ applications with lead case number W.P.(C) No.5077 of 2014 holding that the anomaly, if any, has to be reconsidered and a decision has to be taken by the recruiting authority. Accordingly, this Hon'ble Court directed the Collector-cum-Chief Executive Officer, Sarva Sikshya Abhiyan, Bhadrak to take a decision by taking into consideration the show cause reply along with the enquiry report after supplying copy of the enquiry report to the writ petitioners and affording reasonable opportunity of hearing to them. However, this Hon'ble Court did not express any opinion on the merits of the case.

11. That it is respectfully submitted that pursuant to the direction issued by this Hon'ble Court in W.P.(C) No. 5077 of 2014 and batch, the Collector-respondent no.5 heard the counsel for parties. It was specifically submitted on behalf of the Vocational/Upasastri Candidates that they have neither violated any rule or regulation of the CHSE nor have they committed any fraud in submitting the Vocational/Upasastri pass certificates. It was specifically submitted that there was no such prohibition to have both



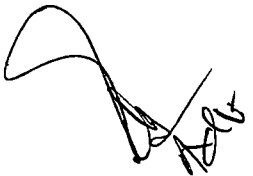
+2 Arts/Science and +2 Vocational qualifications from CHSE at the relevant time. And the restriction came only in the year 2011. The Vocational/Upasastri candidates acquired the qualification much prior to the imposition of restriction and in no case, the restriction could have retrospective operation. It was further specifically submitted that the undertaking was obtained from them under coercion. The Collector-respondent no.5 after considering the contentions raised by the parties by order dated 21.05.2015, refused to interfere in the matter on the ground that the examination conducting authority of Vocational/Upasastri Course had not cancelled or withdrawn the certificates issued in favour of the successful candidates and that those candidates had put in around four to five years of service by the time of the order. Copy of the order dated 21.05.2015 passed by the Collector-Respondent no.5 which was challenged in W.P.(C) No. 18706 of 2015 out of which this appeal arises is annexed herewith as **ANNEXURE- 6.**

12. That being aggrieved by the order dated 21.05.2015, respondents 1 to 3, approached this Hon'ble Court in W.P.(C) No. 18706 of 2015 seeking quashing of the order of respondent no.5 dated 21.05.2015 and issuance of a writ to recast the merit list by excluding the fake Vocational/Upasastri candidates those who have



obtained engagement order by suppressing material facts as described in the writ petition. Pursuant to the notice issued, respondents 5 and 6 appeared and filed counter affidavit justifying the impugned order. It was specifically submitted by them that the certificates issued by the Council of Higher Secondary Education, Odisha or Shri Jagannath Sanskrit University, Puri had not been cancelled and that the selection committee cannot ignore the certificates nor has any authority to cancel the same. It was contended on behalf of the Vocational/Upasastri candidates that the restriction regarding appearing of candidate in Vocational examination after passing +2 examinations came in the year 2011 where as the appellant and other two having acquired the qualification much prior to that, no fault could be found with them and it would not be permissible for the authority to cancel/withdraw the certificates after passing of such a long time. Copy of the writ application along with Annexures and the counter affidavits filed therein are annexed here with as **ANNEXURE-7 series.**

13. That the Hon'ble Single Judge after considering the materials on record and the submissions of the counsel for the parties and considering the different provisions of the Odisha Higher Secondary Education Regulation, 1982 came to hold that the certificates issued to the Vocational/Upasastri candidates including



the private opposite parties in the writ application being contrary to law have no legal force and cannot therefore enure to their benefit. The Hon'ble Single Judge has further come to hold that the reasons given by the Collector in refusing to interfere in the matter is absurd and cannot ever be countenanced in law. In view of the analysis of facts and law and the discussions made in the judgment, the Hon'ble Single Judge found that the private opposite parties, one of whom is the appellant herein, have suppressed material facts before the appropriate authority at the relevant time and, therefore, could not have been selected for appointment. For the aforesaid reason, the Hon'ble Single Judge held that the order of the Collector cannot be sustained in the eye of law. So holding, the learned Single Judge was pleased to quash the order of the Collector under Annexure-12 to the writ petition and issue direction as narrated in the preceding paragraph. Copy of the judgment dated 28.03.2024 rendered by the Hon'ble Single Judge in W.P.(C) No. 18706 of 2015 is annexed herewith as **ANNEXURE-8**.

Being aggrieved by judgment and order dated 28.03.2024 rendered by the Hon'ble Single Judge in W.P.(C) No. 18706 of 2015, the appellant begs to prefer this appeal on the following amongst other



**G R O U N D S**

(A) For that the impugned order is illegal, arbitrary and result of non-consideration of the relevant provisions relating to Upasastri course and the same is, therefore, liable to be set aside.

(B) For that the Hon'ble Single Judge has not appreciated in proper perspective the information supplied by the Council of Higher Secondary Education, Odisha in letter dated 04.05.2011 that if a student appears and qualifies in H.S.Examination in Arts, Science and Commerce stream successfully in any recognized institution, he/she cannot take admission again in vocational stream of Higher Secondary Course. But the said letter does not say that the same principle would be applicable in respect of Upasastri course.

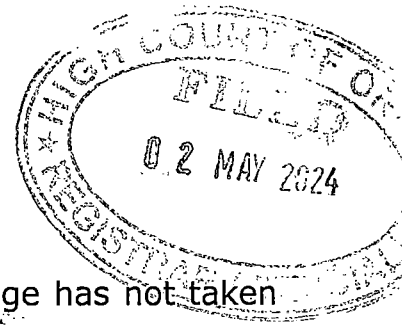
(C) For that the Hon'ble Single Judge has not appreciated in proper perspective that there was no restriction at the relevant time for a candidate to prosecute Upasastri course after having passed the +2 examination. It is humbly submitted that the appellant completed the Upasastri Course after obtaining Graduation and granted the certificate in the year 2006 and the restriction came only in the year 2011 when H.S.Vocational Examination having subjects History, Pol.Science and Economics as Basic Foundation Course was declared equivalent to Arts Stream of Higher Secondary



Examination. Therefore, the Upasastri certificate obtained by the appellant cannot be said to have no legal sanctity. It is humbly submitted that Sanskrit is a professional course. For appointment as Sanskrit Teacher (Classical Teacher) one has to pass graduation with Sanskrit. So the appellant preferred to take admission in Upasastri after graduation with the aim to become a Sanskrit teacher. Accordingly, she had taken admission into Upasastri after B.A. (+3) by producing CLC granted by Agarpara College after passing the +3 Final Degree Examinations, 2002.

(D) For that the Hon'ble Single Judge placed reliance on the decision of a Co-ordinate Bench in Somasnata Rath v. State of Odisha and others (W.P.(C) No. 7031 of 2016 disposed of on 12.05.2016) facts of which are clearly distinguishable from the case of the present appellant because there was overlapping of courses and there were also cases where the candidate was admitted to a course by duplicate T.C. obtained by fraud. So far as the appellant is concerned, she got admitted to the Upasastri course after passing the +3 Examination by producing the CLC issued by Agarpada College and the competent authority allowed her to pass the course and granted her the certificate. Therefore, it cannot be said that the certificate has no sanction of law.

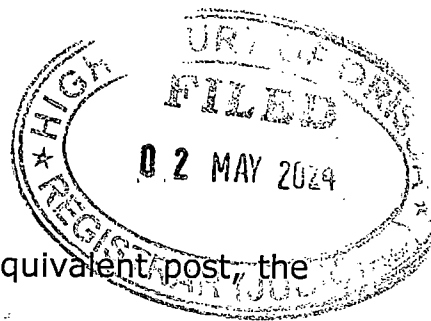




(E) For that the Hon'ble Single Judge has not taken into consideration the fact that when the appellant acquired the Upasastri qualification there was no restriction or prohibition to obtain the same after passing the +2 Examination nor the equivalence of Upasastri with +2 Arts was declared and the recruiting authority having accepted the same has selected and engaged the appellant as S.S. and allowed her to continue as such and after completion of six years of engagement has regularized her as Primary teacher and in the meantime she has changed her position, therefore, the Collector was right in refusing to interfere in the matter on equitable consideration.

(F) For that the writ petitioners initially alleged that the Vocational/Upasastri candidates had submitted fake and forged certificates but subsequently changed their stand and pleaded that they had obtained the pass certificate of Vocation/Upasastri qualification by suppressing the fact that they had passed the +2 examination. It is humbly submitted that they should not have been allowed to change their stand to make out a case.

(G) For that the Hon'ble Single in the impugned judgment having directed for recast of the merit list by excluding the Vocational/Upasastri candidates, i.e. the appellant and respondents 7 and 8, and issue appropriate order of engagement in favour of the



petitioners either as Sikshya Sahayak or in any equivalent post, the Hon'ble Court may take a sympathetic view and allow the appellant to continue.

(H) For that having regard to the fact that the appellant acquired the Upasastri qualification after completion of Graduation by submitting the C.L.C., no fault can be found with her and the said certificate having not been cancelled or withdrawn following the procedure and the recruiting authority having acted on the said certificate and engaged the appellant and regularized her as Primary Teacher, if she is now disengaged in obedience to the direction in the impugned judgment, she will be seriously prejudiced.

P R A Y E R.

The appellant above named, therefore, humbly prays that this Hon'ble Court may graciously be pleased admit the appeal and after hearing the parties be pleased to quash the order dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 18607 of 2024 in Annexure-8 .

And pass any other orders or directions as this Hon'ble Court may deem just and proper.

A handwritten signature in black ink, appearing to be 'R. K. Singh'.

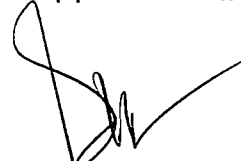


And for this act of kindness, the appellant shall as in duty bound ever pray.

CUTTACK.

DATED : .05.2024

BY the appellant through

  
ADVOCATE

VERIFICATION.

I, Pratima Manjari Kar , aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via-Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At.Palli, P.O.Atto, P.S. Sabarang, Dist. Bhadrak, Odisha, do hereby verify and state that I am the appellant in this case and the facts stated in the memorandum of appeal and the grounds stated therein are true to my knowledge and belief and I have not concealed any material facts.

Pratima Manjari Kar

IDENTIFIED BY


  
ADVOCATE

VERIFICANT

CERTIFICATE.

Certified that the grounds stated in the memorandum of appeal are good grounds and I support the same at the time of hearing.

Further certified that due to non-availability of cartridge papers, this memorandum of appeal is being typed in thick white papers.

  
ADVOCATE

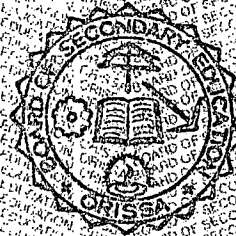


ROLL NO. 28CB069

CERT. NO. A197.090805

SERIAL NO. M0090893

# Board of Secondary Education, Orissa



## HIGH SCHOOL CERTIFICATE EXAMINATION (Regular/Ex-Regular)

I certify that PRATIMA MANJARI KAR ..... Son/Daughter  
 of ANJALI KAR ..... and SANKARSAN KAR .....  
 (Mother) ..... (Father) .....  
 born on 4TH MAY 19 EIGHTY TWO ..... passed the High School  
Certificate Examination held in the month of ..... APRIL 97 .....  
from BALIPOKHARI HIGH SCHOOL TELMATI .....  
and was placed in the ..... FIRST ..... Division.

### SUBJECTS OF EXAMINATION

- |                 |   |
|-----------------|---|
| 1. ORIYA        | 4. MATHEMATICS (MTA & MTG)                |
| 2. ENGLISH      | 5. SCIENCE (SCP & SCL)                    |
| 3. SANSKRIT     | 6. SOCIAL SCIENCE (SSH & SSG)             |
| WORK EXPERIENCE | ART EDUCATION HEALTH & PHYSICAL EDUCATION |
| GRADE - A       | A   |

THE 31ST DECEMBER 1997

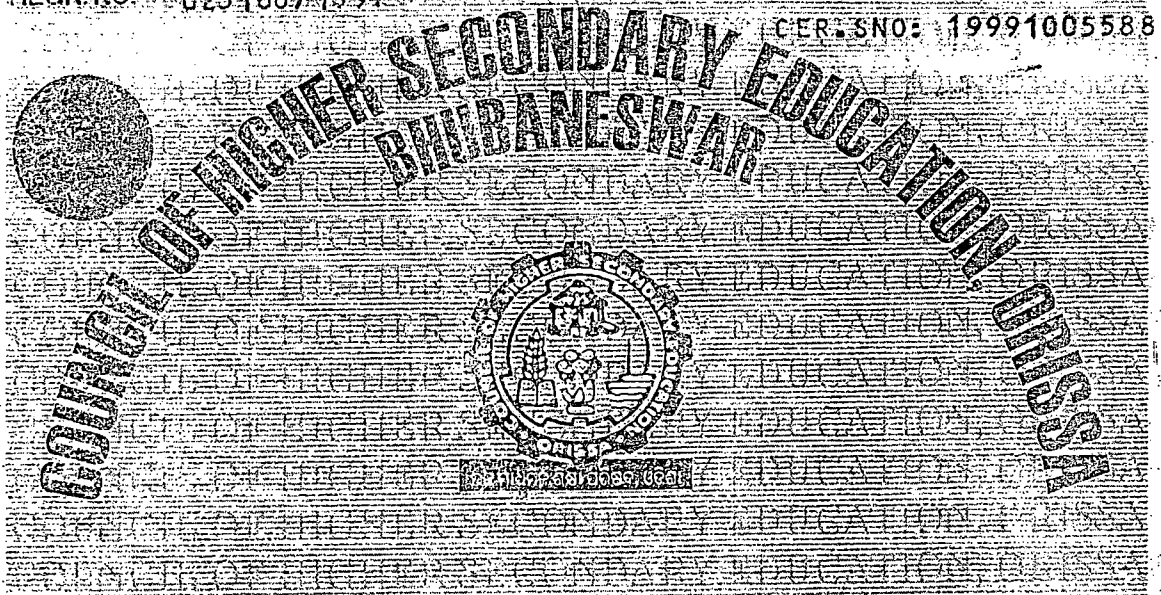
*Headmaster*  
 Headmistress

*Secretary*  
 Secretary

ROLL NO 10218129  
REC.N NO 025166/1997

SERIAL NO 0876386

CER.SNO: 19991005588



HIGHER SECONDARY EXAMINATION CERTIFICATE

I Certify that PRATINA MANJARI KAR  
of AGARPARA COLLEGE, AGARPARA has passed the Higher Secondary  
Examination in ARTS field in the month of MARCH 1999  
and was placed in the THIRD Division.

SUBJECTS OF EXAMINATION

COMPULSORY : ENGLISH  
                  : HIL ORIYA  
OPTIONAL'S : EDUCATION  
                  : ECONOMICS  
                  : POLITICAL SCIENCE

WORK EXPERIENCE : A

True copy  
attested  
[Signature]

2/1/02  
DATE

[Signature]  
COMPARER

[Signature]  
HEAD OF THE  
INSTITUTION

[Signature]  
SECRETARY

# FAKIR MOHAN UNIVERSITY

**BACHELOR OF ARTS HONOURS DIPLOMA**  
FOR THOSE WHO ALSO OBTAIN DISTINCTION,  
(THREE YEAR DEGREE COURSE)



## ଫକୀର ମୋହନ ବିଶ୍ୱବିଦ୍ୟାଳୟ

ସମ୍ମାନ ଓ ନିପୁଣତା ସହ ପାଠକ କଳା ଯୋଗ୍ୟତା ପତ୍ର  
(ତ୍ରିବର୍ଷିକ ଉପାଧି ପାଠ୍ୟକ୍ରମ)

*This is to certify that*

of **PRATIMA MANJARI KAR**  
**AGARAPARA College** **AGARAPARA**  
who passed the **THREE YEAR DEGREE COURSE Examination for the degree of**  
**BACHELOR OF ARTS** held in the month of **APRIL**  
**20 02** with **SECOND class Honours in ECONOMICS** and  
Distinction was this day admitted to the Degree.

### SUBJECTS OF EXAMINATION :

- Core - 1 : ENGLISH MIL (ORIYA)
- Core - 2 : EDUCATION
- Core - 3 : ECONOMICS

### FOUNDATION COURSE :

- 1. SCIENCE IN EVERY DAY LIFE
- 2. SOCIAL AND CULTURAL HISTORY OF INDIA

### APPLIED / ANCILLARY COURSE :

RURAL INDUSTRIALISATION

**FAKIR MOHAN UNIVERSITY**  
VYASA VIHAR, BALASORE  
The 24 JAN 2004 20

*Standa*  
**VICE-CHANCELLOR**

୨୦ ୦୨ ମସିହା ଅପ୍ରେଲ ମାସରେ ଅନୁଷ୍ଠିତ ତ୍ରିବର୍ଷିକ ଉପାଧି ପାଠ୍ୟକ୍ରମ  
ପାଠକ କଳା ପରୀକ୍ଷାରେ ଅର୍ଥଶାସ୍ତ୍ରରେ ଦ୍ୱିତୀୟ ଶ୍ରେଣୀ  
ସମ୍ମାନ ଓ ନିପୁଣତା ସହ ଉତ୍ତୀର୍ଣ୍ଣ  
ଅଗରପଡ଼ା ମହାବିଦ୍ୟାଳୟ, ଅଗରପଡ଼ା  
ପ୍ରତିମା ମଞ୍ଜରୀ କର  
ଅବ୍ୟାସୀ ଏହି ଉପାଧି ପ୍ରଦତ୍ତ ହେଲା ।  
ପରୀକ୍ଷା ବିଷୟ :

- ମୁଖ୍ୟାଂଶ - ୧ : ଇଂରାଜୀ ମାତୃଭାଷା (ଓଡ଼ିଆ)
- ମୁଖ୍ୟାଂଶ - ୨ : ଶିକ୍ଷା
- ମୁଖ୍ୟାଂଶ - ୩ : ଅର୍ଥଶାସ୍ତ୍ର

### ଭିତ୍ତିମୂଳକ ପାଠ୍ୟକ୍ରମ :

- ୧. ବୈଜ୍ଞାନିକ ଜୀବନରେ ବିଜ୍ଞାନ
  - ୨. ଭାରତର ସାମାଜିକ ଓ ସାଂସ୍କୃତିକ ଇତିହାସ
- ପ୍ରଯୋଗାତ୍ମକ / ସାହାଯ୍ୟକାରୀ ପାଠ୍ୟକ୍ରମ :  
ଗ୍ରାମୀଣ ଶିଳ୍ପୀକରଣ

ଫକୀର ମୋହନ ବିଶ୍ୱବିଦ୍ୟାଳୟ  
ବ୍ୟାସବିହାର, ବାଲେଶ୍ୱର  
ତା ୨୦

*Standa*  
କୁଳପତି

*Handwritten signature and stamp*





# ପଞ୍ଜାବ ମୋହନ ବିଶ୍ୱବିଦ୍ୟାଳୟ

ସମ୍ମାନ ଓ ନିୟନ୍ତ୍ରଣ ସହ ସ୍ୱାତନ୍ତ୍ର୍ୟ କଳା ଯୋଗ୍ୟତା ପତ୍ର  
(ଦ୍ୱିବାର୍ଷିକ ଉପାଧି ପାଠ୍ୟକ୍ରମ)

୨୦ ୦୨ ମସିହା ଅପ୍ରେଲ ମାସରେ ଅନୁଷ୍ଠିତ ଦ୍ୱିବାର୍ଷିକ ଉପାଧି ପାଠ୍ୟକ୍ରମ  
ସ୍ୱାତନ୍ତ୍ର୍ୟ କଳା ପରୀକ୍ଷାରେ ଅର୍ଥଶାସ୍ତ୍ରରେ ଦ୍ୱିତୀୟ ଶ୍ରେଣୀ  
ସମ୍ମାନ ଓ ନିୟନ୍ତ୍ରଣ ସହ ଉତ୍ତୀର୍ଣ୍ଣ

ଅଗ୍ରଗତା ମହାବିଦ୍ୟାଳୟ, ଅଗ୍ରଗତା  
ପ୍ରତିମା ମଞ୍ଜରୀ କର

ଅନ୍ୟ ଏହି ଉପାଧି ପ୍ରଦତ୍ତ ହେଲା  
ପରୀକ୍ଷା ବିଷୟ :

- ମୁଖ୍ୟାଂଶ - ୧ : ଇଂରାଜୀ ମାତୃଭାଷା (ଓଡ଼ିଆ)
- ମୁଖ୍ୟାଂଶ - ୨ : ଶିକ୍ଷା
- ମୁଖ୍ୟାଂଶ - ୩ : ଅର୍ଥଶାସ୍ତ୍ର

ଦ୍ୱିବାର୍ଷିକ ପାଠ୍ୟକ୍ରମ :  
୧. ବୈଦିକ ଶାସ୍ତ୍ରରେ ବିଜ୍ଞାନ  
୨. ଭାରତର ସାମାଜିକ ଓ ସାଂସ୍କୃତିକ ଗତିବିଧି  
ପ୍ରୟୋଗାତ୍ମକ / ସାହାଯ୍ୟକାରୀ ପାଠ୍ୟକ୍ରମ :  
ଗ୍ରାମ୍ୟ ଶିକ୍ଷାକର୍ମ

ପଞ୍ଜାବ ମୋହନ ବିଶ୍ୱବିଦ୍ୟାଳୟ  
ବ୍ୟାପକତା, ବାଲେଶ୍ୱର  
ତା ୨୦

Not a copy  
attested  
Jasr

# SHRI JAGANNATH SANSKRIT VISHVAVIDYALAYA

श्रीजगन्नाथसंस्कृतविश्वविद्यालयः

Regd. No. 6U591/04  
Roll No. 6U07BS021

-25-

Serial No. 00487

उपशास्त्रिपरीक्षाप्रमाणपत्रम्

प्रतिमामञ्जरी कर

चिन्तामणि संस्कृत महाविद्यालय, बालेश्वर

छात्रः/छात्रा

२००६ तमवर्षस्य अप्रेल मासे सम्पन्नम् उपशास्त्रिपरीक्षां

प्रथम

श्रेण्याम् उदतरत् इति प्रमाणीकरोति ।

परीक्षितविषयाः -

वाध्यतामूलक

सामान्यसंस्कृतव्याकरणम्

सामान्यसंस्कृतसाहित्यम्

सामान्यदर्शनम्

भाषा

आधुनिकभारतीयभाषा (ओडिआ)

आङ्ग्लभाषा

ऐच्छिकशास्त्रीयविषय

व्याकरण

साहित्य

ऐच्छिकाधुनिकाविषय

इतिहास

अतिरिक्तऐच्छिकविषय

शिक्षा

## HIGHER SECONDARY EXAMINATION CERTIFICATE

I certify that..... PRATIMAMANJARI KAR

of..... CHINTAMANI SANSKRIT COLLEGE, BALASORE

passed the **HIGHER SECONDARY EXAMINATION (+2 Arts)** of  
this Vishvavidyalaya in the month of..... APRIL, 2006

and was placed in..... FIRST DIVISION

Subjects of Examination -

COMPULSORY

General Sanskrit Grammar

General Sanskrit Sahitya

General Philosophy

LANGUAGE

MIL (Oriya)

English

SHASTRIYA OPTIONAL

Vyakarana

Sahitya

MODERN OPTIONAL

History

EXTRA OPTIONAL

Education

श्रीविहारः, पुरी

दिनाङ्कः

श. महापात्रः

कुलसचिवः

SHRIVIHAR, PURI

The..... 25th April 2007

Registrar

-26-



# SRI JAGANNATH SANSKRIT VISHVAVIDYALAYA, SHRI VIHAR, PURI, ORISSA

This is to certify that  
Son/Daughter of  
Examination Held in

PRATIMAMANTARI KAR

SANKARSAN KAR

June-2006 from BS07-CHINTAMANI SANSKRIT MAHAVIDYALAYA, FATEPUR

PROVISIONAL PASS CERTIFICATE - CUM - MEMORANDUM OF MARKS

Roll No.

6U07BS021

Sl. No.  
Regd. No.

200504653  
5U591/04

has appeared UPASHASTRI

& the result is as under :

11

Compulsory Core Course				Compulsory Language Course				Shastriya Optional				Modern Optional				Extra Optional			
Subject Paper FM MS				Subject Paper FM MS				Subject Paper FM MS				Subject Paper FM MS				Subject Paper FM MS			
Vyakaran 1				MIL (Oriya) 6				Vyakaran 4				History 9				Education 11			
Sahitya 2				English 7				Sahitya 5				History 10				Education 12			
Darshan 3				English 8												Practical 50			
Total				Total				Total				Total				Total Mark			
233				190				160				157				148			
Total Marks Without Extra Option				740				Total Marks With Extra Option				823				Less of Pass Mark (-)			
In Words ( Seven Hundred Forty )								In Words ( Eight Hundred Twenty Three )								65			
																Excess Mark			
																83			
																Result: 1st Division			

N.B. Pass Marks : Theory-30%, Practical : 40%, Aggregate 35%, Combined Pass Mark 60. in Eng. Sastriya Opt & Mod. Opt.  
Division/Class : First : 60%, Second : 45%, Third : 35%, Ext. Opt (Out of 200 FM) : Edn-65, Shorthand Typewriting-70, Yoga-70, Ayurveda-60

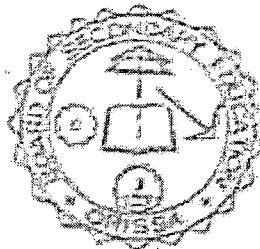
Date 14 SEP 2006

Head of the Institution

Controller of Examination

Veroy copy  
Attended  
Shan

# Board of Secondary Education, Orissa



## SECONDARY TEACHERS' TRAINING CERTIFICATE EXAMINATION

I certify that PRATIMA MANJARI KAR

Son of SANKARSAN KAR presented by the  
Daughter of D.I.E.T., BHADRAK, AGARAPADA as Regular/Private  
 Secondary Training School Candidate passed the Secondary Teachers' Training Certificate  
 Examination held in the month of DECEMBER 192009 and was  
 placed in the 1ST Division with distinction in 5, 10, 13

Xerox copy  
 ATTACHED  
 [Signature]

Nilanjana Mishra

Secretary

Principal  
D.I.E.T., Bhadrak  
Agarpara

THE 24TH DECEMBER 2010 19



# BOARD OF SECONDARY EDUCATION, ORISSA

PROVISIONAL CERTIFICATE WITH MEMORANDUM OF MARKS  
 SRL NO. 1304 ROLL NO. 02CR126

THIS IS TO CERTIFY THAT **PRATIMA PAIJARI KAR**  
 SON/DAUGHTER OF **SAHAKARSAH KAR**

APPEARED THE TEACHERS' CERTIFICATE EXAMINATION  
 HELD IN THE MONTH OF DECEMBER, 2009

FROM **D.T.E.T., BHADRAK, AGARAPADA**

## SUBJECTS OF EXAMINATION, MARKS OBTAINED AND RESULT

P-I	P-II	P-III	P-IV	P-V	P-VI	P-VII	P-VIII		P-IX	
ESM	EPS	EDT	HAW	LPO/MTU	LFE	LFI	CTG/CTH	MTG/MTU	CTE	MTL
54	57	49	58	38	33	33	29	31	20	21

P-X		P-XI		P-XII		P-XIII			AGGREGATE	RESULT	P-XXV
CTH	MTH	CTG	MTG	CTS	MTS	THEORY TOTAL	S	D	R		
43	38	24	21	30	56	625	72	72	46	815	1ST
											87

EXAMINATION IN 5, 10, 13

DATE OF PUBLICATION OF RESULT: 20/06/2010

20/06/2010

DATE OF ISSUE

*(Signature)*  
20/6/10

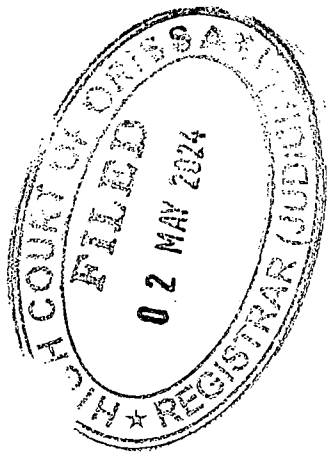
Principal  
 D.T.E.T., Bhadrak

*(Signature)*

DEPUTY SECRETARY

*Keen Copy  
 Attached  
 [Signature]*

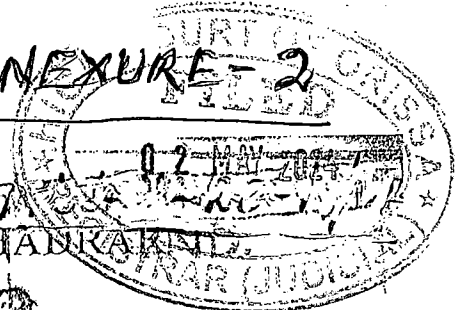




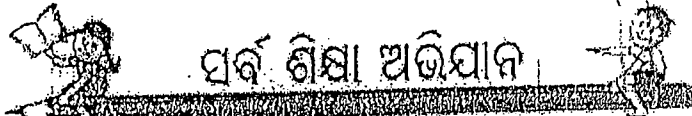
1A-2

-29-

ANNEXURE-2



147  
DISTRICT PROJECT OFFICE  
SARVA SHIKSHA ABHIYAN (S.S.A.), BHADRAKANT



9 DEC 2017

Notice No. 243  
ଶିକ୍ଷା ସହାୟକ / ସହାୟିକା ନିଯୋଜନ ବିଜ୍ଞାପନ

ABRANCE  
REGISTRATION

ଉତ୍କଳ ରାଜସ୍ୱ ଜିଲ୍ଲାର ଶିକ୍ଷା ଜିଲ୍ଲାଗୁଡ଼ିକର ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକ ଶିକ୍ଷା ସହାୟକ ନିଯୋଜନ ପାଇଁ ଉତ୍କଳ ଜିଲ୍ଲା ପରିଷଦ ତରଫରୁ ଦରଖାସ୍ତ ଆହ୍ୱାନ କରାଯାଉଅଛି । ଇଚ୍ଛୁକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥୀନାମାନେ ଯେକୌଣସି ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିପାରିବେ । ଏଥିପାଇଁ ଆବେଦନ ପତ୍ର ସହିତ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥୀନାମା କେବଳ ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିଛନ୍ତି ବୋଲି ଏକ ସତ୍ୟପାଠ୍ୟ (Affidavit) ସଂଲଗ୍ନ କରିବେ । ଯାହା ସମୟରେ ଯଦି ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥୀନାମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ବ୍ୟତୀତ ଅନ୍ୟ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ଆବେଦନ କରିଥିବା ପ୍ରମାଣିତ ହୁଏ, ତେବେ ପ୍ରାର୍ଥୀଙ୍କର ଆବେଦନ ପତ୍ର ବିଚାରକୁ ନିଆନଯାଇ ନାକତ କରି ଦିଆଯିବ । ସାର୍ଟିଫିକେଟ ଜାଲ ବୋଲି ପ୍ରମାଣିତ ହେଲେ ଆଜନ ଅନୁଯାୟୀ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯିବ ଏବଂ ନିଯୁକ୍ତି ରଦ୍ଦ କରାଯିବ । ଇଚ୍ଛୁକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥୀନାମାନେ ସାଧା କାଗଜରେ ନିମ୍ନ ପ୍ରଦତ୍ତ ଦରଖାସ୍ତ ଫର୍ମ ଅନୁସାରେ ଆବେଦନ ପତ୍ର ସର୍ବଶିକ୍ଷା ଅଭିଯାନ କାର୍ଯ୍ୟାଳୟ, ଉତ୍କଳ ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ ଜାଗାରେ ପ୍ରୋଜେକ୍ଟ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଇ, ଉତ୍କଳ ଶିକ୍ଷାଜିଲ୍ଲା - ୧ ପାଇଁ ଏବଂ ଜିଲ୍ଲାସ୍ତର, ଉତ୍କଳ ଶିକ୍ଷାଜିଲ୍ଲା-୨ ପାଇଁ ଆସତା ତା ୧୦.୦୨.୨୦୧୧ ରିଖ ସୁଦ୍ଧା ରେଜିଷ୍ଟ୍ରୀ ତାଳରେ କିମ୍ବା ବ୍ୟକ୍ତିଗତ ଭାବେ ଦାଖଲ କରିବା ଆବଶ୍ୟକ । ଡୂଟିପୂର୍ଣ୍ଣ ବା ବିଳମ୍ବରେ ପ୍ରାପ୍ତ ଦରଖାସ୍ତ ଗୁଡ଼ିକ ବିଚାରକୁ ନିଆଯିବନାହିଁ । ଆବେଦନ ପତ୍ର ଜିଲ୍ଲା ପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ ତଥା ଜିଲ୍ଲାପାଳଙ୍କୁ ସଂବୋଧିତ କରିବା ଆବଶ୍ୟକ ।

୧. ଏହି ଶିକ୍ଷା ସହାୟକ ନିଯୋଜନ ପାଇଁ ଶିକ୍ଷା ଜିଲ୍ଲାଦ୍ୱାରା ବିଭିନ୍ନ ଶ୍ରେଣୀର (Category) ପଦବୀ ସଂଖ୍ୟା ~~ନିର୍ଦ୍ଧାରିତ~~ ନିର୍ଦ୍ଧାରିତ ଅଟେ । ଏଥିସହିତ ସଂଲଗ୍ନ କରାଗଲା । ଏହାର ୧୫୦% ଭାଗ ଯୋଗ୍ୟ ବିବେଚିତ ପ୍ରାର୍ଥୀଙ୍କୁ ଚାଲିକାଉଛୁ କରାଯିବ ଯାହା ବର୍ଷକ ପାଇଁ ବୈଧ ରହିବ । ଏହି ଯୋଗ୍ୟ ବିବେଚିତ ଅସ୍ଥାୟୀ ଏବଂ ତୁରନ୍ତ ପ୍ରାର୍ଥୀ ତାଲିକା (Provisional & Final Select List) ଶିକ୍ଷା ଜିଲ୍ଲା, ଜିଲ୍ଲା ପରିଷଦ ଏବଂ ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ ମାନଙ୍କର ନୋଟିସ୍ ବୋର୍ଡରେ ସର୍ବସାଧାରଣଙ୍କ ଅବଗତି ନିମନ୍ତେ ପ୍ରକାଶିତ ହେବ । ଶିକ୍ଷା ସହାୟକମାନେ ଜିଲ୍ଲା ପରିଷଦ ଦ୍ୱାରା ନିଯୋଜିତ ହେବେ ।

୨. ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା :- ନିମ୍ନଲିଖିତ ଯୋଗ୍ୟତାଥାଇ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥୀନାମାନେ ଯେକୌଣସି ଗୋଟିଏ ପଦବୀ ପାଇଁ ଆବଶ୍ୟକ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଆବେଦନ କରିପାରିବେ ।

- (କ) ଯୁକ୍ତ ଦୁଇ (+2) ବିଜ୍ଞାନ କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ଯୋଗ୍ୟତା ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷାରେ ସପ୍ତମ ଶ୍ରେଣୀ ପାସ୍ ଯୋଗ୍ୟତା ଥାଇ ତାଲିମପ୍ରାପ୍ତ (ସି.ଟି.) (Recognised by NCTE) ।
- (ଖ) ଯୁକ୍ତ ଦୁଇ (+2) କଳା / ବାଣିଜ୍ୟ କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ଯୋଗ୍ୟତା ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷାରେ ସପ୍ତମ ଶ୍ରେଣୀ ପାସ୍ ଯୋଗ୍ୟତା ଥାଇ ତାଲିମପ୍ରାପ୍ତ (ସି.ଟି.) (Recognised by NCTE) ।
- (ଗ) ଯୁକ୍ତ ଦୁଇ (+2) ବିଜ୍ଞାନ / କଳା / ବାଣିଜ୍ୟ କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ଯୋଗ୍ୟତା ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷାରେ ସପ୍ତମ ଶ୍ରେଣୀ ପାସ୍ ଯୋଗ୍ୟତା ଥାଇ Rehabilitation Council of India (RCI) ଦ୍ୱାରା ସ୍ୱୀକୃତି ପ୍ରାପ୍ତ ସ୍ୱତନ୍ତ୍ର ଶିକ୍ଷାରେ ୨ ବର୍ଷିଆ ଡିପ୍ଲୋମା ତାଲିମ (2 Year Diploma in Education- Special Education)

Signature

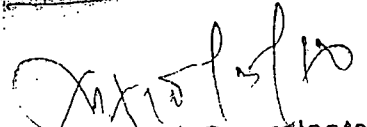
- (ଘ) ସ୍ନାତକରେ ବିଜ୍ଞାନ କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ମାଟ୍ରିକ୍ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତୃଭାଷା ଯୋଗ୍ୟତା ଥାଇ ବି.ଏଡ୍. ତାଲିମ ପ୍ରାପ୍ତ (Recognised by NCTE)
- (ଙ) ସ୍ନାତକରେ କଳା କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ମାଟ୍ରିକ୍ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତୃଭାଷା ଯୋଗ୍ୟତା ଥାଇ ବି.ଏଡ୍. ତାଲିମ ପ୍ରାପ୍ତ (Recognised by NCTE) ।
- (ଚ) ସ୍ନାତକରେ ବିଜ୍ଞାନ / କଳା କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ଯୋଗ୍ୟତା ସହିତ ମାଟ୍ରିକ୍ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତୃଭାଷା ଯୋଗ୍ୟତା ଥାଇ Rehabilitation Council of India (RCI) ଦ୍ୱାରା ସ୍ୱୀକୃତି ପ୍ରାପ୍ତ ସ୍ୱତନ୍ତ୍ର ଶିକ୍ଷା ପାଠ୍ୟକ୍ରମରେ ବି.ଏଡ୍. ତାଲିମ (1 Year B.Ed Special Education) ।

ଯୁକ୍ତ ଦୁଇ (+2) ବିଜ୍ଞାନ, କଳା, ବାଣିଜ୍ୟ କିମ୍ବା ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷା ସପ୍ତମ ପର୍ଯ୍ୟନ୍ତ ଯୋଗ୍ୟତା ଥାଇ ଏବଂ ବିଜ୍ଞାନ ଓ କଳାରେ କିମ୍ବା ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ସ୍ନାତକ ପାସ୍ ସହିତ (ଓଡ଼ିଆ ମାତୃଭାଷା ଦଶମ ପର୍ଯ୍ୟନ୍ତ) ଯୋଗ୍ୟତା ଥିବା ଅଣତାଲିମ ପ୍ରାପ୍ତ ତତ୍ତ୍ୱଲ୍ୟଭିତ୍ତିକ ଜାତି, ଜନଜାତି ଓ ଶାରିରୀକ ଅକ୍ଷମ ପ୍ରାର୍ଥୀମାନେ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଗୋଟିଏ ପଦପାଇଁ ଆବେଦନ କରିପାରିବେ । ଯଦି ସଂପୃକ୍ତ ଶିକ୍ଷା ଜିଲ୍ଲା ଯୁନିଟ୍ରେ ଆବଶ୍ୟକ ସଂଖ୍ୟକ ତତ୍ତ୍ୱଲ୍ୟଭିତ୍ତିକ ଜାତି, ଜନଜାତି ଏବଂ ଶାରିରୀକ ଅକ୍ଷମର ତାଲିମପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀ ନ ମିଳନ୍ତି ଏବଂ ଭାରତ ସରକାରଙ୍କ ଠାରୁ ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା ସମ୍ପର୍କିତ ରିହାତିର ନିର୍ଦ୍ଦେଶ ଆଦେଶ ପ୍ରାପ୍ତ ହେବା ପରେ ସେମାନଙ୍କ ବିଷୟକୁ ବିଚାରକୁ ନେଇ ନିୟୁକ୍ତି ଦିଆଯିବ ।

ସାଧାରଣ ବର୍ଗ ଏବଂ ଏସ୍.ଇ.ବି.ସି. ବର୍ଗର ଯୁକ୍ତ ଦୁଇ (+2) ବିଜ୍ଞାନ କିମ୍ବା ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷା ସପ୍ତମ ପର୍ଯ୍ୟନ୍ତ, ବିଜ୍ଞାନରେ ସ୍ନାତକ କିମ୍ବା ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷା ଦଶମ ପର୍ଯ୍ୟନ୍ତ ଯୋଗ୍ୟତା ଥିବା ଅଣତାଲିମ ପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀମାନେ ତାଲିମପ୍ରାପ୍ତ ବିଜ୍ଞାନ (+2 Sc. C.T., TGT Sc.) ପଦବୀ ପାଇଁ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଗୋଟିଏ ପଦ ପାଇଁ ଆବେଦନ କରିପାରିବେ । ଯଦି ସଂପୃକ୍ତ ଶିକ୍ଷା ଜିଲ୍ଲା ଯୁନିଟ୍ରେ ସେହି ପଦବୀ ପାଇଁ ଆବଶ୍ୟକ ସଂଖ୍ୟକ ତାଲିମ ପ୍ରାପ୍ତ ବିଜ୍ଞାନ ପ୍ରାର୍ଥୀ ନ ମିଳନ୍ତି ଏବଂ ଭାରତ ସରକାରଙ୍କ ଠାରୁ ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା ସମ୍ପର୍କିତ ରିହାତିର ଆଦେଶ ପ୍ରାପ୍ତ ହେବା ପରେ ସେମାନଙ୍କ ବିଷୟକୁ ବିଚାରକୁ ନେଇ ନିୟୁକ୍ତି ଦିଆଯିବ ।

ସମସ୍ତ ଅଣ ତାଲିମପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀମାନେ ନିୟୋଜନ ହେବାର ପାଞ୍ଚ ବର୍ଷ ମଧ୍ୟରେ ନିଜ ଖର୍ଚ୍ଚରେ ତାଲିମପ୍ରାପ୍ତ ହେବେ ବୋଲି ଏକ Undertaking ଦେବେ ।

- ୩. ବୟସସୀମା : ପ୍ରାର୍ଥୀମାନଙ୍କର ବୟସ ତା ୦୧.୧୨.୨୦୧୦ ରିଖ ସୁଦ୍ଧା ୪୨ ବର୍ଷରୁ ଅଧିକ ହୋଇନଥିବ କିମ୍ବା ୧୮ ବର୍ଷରୁ କମ୍ ହୋଇନଥିବ ଆବଶ୍ୟକ । ତତ୍ତ୍ୱଲ୍ୟଭିତ୍ତିକ ଜାତି ଓ ଜନଜାତି, ପୂର୍ବତନ ସାମରିକ କର୍ମଚାରୀ ଏବଂ ମହିଳା ପ୍ରାର୍ଥୀ ଏବଂ ଏସ୍.ଇ.ବି.ସି. ପ୍ରାର୍ଥୀମାନଙ୍କ କ୍ଷେତ୍ରରେ ସର୍ବୋଚ୍ଚ ବୟସସୀମା ୫ ବର୍ଷ କୋହଳ କରାଯିବ । ଶାରିରୀକ ଭିନ୍ନକ୍ଷମ ପ୍ରାର୍ଥୀମାନଙ୍କ କ୍ଷେତ୍ରରେ ସର୍ବୋଚ୍ଚ ସୀମା ୧୦ ବର୍ଷ କୋହଳ କରାଯିବ ।
- ୪. ନିୟୋଜନ : ଶିକ୍ଷା ସହାୟକମାନେ ବାର୍ଷିକ ତୁଳି ଅନୁଯାୟୀ ପ୍ରାଥମିକ / ଉଚ୍ଚ ପ୍ରାଥମିକ ତଥା ଉଚ୍ଚ ପ୍ରାଥମିକ ଦିବ୍ୟାଳୟର ଉନ୍ନତି ଶ୍ରେଣୀମାନଙ୍କରେ ଆବଶ୍ୟକ ଅନୁଯାୟୀ ନିୟୋଜିତ (ଏନଗେଜମେଣ୍ଟ) ହେବେ ।
- ୪.୧ ନିୟୋଜନ ପତ୍ର ପ୍ରଦାନ ପୂର୍ବରୁ ସଂପୃକ୍ତ ଜିଲ୍ଲା ପରିଷଦ ତରଫରୁ ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ, ଜିଲ୍ଲା ପରିଷଦ ତଥା ଜିଲ୍ଲାପାଳ ଓ ଶିକ୍ଷା ସହାୟକଙ୍କ ମଧ୍ୟରେ ଷାମ୍ପ କାର୍ଗଜ ମାଧ୍ୟମରେ ନିର୍ଦ୍ଧାରିତ ଫର୍ମରେ ଏକ ତୁଳିନାମା ସ୍ୱାକ୍ଷରିତ କରାଯିବ । ଅଣତାଲିମ ପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀମାନେ ନିଜ ଖର୍ଚ୍ଚରେ ଟ୍ରେନିଙ୍ଗ ନେବେ ବୋଲି Undertaking ଦେବେ ।
- ୪.୨ ଶିକ୍ଷା ସହାୟକ / ସହାୟକମାନଙ୍କୁ ସେମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ମଧ୍ୟରେ ନିୟୋଜନ କରାଯିବ ।

  
District Project Co-ordinator  
BHADRAK

କର୍ମନିଯୋଜନ ସଂସ୍ଥାରେ ପଞ୍ଜିକରଣ ଓ ଆବାସିକ ପ୍ରମାଣପତ୍ର :

ବି.ଇଡି. ପ୍ରାର୍ଥୀ/ ପ୍ରାର୍ଥନା ବାଣାବିହାର, ଜ୍ୟୋତିବିହାର ଓ ଭଞ୍ଜବିହାର (ଭୁବନେଶ୍ୱର, ସମ୍ବଲପୁର ଓ ବ୍ରହ୍ମପୁରରେ) ଥିବା ସ୍ୱତନ୍ତ୍ର ଏମ୍ପ୍ଲୟମେଣ୍ଟ ଏକ୍ସଚେଞ୍ଜରେ କିମ୍ବା ଭୁବନେଶ୍ୱରରେ ଥିବା ଷ୍ଟେଟ ଏମ୍ପ୍ଲୟମେଣ୍ଟ ଏକ୍ସଚେଞ୍ଜରେ ନାମ ପଞ୍ଜିକରଣ କରିଥିବାର ବୈଧ ପ୍ରମାଣପତ୍ର ଏବଂ ଆବାସିକ ପ୍ରମାଣପତ୍ର ଦାଖଲ କରିବା ଆବଶ୍ୟକ । ସେହିପରି ସି.ଟି. ପ୍ରାର୍ଥୀ ଏବଂ ଅଣତାଲିମପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀମାନେ ଯେ କୌଣସି କର୍ମନିଯୋଜନ ସଂସ୍ଥାରେ ନିଜ ନାମ ପଞ୍ଜିକରଣ କରିଥିବାର ବୈଧ ପ୍ରମାଣ ପତ୍ର ଏବଂ ଆବାସିକ ପ୍ରମାଣ ପତ୍ର ଦାଖଲ କରିବା ଆବଶ୍ୟକ ।

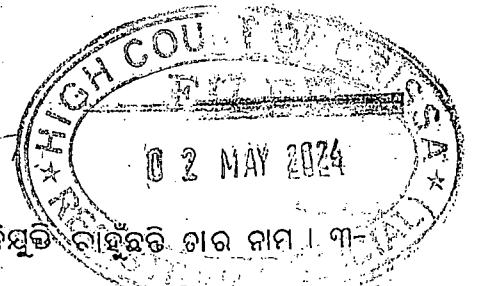
୭. ସଂରକ୍ଷଣ ବ୍ୟବସ୍ଥା : ଓ.ଆର.ଜି. ଆକ୍ଟ ସଂଗେ ସଂଗେ ଅନ୍ୟ ପ୍ରାର୍ଥୀ ଯଥା - ପୂର୍ବତନ ସାମରିକ କର୍ମଚାରୀ (Ex-Servicemen), ଭିନ୍ନକ୍ଷମ (Handicapped) ଏବଂ କ୍ରୀଡ଼ା କ୍ଷେତ୍ରରେ ସ୍ୱାତନ୍ତ୍ର୍ୟ ଅର୍ଜନ କରିଥିବା ବ୍ୟକ୍ତି (Eminent Sports person) କ ନିମନ୍ତେ ସରକାରଙ୍କ ଦ୍ୱାରା ସଂକଳିତ ସଂରକ୍ଷଣ ନିୟମ ଲାଗୁ କରାଯିବ । ମହିଳା ପ୍ରାର୍ଥୀମାନଙ୍କ ପାଇଁ ସଂପୃକ୍ତ ବର୍ଗର ୩୩.୧/୩ ପ୍ରତିଶତ ସଂରକ୍ଷଣ ଲାଗୁହେବ ।
୭. ଉର୍ଦ୍ଧ୍ୱ ତାଲିମପ୍ରାପ୍ତ ସି.ଟି. ପ୍ରାର୍ଥୀ/ ପ୍ରାର୍ଥୀମାନେ ସଂପୃକ୍ତ ଶିକ୍ଷା ଜିଲ୍ଲା ପାଇଁ ଆବେଦନ ପତ୍ର ଦାଖଲ କରିବେ । ସେମାନଙ୍କୁ ସଂପୃକ୍ତ ଶିକ୍ଷା ଜିଲ୍ଲାର ପ୍ରାଥମିକ ଓ ଉଚ୍ଚ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକତା ଅନୁଯାୟୀ ଉର୍ଦ୍ଧ୍ୱ ମାତୃଭାଷା ପଢ଼ାଇବା ପାଇଁ ନିଯୋଜନ କରାଯିବ ।
୮. ତାଲିମ ପ୍ରାପ୍ତ ଶିକ୍ଷା ସହାୟକମାନଙ୍କୁ ମାସିକ ଟ. ୪୦୦୦/- ପାରିଶ୍ରମିକ ଆକାରରେ ଦିଆଯିବ ।
୯. ଅଣ ତାଲିମପ୍ରାପ୍ତ ଶିକ୍ଷା ସହାୟକମାନଙ୍କୁ ମାସିକ ଟ. ୩୫୦୦/- ପାରିଶ୍ରମିକ ଆକାରରେ ଦିଆଯିବ ।
୧୦. ନିମ୍ନ ପ୍ରଦତ୍ତ ଦରଖାସ୍ତ ଫର୍ମ ଅନୁସାରେ ଆବେଦନ କରାଯାଇ ପାରିବ । ଦରଖାସ୍ତ ସହ ମାଟ୍ରିକ ଠାରୁ ଆବେଦନ କରିଥିବା ପଦବୀ ପାଇଁ ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତାର ପ୍ରମାଣପତ୍ର ଏବଂ ମାର୍କ ତାଲିକାରେ ଅବିକଳ ନକଲ (ଆଟେଷ୍ଟେଡ୍ କପି) କର୍ମନିଯୋଜନ ସଂସ୍ଥା ପଞ୍ଜିକରଣ ପ୍ରମାଣପତ୍ର, ଜାତିଗତ ଏବଂ ଆବାସିକ ପ୍ରମାଣପତ୍ର, ଭିନ୍ନକ୍ଷମ ହୋଇଥିଲେ ତାର ଅବିକଳ ପ୍ରମାଣପତ୍ର, ପ୍ରାର୍ଥୀଙ୍କର ୨ କିତା ବର୍ତ୍ତମାନର ସହିମୋହର ପାସପୋର୍ଟ ଆକାର ଫଟୋ ଏବଂ କେବଳ ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲାରେ ଆବେଦନ କରିଛନ୍ତି ବୋଲି ସତ୍ୟପାଠ (Affidavit) ଇତ୍ୟାଦିର ସଂଯୋଗ ନଥିଲେ ଆବେଦନ ପତ୍ରଟିକୁ ଖାରଜ କରିଦିଆଯିବ ।

ଉତ୍ତର ଜିଲ୍ଲାର ଶିକ୍ଷା ଜିଲ୍ଲାଦ୍ୱାରା ଖାଲିଥିବା  
ଶିକ୍ଷା ସହାୟକ ପଦବୀ ସଂଖ୍ୟା

ରାଜସ୍ୱ ଜିଲ୍ଲା	ଶିକ୍ଷା ଜିଲ୍ଲା	ତାଲିମପ୍ରାପ୍ତ ବିଜ୍ଞାନ ସ୍ନାତକ	ତାଲିମପ୍ରାପ୍ତ କଳା ସ୍ନାତକ	ତାଲିମପ୍ରାପ୍ତ +୨ ବିଜ୍ଞାନ (ସି.ଟି)	ତାଲିମପ୍ରାପ୍ତ +୨ କଳା (ସି.ଟି)	ମୋଟ
	ଉତ୍ତର-୧	୧୫୭	୪୧	୧୪୫	୧୩୬	୪୭୯
	ଉତ୍ତର-୨	୧୫୬	୫୦	୧୮୩	୧୭୩	୫୬୨
	ମୋଟ	୩୧୩	୯୧	୩୨୮	୩୦୯	୧୦୪୧

ଶିକ୍ଷାଜିଲ୍ଲା ଉତ୍ତର - ୧ ପାଇଁ ଜାଗୁଳାଇ ପ୍ରୋଜେକ୍ଟ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଇ ଓ ଶିକ୍ଷାଜିଲ୍ଲା ଉତ୍ତର - ୨ ପାଇଁ ଜିଲ୍ଲାସ୍ତରୀୟ ଉତ୍ତରରେ ତା ୨୪/୦୧/୨୦୧୧ରୁ ତା ୧୦/୦୨/୨୦୧୧ରୁ ପର୍ଯ୍ୟନ୍ତ ( ସରକାରୀ ଛୁଟିଦିନ ବ୍ୟତୀତ) ପୂର୍ବାହ୍ନ ୧୦ ଘଟିକା ସମୟଠାରୁ ଅପରାହ୍ନ ୫ ଘଟିକା ପର୍ଯ୍ୟନ୍ତ ଆବେଦନ ପତ୍ର ଗ୍ରହଣ କରାଯିବ ।  
ଏହି ନିର୍ଦ୍ଦେଶ ତାରିଖ ଓ ସମୟ ପରେ କୌଣସି ଆବେଦନପତ୍ର ଗ୍ରହଣ କରାଯିବ ନାହିଁ ।  
ସ୍ୱା /- ଜିଲ୍ଲାପାଳ ତଥା ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ

ଜିଲ୍ଲା ପରିଷଦ, ଉତ୍ତର



ଶିକ୍ଷା ସହାୟକ ପଦପାଇଁ ଆବେଦନ ପତ୍ର

ଯେଉଁ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ନିଯୁକ୍ତି ଚାହୁଁଛନ୍ତି ତାର ନାମ । ୨-ଯେଉଁ ପଦବୀରେ ନିଯୁକ୍ତି ଚାହୁଁଛନ୍ତି ତାର ନାମ । ୩- ପ୍ରାର୍ଥୀଙ୍କର ସଂପୂର୍ଣ୍ଣ ନାମ ୪-ପିତା କିମ୍ବା ସ୍ବାମୀଙ୍କର ନାମ ୫-ବର୍ତ୍ତମାନର ଠିକଣା, ୫-ସ୍ଥାୟୀ ଠିକଣା ୬-ଜନ୍ମତାରିଖ (ପ୍ରମାଣପତ୍ରର ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ) ୭-ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥୀନୀ କେଉଁ ବର୍ଗର ଅଟନ୍ତି । ୮-ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା, ଉତ୍ତୀର୍ଣ୍ଣ ହୋଇଥିବା ପରୀକ୍ଷାମାନଙ୍କର ନାମ, ଶିକ୍ଷାନୁଷ୍ଠାନର ନାମ, ବୋର୍ଡ଼ କିମ୍ବା ବିଶ୍ୱବିଦ୍ୟାଳୟର ନାମ, ଉତ୍ତୀର୍ଣ୍ଣ ବର୍ଷ, କେତେ ନମ୍ବର ପାଠ୍ୟପୁସ୍ତକ, %ନମ୍ବର, (ଯୁକ୍ତ ଦୁଇ / ସ୍ନାତକ / ପ୍ରଶିକ୍ଷଣ (CT/BEd/Spl.B.Ed)) ପରୀକ୍ଷାର ପ୍ରମାଣପତ୍ର ଓ ମାର୍କସିଟର ଅବିକଳ ନକଲ (Spl. Education ) ରେ Diploma ଏବଂ Spl. B.Ed ପ୍ରାର୍ଥୀମାନେ RCI Registration ର ପ୍ରମାଣପତ୍ର ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ । ୯ - କର୍ମନିଯୋଜନ କେନ୍ଦ୍ରର ନାମ ଏବଂ ରେଜିଷ୍ଟ୍ରେସନ ସଂଖ୍ୟା ଓ ତାରିଖ ( ପ୍ରମାଣ ପତ୍ରର ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ ) । ୧୦ - ଜାତିଗତ ପ୍ରମାଣପତ୍ର ( ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ ) ୧୧-ଅକର୍ମଣ୍ୟ ପ୍ରମାଣ ପତ୍ର ( ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ ), ୧୨-ଆବାସିକ ପ୍ରମାଣପତ୍ର ( ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ ) ୧୩- ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲାରେ ଆବେଦନ କରିଥିବାର ସତ୍ୟପାଠ (Affidavit in Original) ସଂଯୋଗ କରିବେ । ୧୪-ଅଣତାଲିମ ପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀ ନିଜ ଖର୍ଚ୍ଚରେ ୫ବର୍ଷ ମଧ୍ୟରେ ତାଲିମ ପ୍ରାପ୍ତ ହେବେ ବୋଲି Under Taking ସଂଯୋଗ କରିବେ । ୧୫-ଦୁଇକିତା ବର୍ତ୍ତମାନର ସହି ମୋହର ପାସ୍‌ପୋର୍ଟ ଆକାର ଫଟୋ ଦାଖଲ କରିବେ ।

ତାରିଖ -

ସ୍ଥାନ -

ଆବେଦନକାରୀଙ୍କ ସ୍ବାକ୍ଷର

ପ୍ରାପ୍ତି ସ୍ବାକାର

କୁମ୍ଭିକ ସଂଖ୍ୟା

ଠିକଣା

ପ୍ରାର୍ଥୀଙ୍କ ନାମ

ନିମ୍ନୋକ୍ତ ସଂଲଗ୍ନମାନ (Enclosures ) ହସ୍ତଗତ ହୋଇଛି ।

କ) ମାତୃକ ସାର୍ଟିଫିକେଟ, ଯୁକ୍ତ ଦୁଇ ସାର୍ଟିଫିକେଟ, ତାଲିମ(ସିଟି) ସାର୍ଟିଫିକେଟ, ସ୍ନାତକ, (ବି.ଇଡି. / ସ୍ନେହାଳ ବି.ଇଡି) ସାର୍ଟିଫିକେଟ (ଖ) ଯୁକ୍ତ ଦୁଇ ମାର୍କସିଟ, ତାଲିମ(ସିଟି) ମାର୍କସିଟ ଓ ସ୍ନାତକ / ( ବି.ଇଡି / ସ୍ନେହାଳ ବି.ଇଡି.) ମାର୍କସିଟ / RCI Registration ର ପ୍ରମାଣପତ୍ର (ଗ) ଜାତିଗତ ପ୍ରମାଣପତ୍ର (Caste Certificate) (ଘ) ଆବାସିକ ପ୍ରମାଣପତ୍ର ( Residential Certificate ) (ଙ) ଗୋଟିଏ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ଆବେଦନ କରିଥିବାର ସତ୍ୟପାଠ (Affidavit in Original) (ଚ) କର୍ମନିଯୋଜନ କେନ୍ଦ୍ରର ରେଜିଷ୍ଟ୍ରେସନ ପ୍ରମାଣ ପତ୍ର (ଛ) ଅଣତାଲିମ ପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀ ନିଜ ଖର୍ଚ୍ଚ ୫ ବର୍ଷ ମଧ୍ୟରେ ତାଲିମ ପ୍ରାପ୍ତ ହେବେ ବୋଲି Under Taking (ଜ) ଅକର୍ମଣ୍ୟ ପ୍ରମାଣପତ୍ରର ଅବିକଳ ନକଲ (ଝ) ଦୁଇକିତା ବର୍ତ୍ତମାନର ସହି ମୋହର ପାସ୍‌ପୋର୍ଟ ଆକାର ଫଟୋ ।

ପ୍ରାପ୍ତି ସ୍ବାକାରକାରୀଙ୍କ ସ୍ବାକ୍ଷର

ନାମ -

ପଦବୀ -

Attested

*[Signature]*

Dist. Project Co-ordinator  
S. S. A., BHADRAK

ସ୍ବା /- ଜିଲ୍ଲାପାଳ ତଥା ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ

ଜିଲ୍ଲା ପରିଷଦ, ଭଦ୍ରକ

Copy attached  
A. S. A.

Not a copy  
Attended  
*[Signature]*

A-3

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ANNEXURE-3

**DISTRICT PROJECT OFFICE**  
**SARVA SHIKSHA ABHIYAN: BHADRAK**

Order No. 4776 / Dated. 30/04/11

Consequent upon execution of an agreement dated. 28.04.11 between PRATIMA MANJARI KAR, W/O-RAJI KUMAR DASH, AT/P.O-MAHAMMADPUR, VIA-SIMULIA, DIST-BALASORE and Collector-cum-CEO, ZP, Bhadrak, PRATIMA MANJARI KAR is hereby engaged as "SHIKSHA SAHAYAK" for a period as mentioned in the agreement on a fixed month honorarium of Rs.4000/- (Rupees four thousand only) subject to the following terms and conditions.

Place of engagement **PALLI NODAL U.P. SCHOOL** under **BHADRAK** Block.

1. The "SHIKSHA SAHAYAK" shall motivate the parents/guardians of the village in which Pry. /UP schools are situated for enrolment of the children within the age group 6-14 years.
2. It will be his/her duties to contact parents/guardians in case children fail to attend class regularly and get back such children to classes.
3. Whenever applicable he/she will work under the administrative control of Headmaster/Headmistress in charge of the school in which he/she is assigned. He/She shall perform the duties as will be entrusted upon him/her by the concerned Headmaster/Headmistress.
4. He/She may be assigned any other work in furtherance of objective of universalisation of Primary Education by Chief Executive Officer, ZP, or any other authority as decided by the Govt. in School and Mass Education Deptt. from time to time.
5. He/She shall attend training programme as fixed by Govt. from time to time.
6. This engagement order is subject to the order of the Hon'ble High Court in W.P.(C) No. 7478/2011 and subsequent order of the Govt. in S&M.E. Deptt.

*It is further, ordered that if any irregularity is detected in future, his/her engagement will be terminated without assigning any reason thereof.*

*By order of the Collector-cum-CEO, ZP, Bhadrak*

District Project Co-ordinator  
SSA, Bhadrak

Memo No. 4777 / Dated. 30/04/11

Copy to person concerned for information and necessary action. He/She is directed to report before the concerned H.M. of school with all original documents within a week positively failing which this order will stand cancelled.

District Project Co-ordinator  
SSA, Bhadrak

Memo No. \_\_\_\_\_ / Dated. \_\_\_\_\_

Copy to the Headmaster/Headmistress of the concerned School for information and necessary action. He/She is requested to report the date of joining of Siksha Sahayak to the undersigned through concerned BRCC for further action at the end.

District Project Co-ordinator  
SSA, Bhadrak

Memo No. \_\_\_\_\_ / Dated. \_\_\_\_\_

Copy forwarded to the B.R.C.C. concerned for information and necessary action.

District Project Co-ordinator  
SSA, Bhadrak

Memo No. \_\_\_\_\_ / Dated. \_\_\_\_\_

Copy forwarded to the concerned Block Development Officer / District Inspector of schools, Bhadrak for information and necessary action.

District Project Co-ordinator  
SSA, Bhadrak

*Xerox copy  
Attached  
G. Manu*

## IN THE OFFICE OF D P C, S S A, BHADRAK

Misc. Case No.- 27 /2011(arising out of WP(C) No. 7698 of 2011 &  
Show Cause Notice No. 7698 dtd. 6/8/2011)*Manoj Parida*  
~~Manoj Parida~~ & others

.....Petitioner

Vrs

I *Pratima Manjari Kan*

.....Opposite Party

Petition filed on behalf of Opposite Party

The above named opposite party humbly begs to state as under:

- (i) That, petitioner possesses the requisite qualification for appointment to the post of 'Sikya Sahayak' under the 'Sarba Sikya Abhiyan'. Accordingly the opposite party was selected and engaged after due verification of his/her candidature, eligibility and documents thereto. The opposite party since his/her appointment under the scheme is discharging his/her duties to the full satisfaction of students, parents and superiors.
- (ii) That, the said inquiry, stated in the show cause notice to be in consonance with the order of the Hon'ble High Court in WP(C) No. 18253 of 2011 does not relate to this opposite party, as he/she was not a party in the said writ petition. Further, Hon'ble High Court has been pleased to pass orders as below while disposing the said writ petition;

"Heard.

*During course of hearing Learned Counsel for the petitioners submits that the petitioners have filed a representation under Annexure-7 before Opp. Party No.4 District Project Co-ordinator, SSA, Bhadrak, but the same has not yet been considered.*

*Considering the nature of grievance raised by the petitioners, the writ petition is disposed of directing Opp. Party No.4, District Project Co-ordinator, SSA, Bhadrak to consider and dispose of the representation of the petitioners under Annexure-7 within a period of three months from the date of receipt of a certified copy of this order in accordance with law.*

*Xerox copy  
Attended  
JWS  
2011*

*Manoj Parida  
Adv.  
12/9/11*

-35- 15

*Urgent certified copy of this order be supplied on proper application."*

- (iii) That, it is abundantly clear from the order dtd.24/03/2011 of the Hon'ble High Court that there is nothing in the order that this learned court has to inquire into the cases. Hon'ble High Court has been pleased to simply direct the D P C, S S A, Bhadrak to consider and dispose of the representation of the writ petitioner within three months. Nowhere in the order, it has been directed to conduct an inquiry as stated in the show cause notice. Hon'ble High Court has not given any finding with regard to the certificates and selection procedure. However, this humble OP has no objection to such inquiry if the same can lead the dispute to a legal and logical end even if it is against the time frame stipulated by the Hon'ble High Court.
- (iv) That, this learned court has framed certain issues in its order dtd.24/06/2011 while analogously dealing with ten numbers of such or similar disputes. Such issues needs to be answered justly before making any order as made on 01/07/2011. But, the said inquiry seems to had been resulted in from order dtd. 01/07/2011 was passed by this court solely relying upon the letter no.-3142 dtd. 04/05/2011, letter-no. 3920 dtd.13/06/2011 by the P.I.O.,CHSE, Orissa and the inquiry report of a staff of this office. The P.I.O. has usurped his powers and formed an opinion while providing information. Though, the P.I.O. has not stated any Rules & Regulations under which a candidate is debarred from taking admission in Vocational Stream simultaneously or after completion of Higher Secondary Course. The P.I.O's opinion also can no way be related to those applicants who has passed Upasastri Examination conducted by Shri Jagannath Sanskrit Viswavidyalaya, Puri. So, the P.I.O.'s information cum opinion is grossly insufficient to answer those 8' number of issues framed in the order sheet of this learned court in its order dtd.24/06/2011.
- (v) That, the representation alleges about fraud and forgery which can not be decided in this forum by way of any inquiry. In this forum any illegality and irregularity <sup>in the selection procedure</sup> can only be questioned. The legal effect of any document issued by the competent authority can not be decided in this forum. So, first of all this humble OP raises the question of maintainability of such <sup>inquiry by</sup> this court as well as the competence of the Learned Collector, Bhadrak to have inquiry or to declare a certificate issued by the competent authority to be invalid.
- (vi) That, the genuineness or validity of the certificate issued to this OP has never been challenged by anybody in any proper forum. At this stage and at this forum, it is barred by competence, jurisdiction and limitation. Further, even if the case of the petitioner is to be believed then also the the authorities i.e. CHSE, Orissa or the Shri Jagannath Sanskrit



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Viswavidyalaya, Puri is estopped at this belated stage to cancel his/her admission.

As per the principles decided in *Randhir Singh Vrs State* it is the bounden duty of the authority to carefully scrutinize the documents and Rules thereto at the time of admission rather than punishing the student for no fault of his at a belated stage.

As per the principles enumerated in *Ruchira Chauhan Vrs. Pehilkhand University*, resolutions prohibiting the students from taking two exams in a year was never communicated to the candidate. So, the University was estopped by way of promissory estoppel to withheld the result of the candidate basing upon the resolution.

As per the decision *Sanatan Gauda Vrs. Brahampr University* AIR 1990SC 1075 wherein a candidate was admitted in Law College by Law College and University also permitted him to appear in law examination. He passed certain examination and ultimately appeared to final law course examination. The University denied to publish his final result on the ground that he was ineligible to be admitted in law course. It is barred by estoppel. The Apex Court further hold that it was the bounden duty of the University to have thoroughly scrutinize the matter before permitting the appellant to appear at the examination and not having done so it can not refuse to publish results.

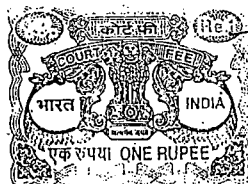
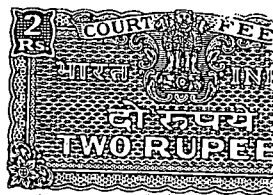
This humble OP further submits that at no point of time he/she has played fraud on the authorities or made any false representation before the authorities to take admission into any course. So, the authority can not cancel his/her admission for no fault of his/her at this belated stage.

This humble OP was not aware about the inquiry report and opinion of the P.I.O. before receipt of the show cause notice. The opinion of the P.I.O. and the inquiry report of the staff of this office seem at this stage to be used against the interest of this OP. This OP has a right to cross examine the said P.I.O. with regards to grounds of his opinions. Similarly, this OP has a right to cross examine the staff who has inquired at the colleges. The show cause notice also reveals of receipt of primary materials regarding the alleged matter. Copies of such materials may kindly be provided to this humble OP to afford him/her reasonable opportunity to face the hearing.

It is therefore prayed that the P.I.O., Council of Higher Secondary Education, Orissa may kindly be directed to appear for cross examination by this OP in relation to the opinions expressed in letter no.-3142 dtd. 04/05/2011 in order to afford fair opportunity to this OP in the interest of justice and equity. Similarly, the staff of this office may also be directed to appear for cross examination by this OP and copies those said primary materials may kindly be provided to this humble OP to afford him/her reasonable opportunity to face the hearing and for such act of your kindness the humble OP shall ever pray.

*Sanata*  
Filed through Advocate  
12/9/11

*Xerox copy  
Attached  
G. J. J.*



37-

BEFORE THE DPC, SARVA SIKSHA ABHIYAN, BHADRAK

Misc. Case No. 27 /2011

(Arising out of order dated 15/07/2011, passed in W.P(C) No. 18256 of 2011,  
Hon'ble High Court.)

Additional show Cause reply to your notice No. 7698,

Dated- 06/08/2011

Manini Parida and others

.....Petitioners

Vrs.

*Pratima Majumdar*

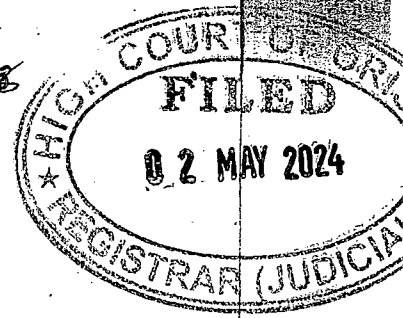
.....Opposite party

**The humble Additional Reply to the Show Cause**

In obedience to your above notice I had duly submitted my reply on 12/09/2011, through the conducting advocate. Your office has not supplied the materials with regards to the show cause, "what is the allegation of Manini Parida and others, before the Hon'ble High Court in W.P(c) No. 18256 of 2011, Manini Parida and others Vrs. State of Orissa and others." I had requested for supply of documents in this regard but not received till date. In the absence of materials available with regards to your show cause I was forced to file the reply on 12/09/2011. Subsequently I was able to get the copy of the writ petition W.P(c) No. 18256 of 2011 along with the order No. 2, dated 15/07/2011, passed by the Hon'ble High Court of Orissa.

It is pertinent to mention before your honour the prayer of Manini Parida and others in W.P(c) No. 18256 of 2011. Manini Parida has alleged before the Hon'ble Court that the candidates having Vocational Certificates and Upasastri Certificates had submitted the forged and fake Vocational Certificates and Upasastri Certificate and get their respective engagement by the Collector-cum-CEO, Zilla Parisad, Bhadrak. The Hon'ble Court after hearing the parties has been pleased to disposed of the writ petition with following orders.

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ORDER OF W.P(C) No. 18256 of 2011

Order No. 2 dated 15/07/2011:

Present: Mr. M.K. Sahoo, Advocate for the petitioner.

Mr. Alekha Ch. Mohanty, Additional Govt. Advocate for respondents No. 1 to 4

Learned ADDITIONAL Govt. Advocate accepts notice on behalf of respondent No. 1 to 4. Three additional copies of the writ petition be served on him.

Grievance of the petitioner is that, document submitted by number of candidates along with their applications for consideration for appointment to the post of Sikshya Sahayak, Bhadrak Education District- I and under scrutiny as **document submitted by around 30 candidates are found to be forged**. It is not disputed that an enquiry has already been initiated by the respondents against the said candidates and also that authenticity of the documents submitted by the candidates along with their applications are under scrutiny and verification. However, without completing the enquiry, respondents have started with the selection process. All the petitioners are also candidates who have applied against the said posts.

Under the circumstances and considering the limited relief by the petitioner the petition is disposed of with the direction to the respondents to complete the enquiry and their after consider the representation of the petitioners (Annexure-7) in the light of the enquiry report.

However, it is made clear that respondents shall not appoint against whom the enquiry is pending till it is complete.

A free certified copy of this order be given to learned additional standing counsel under the signature of the Court Master.

Urgent certified copy of this order be granted as per rules.

Sd- A. Suresh, J.

It is quite clear that I was duly appointed/engaged by the Collector-cum-CEO, Zilla Parisad Bhadrak by submitting the genuine certificates issued by the competent authorities i.e. Board of Secondary Education, Cuttack, Orissa / Council of Higher Education, Bhubaneswar, Orissa / Shri Jagannath Sanskrit Vishva Vidyalaya, Shri Vihar, Puri, Orissa. My certificates are genuine certificates, not forged / fake certificates as alleged by Manini Parida and others in WP(c) No. 18256 of 2011. In this regard I request your honour to verify my certificates which were submitted by myself before your good office which were issued from the competent authorities i.e. Board of Secondary Education, Cuttack, Orissa / Council of Higher Education, Bhubaneswar, Orissa / Shri Jagannath Sanskrit Vishva Vidyalaya, Shri Vihar, Puri, Orissa.

The law is well settled that the Borden of proof lies upon the allegationist. Here in the present case Manini Parida and others had alleged before the Hon'ble Court that the candidates like myself had submitted forged and fake Vocational Certificates and Upasastri Certificates. Hence she is call upon to prove her allegation that my certificates which were submitted before the Collector-CEO, Zilla Parisad, Bhadrak at the time of engagement is forged and fake certificates.

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From the aforesaid it is crystal clear that the certificates submitted by myself along with the application for engagement as Sikshya Sahayak before the Collector-cum-CEO, Zilla Parisad, Bhadrak are genuine certificates. My certificates were duly verified by the competent authority of Collector-cum-CEO, Zilla Parisad at the time of scrutiny and found genuine; as such the learned Collector has been pleased to issued me the engagement order. In obedience to the engagement order I have duly joined in my duty and continuing as such up to the satisfaction of the authorities.

Hence I pray before your Honour the allegation made by Manini Parida and others may kindly be rejected and I may be allowed to continue as Sikshya Sahayak pursuant to the engagement order issued by the learned Collector Bhadrak.

Dated: 7/10/11

Satrabrata Parida  
Filed through Advocate

Bhadrak

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Attended  
S. J. Sone

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IN THE HIGH COURT OF ORISSA, CUTTACK

W.P.(C) NO. 27323 / 2011

ANNEXURE-5.

Code No. 310701

In the matter of:

An application under Articles  
226 & 227 of the Constitution of India.

presented on 12/7/11

Deputy Registrar (Judicial)

AND

In the matter of:

Illegal and arbitrary action of District Project Co-ordinator  
SSA, Bhadrak, Who is not considering the submission of the  
petitioner with regards to genuineness of the certificates  
submitted by the petitioner at the time of selection and also not  
enquiring the same from the controller of the examination with  
regards to the allegation whether the petitioners certificate is  
forged or genuine.

AND

In the matter of:

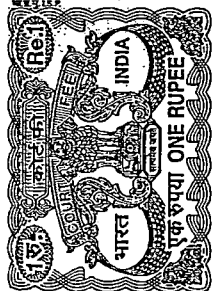
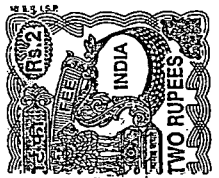
Pratima Manjari Kar aged about 29 years, W/o.- Rajeeb Ku.  
Dash, Village/Po- Mahamadpur, Ps- Simulia, Dist- Balasore, at  
present working as Shikshya Sahayak, At- Palli Nodal UP  
School, under Bhadrak Block, under D.I of Schools, Bhadrak.

.....Petitioner

Versus

1. State of Orissa represented through Commissioner-cum-Secretary, School and Mass Education, Govt. of Orissa. At/Po- Orissa Secretariat, Bhubaneswar, Dist- Khurda.
2. Collector-cum-Chief Exucative Officer, Zilla Parishad, Bhadrak, At/Po/Dist.- Bhadrak
3. District Project Co-ordinator of Bhadrak SSA Bhadrak, At/Po/Dist.- Bhadrak.
4. Council of Higher Secondary Education, Orissa, represented through Secretary, At/Po.- Bhubaneswar, Dist- Khurda.
5. Board of Secondary Education, Orissa, Cuttack, represented through Secretary, At/Po/Dist.- Cuttack.

.....Opp. Parties



12/11/11

MOHANTY

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[O. H. C.-98]

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
02.	18.10.2011	<p align="center"><b><u>W.P.(C) No.27323 of 2011</u></b></p> <p>Heard learned counsel for the parties.</p> <p>This writ petition has been filed challenging the inaction of the District Project Co-ordinator of Bhadrak, SSA Bhadrak, opposite party no.3, in not disposing of the enquiry proceeding initiated against the petitioner pursuant to show-cause notice No.7698, dated 06.08.2011, as per Annexure-4 to the writ petition.</p> <p>Learned counsel for the petitioner submits that though the petitioner has already submitted his show-cause reply dated 12.09.2011 (Annexure-5) and additional show-cause reply dated 07.10.2011 (Annexure-6), the District Project Co-ordinator, SSA, Bhadrak, opposite party no.3, has not taken any action thereon, as a result of which, the petitioner is suffering serious prejudice. Accordingly, a prayer has been made to direct the opposite party no.3 to dispose of the enquiry proceeding expeditiously.</p> <p>Considering the limited nature of grievance, this writ petition is disposed of with a direction to the District Project Co-ordinator, SSA, Bhadrak, opposite party no.3, to dispose of the enquiry proceeding vide Misc. Case No.27 of 2011, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of copy of this order, under intimation to the petitioner. Till then, the petitioner shall not be disengaged.</p> <p>Writ Petition is accordingly disposed of.</p> <p>Issue urgent certified copy as per rules.</p> <p align="right">Sd. S.C. Parija</p>	
03.	18.10.2011	<p align="center"><b><u>Misc. Case No.15628 of 2011</u></b></p> <p>In view of the disposal of the writ petition, no order is necessary.</p> <p>Misc. Case is accordingly disposed of.</p>	



*[Handwritten signature]*  
19.10.11

Sd. S.C. Parija  
Xerox copy  
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ANNEXURE-6



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक Date of copy
11-09-015	17-09-015	18-09-015	16-09-015	19-09-015

Annexure-12

**IN THE COURT OF THE COLLECTOR-CUM-CHIEF  
EXECUTIVE OFFICER, ZILLA PARISHAD, BHADRAK.**

Misc. Case No. 03/2015 arising out of W.P. (C) No.5077 of 2014 and batch  
of cases disposed of on common vide order dated.05.05.2015

Surekha Samal .....Petitioner

-Vrs-

State of Odisha & Others ..... Opp. Parties.

**ORDER**

**05.08.2015**

With a view to complying with the order dated.05.05.2015 of the Hon'ble High Court in W.P. (C) No.5077 of 2014 along with similar cases clubbed together, this Misc. Case has been taken up at this level. The Hon'ble High Court directed the Collector, Bhadrak to take a decision by taking into consideration the show cause reply along with the enquiry report, after supplying copy of the enquiry report to the petitioners and affording reasonable opportunity of hearing to them. As such adequate opportunity has been provided to the petitioners and others to substantiate their claim with documentary evidence as well as supporting materials on records.

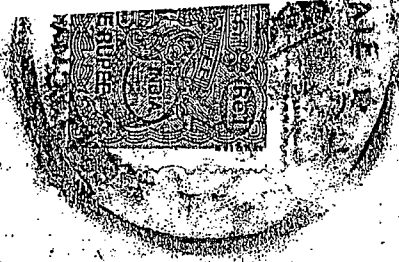
In brief, the issue involved in this case is three fold. Firstly, the claim of Surekha Samal and others in W.P.(C) No. 5077/2014, 10872/2013, 11112/2011 & 21461/2013 and in similar writ petitions that they have not been selected and engaged as Sikshya Sahayak despite the fact that they deserve consideration and engagement in view of the

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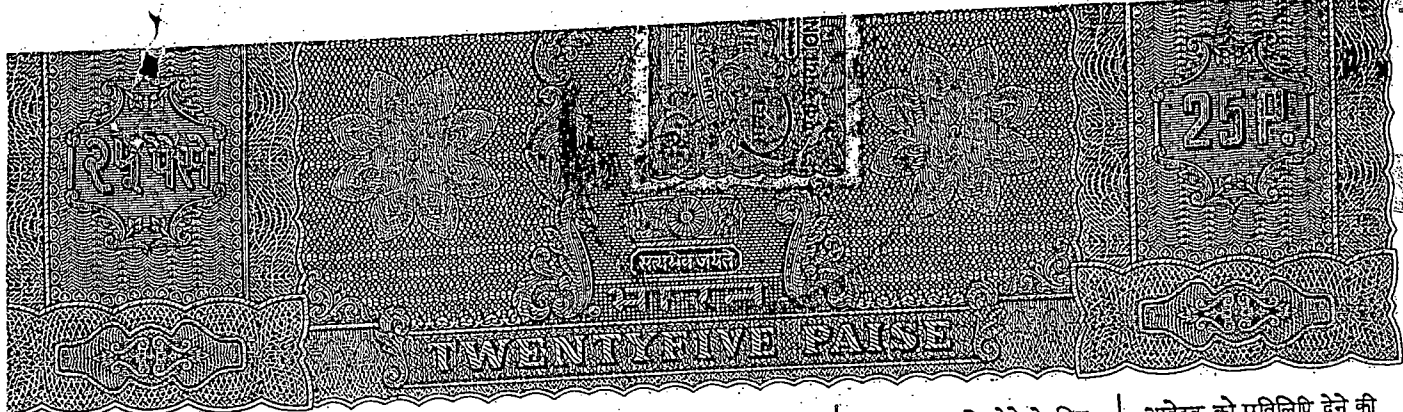


provisions/terms and conditions advertised during January, 2011 under Bhadrak District in place of candidates who have been engaged as Sikshya Sahayak by practising fraud and in contravention of Council of Higher Secondary Education, Odisha Act and regulation. Secondly, the claim of the petitioners in W.P. (C) No.32023/2011; 32027/2011, 32028/2011, 32026/2011 and other similar writ petitions who were issued with show-cause notice continuing as Sikshya Sahayak, on the ground that they have been engaged suppressing the facts is that they have neither violated any rule or regulation of the Council of Higher Secondary Education, Odisha nor have they committed any fraud in submitting the Vocational/Upasastri pass certificates as alleged by Surekha Samal and others. Thirdly, the claim of some of the petitioners in W.P. (C) No.539/2013, 597/2013, 597/2013 is that they have not been selected and engaged as Sikshya Sahayak and their candidature have been rejected by the District Project Co-ordinator, SSA, Bhadrak pursuant to the advertisement published during December, 2011 though they are entitled to get engagement order for the post of Sikshya Sahayak by virtue of their Vocational/Upasastri certificates.

The learned advocate for Surekha Samal and others (petitioners in W.P.(C) No.5077 of 2014 & others) Mr. M.K.Sahoo submits that, the candidates having Vocational/Upashastri qualification have been engaged as Sikshya Sahayak pursuant to the advertisement No.243

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HIGH COURT OF  
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dated 22.01.2011 of the District Project Co-ordinator, SSA, Bhadrak suppressing the facts that they have passed earlier +2 Science/Arts/Commerce Examination conducted by the Council of Higher Secondary Education, Orissa, Bhubaneswar which goes against the guidelines/resolution of the Council. They are all fake candidates and by committing fraud and in concealment/misrepresentation of fact, they have applied for the post of Sikshya Sahayak. He also state that, pursuant to the order of the Hon'ble High Court in W.P. (C) No. 7478 of 2011 and 18256 of 2011, the then D.P.C, SSA, Bhadrak conducted enquiry and found that a large number of candidates having vocational/upasastri qualification have committed fraud in both way by concealing the fact of their earlier +2 Arts/Science/Commerce pass certificates and by giving false undertaking to the effect that they have not passed +2 Arts/Science/Commerce examination or equivalent examination from CHSE, Odisha or from equivalent Council/Board/University before appearing at the vocational/upasastri course examination at the time of receipt of engagement order. Accordingly many of the fake vocational/upasastri candidates were issued with disengagement notices and against such action of the DPC, SSA, Bhadrak; the Vocational/Upashastri candidates approached the Hon'ble High Court in different writ petitions. The petitioners in W.P. (C) No.5077 of 2014 and others being the genuine candidates intervened all those cases opposing

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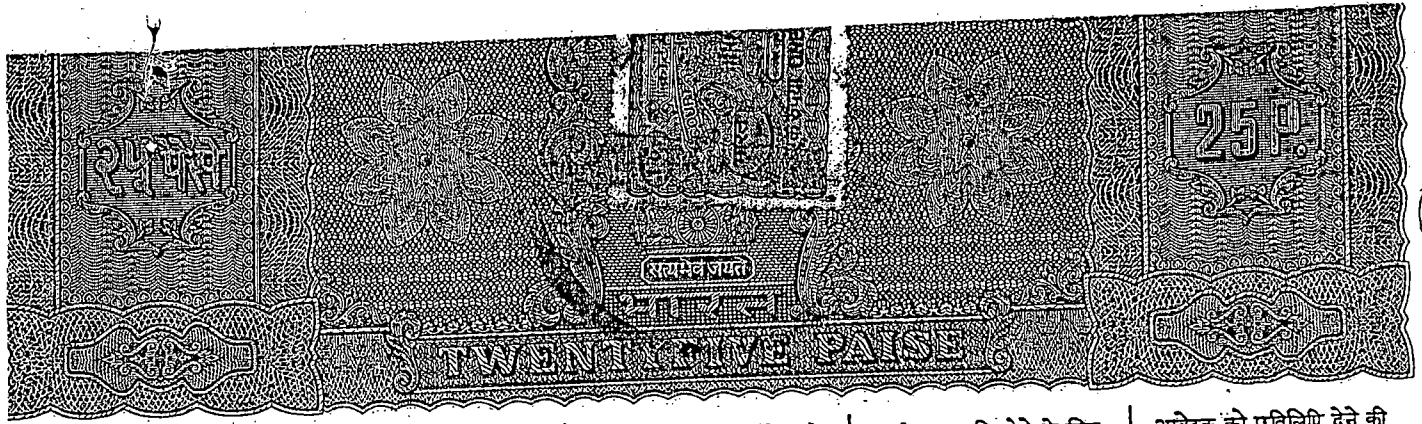


the fake Vocational and Upashastri candidates and praying for engagement as Sikshya Sahayak. To clarify the meaning of fraud and misrepresentation/concealment of facts they cited the provisions of Contract Act, 1872 that fraud means the active concealment of a fact by one having knowledge or belief of the fact or any other act fitted to deceive. As per said Act the meaning of misrepresentation that, any breach of duty which without an intention to deceive, gain an advantage to the person committing it or any one claiming under him by misleading another to his prejudice or to the prejudice of anyone claiming under him. In view of the said provision anything obtained by concealment of a fact or by misrepresentation of fact either to deceive or to gains an advantage or to the disadvantage of others is amount fraud. He submits that, as per provisions, of the Odisha Higher Secondary Act, 1982, Higher Secondary course means course immediately following the High School Certificate course and covering a period of two academic years which is provided for either in a college or a Higher Secondary school and includes Art, Science, Commerce and Vocational courses. Higher Secondary Education means such general and vocational education forming in itself a complete purposive whole, which immediately follows secondary education as has been defined in the Orissa Secondary Education Act, 1952 and immediately precedes a stage of education controlled by any university. He also cited some points of the Orissa Higher Secondary Education

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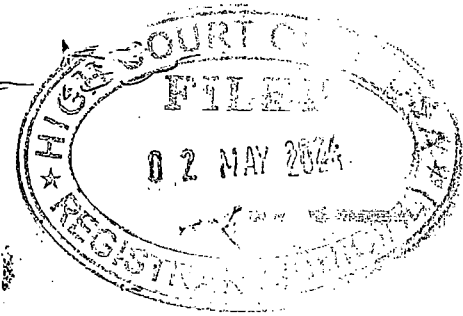
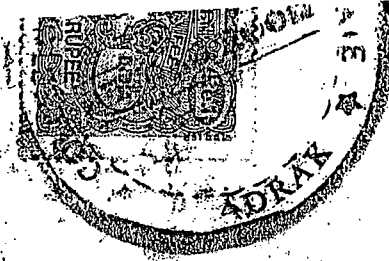
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Regulations, 1982: As per regulation-107, any registered student of the council may be admitted to the annual examination in Arts, Science, Commerce courses, if he/she has completed in one or more affiliated institutions, recognized for the purpose of such examinations a regular courses of study, on the subjects in which the candidates wishes to be examined, for not less than two academic years after passing the High School Certificate examination conducted by the Board of Secondary Education, Orissa or some other examination recognized by the council as equivalent thereto and has been promoted to the second year class on the basis of the examinations conducted by that institution in the first year. As per regulation-109(1), no students shall ordinarily be admitted into an institution six weeks after the date of reopening of the institution or from the date of publication of results of the annual High School Certificate Examination of the Board of Secondary Education, Orissa whichever is later, provided that the council may permit a student two weeks more for admission with a late fees of Rs.10/- and regulation-109(2) says, a candidate who passes the supplementary High School Certificate examination of the Board of Secondary Education, Orissa may be admitted to an institution within three weeks after the publication of the results, provided that the council may extend the date of admission by 10 days with a late fee of Rs.10/-. Further he states that, as per Chapter-VIII(regulation-122), any registered student of the council may

COMPARED BY  
[Signature]

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be admitted to the annual examination in vocational courses, if he/she completed in any Higher Secondary School/Junior College recognized by the council as a vocational centre a regular course in a vocational subject for not less than two academic years after passing the High School Certificate Examination of the Board of Secondary Education, Orissa or some other examination recognized by the council as equivalent thereto and has been promoted to the second year class.

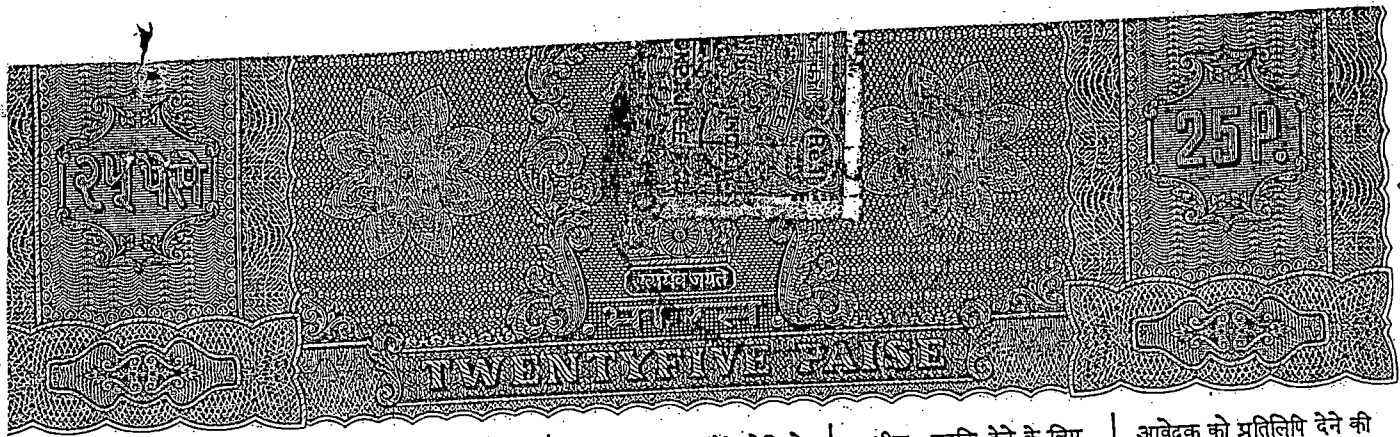
Further he submits that as per Section-2(i) and (j) of the said Act, it is clear that the course either general or vocational is to be treated Higher Secondary course/Higher Secondary education which is followed immediately from the stage of HSC. Therefore there cannot be two courses at the stage of Higher Secondary Education by any stretch of imagination to be prosecuted just after HSC. In the instant case all the fake vocational and upasastri candidates have prosecuted their vocational and upasastri courses after taking admission to the general courses of +2 Arts/Science/Commerce which was legally impermissible. Therefore all such vocational and upasastri candidates have committed fraud in obtaining either vocational or upasastri certificates. Therefore all the vocational/upashastri candidates have not only committed in taking admission to vocational/upashastri courses by suppressing the fact of earlier prosecution of general courses but also obtained such certificates so as to acquire C.T. qualification and further to get engagement as

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Sikshya Sahayak. Hence, their engagement should be terminated and FIR should be lodged against them and they are not allowed to receive their salary and they should be ousted from their Sikshya Sahayak posts and the deserving candidates like the petitioners in W.P. (C) No.5077/2014 and similar writ petitions should be engaged in the said posts.

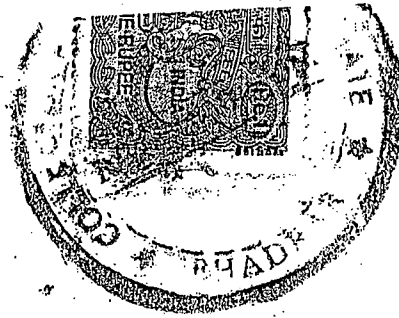
The learned advocate for the petitioners in W.P. (C) No.32023 of 2011 and others similar writ petitions Mr. R.N.Mishra submits that, the petitioners in aforesaid writ petitions have neither violated any rule or regulation of the CHSE nor have they committed any fraud in submitting the Vocational/Upasastri pass certificates as alleged by Surekha Samal and others. He also states that, as per the Black's law dictionary fraud means, (i) a knowing misrepresentation of knowing concealment of a material fact made to induce another to act to his or her detriment and (ii) a reckless misrepresentation made without justified believe in its truth to induce another person to act. As per chambers 20<sup>th</sup> century dictionary fraud means deceit, imposture, a cheat. As per the major law lexicon (4<sup>th</sup> edition) fraud means and includes any of the following acts committed by a party to a contract or with his connivance, or by his agent, with intent to deceive another party thereto or his agent, or to induce him to enter into the contract:- (1) the suggestion, as a fact, of that which is not true, by one who does not believe it to be true, (2) the active concealment of a fact by one having knowledge or belief of the fact,

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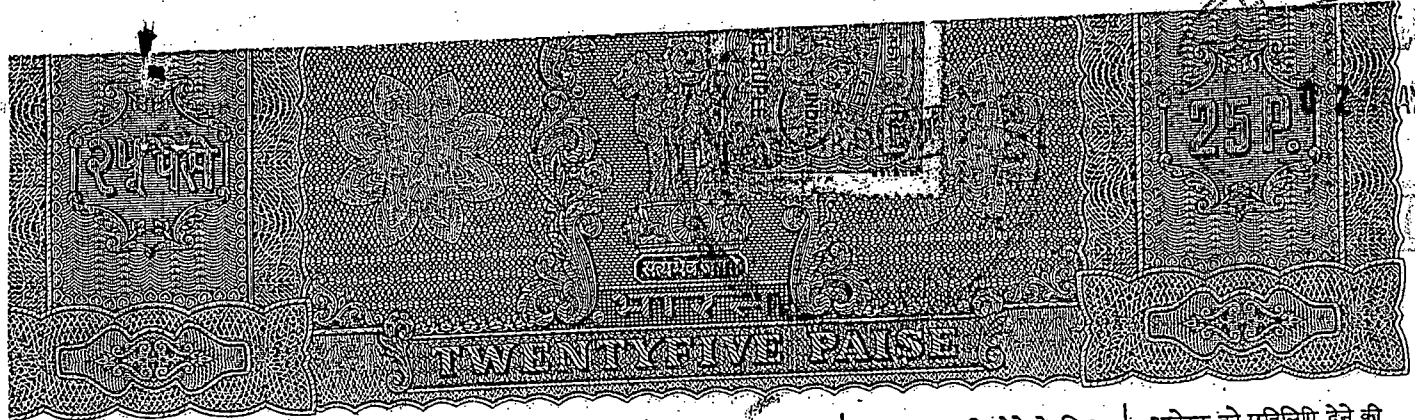
(3) a promise made without any intention or performing it, (4) any other act fitted to deceive, (5) any such act or omission as the law specially declares to be fraudulent. Under the aforesaid premises the allegations against the vocational/upashastri candidates have to be considered in light of the aforesaid dictums and the law. He submits that there was no such prohibition to have both +2 Arts/Science and +2 vocational qualifications from CHSE. All those documents now forthcoming and filed by the petitioners in W.P.(C) No.5077/14 and other similar writ petitions either in the writ petition or before this Hon'ble forum are of the year 2011. But none of those letters or information obtain through RTI Act were in force at the relevant time when the vocational/upashastri candidates acquired the qualifications. Further all those letters or informations now relied upon by them giving the statement that one cannot have both +2 Arts/Science and +2 vocational qualification from the CHSE, Odisha. Besides that as it may once the vocational/upashastri candidates acquired the qualification much prior to issuance of those letters or instructions, those letters or instructions could not have any retrospective operation or affect. Hence it is incorrect to allege that the vocational/upashastri candidates have practiced fraud in the matter of engagement as Siskhya Sahayak. He also submits that in pursuance of the order of the Hon'ble High Court in W.P.(C) No.6452/2011 the candidates having vocational qualification were treated at par and the students having +2 Arts/Science.

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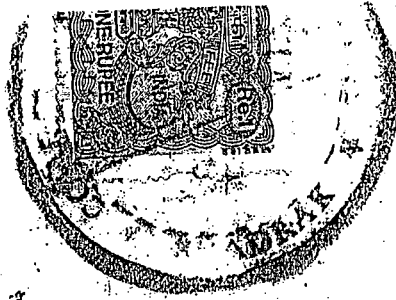
As such said candidates were allowed to apply for the post of SS. From the aforesaid facts it is crystal clear that there is no illegality or irregularity committed by those candidates having both +2 Arts/Science and +2 vocational qualifications from the CHSE. The objectors are put to strict proof. In this matter he also cited the order of the Hon'ble High Court in the case of Dr. Pranaya Ballari Mohanty-vrs-Utkal University and others reported in 2014(1) OLR-226. He also submits that in the case of Guru Nanak Dev University-vrs-Sanjaya Kumar Katwal and other reported in 2009(1) SCC,610 it has been settled by the Hon'ble Apex Court that only the examining body, i.e. the University has the right to withdraw or cancel a certificate. In the instant case till date the certificates issued in favour of the vocational/upashastri candidates by the appropriate authorities have not yet been cancelled or recalled by the examining body, i.e. the CHSE. So, this Hon'ble forum cannot declare the certificate issued to the vocational/upashastri candidates as illegal or void. Therefore this forum has no authority or jurisdiction to declare such certificate as null and void. It is the admitted fact that the petitioners were duly issued with the certificates by the competent authority, i.e. the CHSE; therefore there is no question of fraud in the matter of issuance of certificates. Hence their selection as Sikshya Sahayaks cannot be faulted with and accordingly it needs no interference. He also submitted that if the certificates are wrongly issued in favour of such category of

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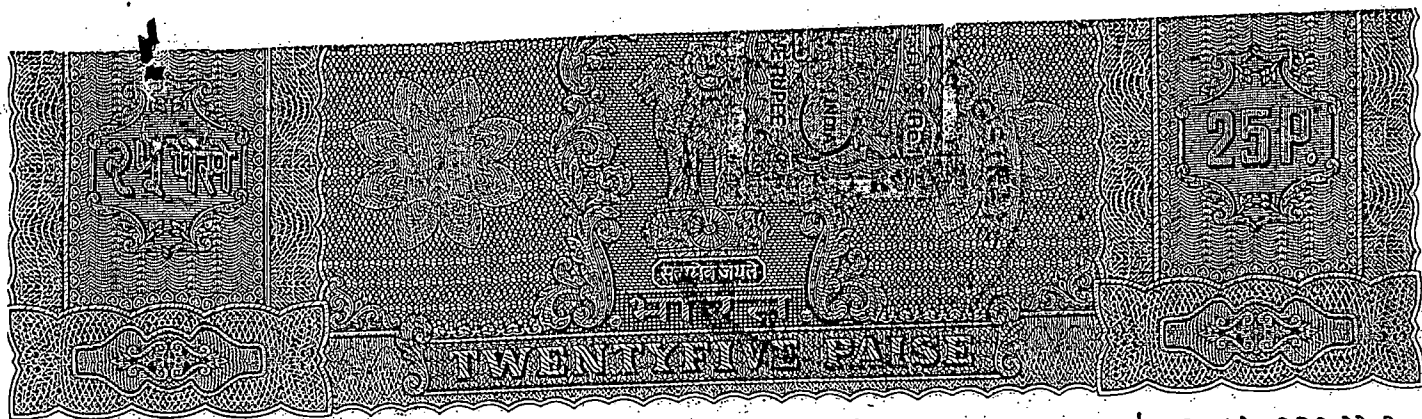
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candidates then also it cannot be recalled or cancelled by CHSE, Odisha now after about eight to ten years, moreover when all the candidates changed their position by virtue of such certificate and settled in their life. The claim of the vocational/upasastri candidates have been crystallized and the certificates so issued in their favour cannot be cancelled or recalled in view of the settled position of law laid down in the case of Dr. Pranaya Ballari Mohanty (supra). The judgement of Dr. Pranaya Ballari Mohanty was challenged in WA No. 30 of 2014 before the Division Bench of the Hon'ble High Court but it was dismissed. So the judgement reached its finality. He also submits that the Clause-2(i) of CHSE regulation never prohibits second +2 qualification for that this Hon'ble forum in the case of Smt. Abanti Panda in Misc. Case No.01/2011 has held a candidate having +2 vocational and +2 Arts qualification prior to 2011 cannot be debarred for selection to the post of GRS and another order passed by this Hon'ble Forum vide order No.534 dated 04.04.2015 pursuant to the order passed in O.A.No.179(c)/2015- Ratikanta Das-vrs-Collector, Bhadrak and others regarding the engagement in the post of Amin, because there was no bar at the relevant time when the candidate acquired the qualification and this Hon'ble forum or the Hon'ble Collector has no authority to cancel any certificate issued by the competent authority. He submitted that the undertaking taken from the vocational/upashastri candidates cannot be used against them as it was

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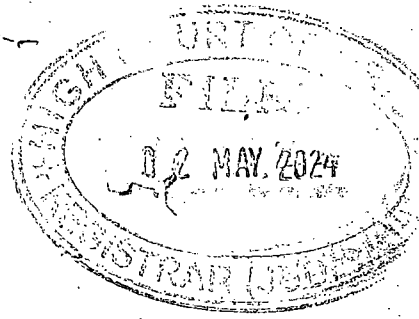
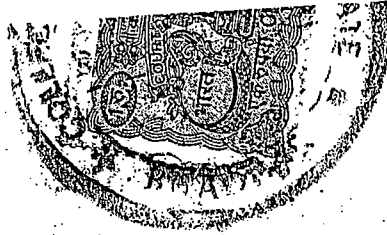
taken on coercion. The employee and employer relationship is that a Lamb & Lion relationship. The poor employee cannot have any bargain power before employer. Unless such candidates have given any undertaking they could not have given engagement. So such undertaking is redundant. Finally, he submits that for the reasons stated above the show cause notice issued to the vocational/upasastri candidates are unsustainable in law and therefore the complain petitions filed against them are also vague and baseless. Therefore the same be set aside and the Shikshya Sahayaks having vocational/upashastri qualification be allowed to continue in service with all consequential benefits.

Perused the order of the Hon'ble High Court, WNA submitted by the advocates and official records submitted by the District Project Co-ordinator, SSA, Bhadrak. Heard the advocates previous dates as well as today. It is a fact that, some of the candidates were recruited to the post of Shikshya Sahayaks (during the year 2011) on the basis of +2 Vocational certificate which is equivalent to +2 Arts/Science/Commerce certificate prescribed by the Council of Higher Secondary Education, Odisha. These vocational certificates were obtained much prior to the recruitment around 2006,2007.....

COMPARED BY  
Rm [Signature]

Here two things are very crucial for the entire issue.  
(i) The students obtaining the Vocational certificates after completing +2 ARTS/Science/Commerce or concurrently having two

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courses and obtaining certificates. But their certificates have not been withdrawn or cancelled by the competent authorities.

(ii) Secondly, it is the prerogative of the Examination conducting authority to cancel or withdraw the certificates issued by them and this Court has no jurisdiction to pass any comment on that.

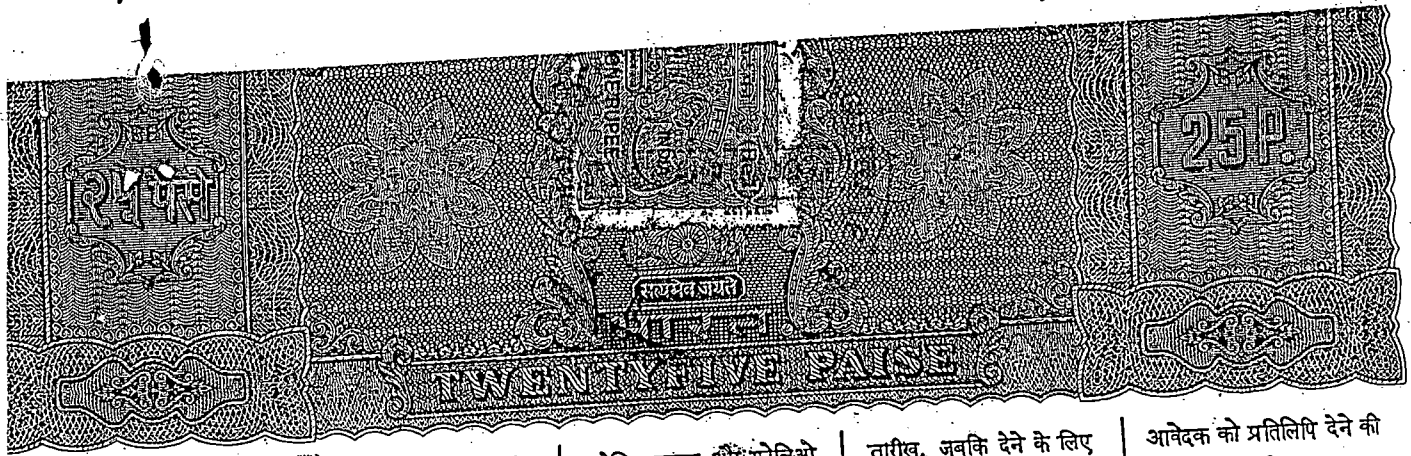
It is very common in human nature when one has two certificates having equal importance he/she is most likely to produce the one which will suit the best. The restriction imposed by the CHSE, Odisha on this issue came in the year, 2011 and the students appeared their Vocational education much prior to that. Had it been any procedural deficiencies the recruiting authority or the Certificate Issuing Authority should have taken appropriate steps in the form of not allowing the candidates to appear in the examination or withdrawing their certificates.

It is a fact that, the successful candidates have given an undertaking that they have not passed the +2 ARTS/Science/Commerce stream prior to the Vocational Course. But subsequent arguments and production of documents show that this is not correct and there is suppression of facts. But this is not enough to disqualify the successful candidates and declare their recruitment as void.

Every Govt. Servant/Employee/Job Holder of this country is considered to be a privileged person. If one gets a Govt. Job/Service and

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thereby secures his daily bread it is like enjoying the early dawn after coming out of the perpetual gloom. When he/she comes so nearer to get a Govt. job/service, it is very natural that he/she has not smart enough to declare the true facts.

These Shikhya Sahayaks have already put in around 4 to 5 years of service till date. On the basis of the analysis made in the foregoing paras, this Court is not inclined to interfere in the recruitment of Shikhya Sahayaks made in the year 2011.

This is pronounced in the open Court today i.e. on 21.08.2015

COMPARED BY

*K. N. Singh*

COLLECTOR-CUM-CHIEF EXECUTIVE OFFICER,  
ZILLA PARISHAD, BHADRAK

*Khagendra Madhu*  
HEAD CLERK 15.9.15  
RECORD ROOM  
Collectorate, Bhadrak

*[Signature]*  
Deputy Collector  
Record Room, Collectorate  
Bhadrak

Deputy Collector  
Record Room, Collectorate  
Bhadrak

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Annexure-13 series

BY REGD. POST

COUNCIL OF HIGHER SECONDARY EDUCATION: ORISSA  
PRAJNAPITHA, SAMANTAPUR, BHUBANESWAR: -13

No. 3920 /CHSE(O).. Dt. 13/6/11  
RTI-157/11

From

Dr. Gopa Ranjan Mishra,  
Public Information Officer,  
C.H.S.E., Orissa, Bhubaneswar.

To

District Project Co-ordinator,  
S.S.A., Bhadrak.

Sub:-Supply of information under RTI Act.  
Ref:-Your letter No.6387 dt.31.05.2011.

Sir,

With reference to your letter on the subject cited above, I am to say that the letter No.3142 dt.04.05.2011, No.3630 dt.27.05.2011 and No.3669 dt.31.05.2011 which were sent to the applicants are authentic.

9/7/11 This is for your kind information!  
10/6/2011

Yours faithfully,

[Signature]  
Public Information Officer.

13.6.11

KA/-

Attested

[Signature]  
District Project Co-ordinator  
S. S. A., Bhadrak

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Attested  
[Signature]

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-1055

COUNCIL OF HIGHER SECONDARY EDUCATION, ORISSA  
PRAJNAPITHA, SAMANTAPUR, BHUBANESWAR-751013

No. 3142 / CHSE(O)., Dt. 4/5/11  
RTI-95/11

From

Dr. Gopa Ranjan Mishra,  
Public Information Officer,  
C.H.S.E., Orissa, Bhubaneswar.

To

Sri Ramakanta Dash,  
C/o: -Late Jogendra Dash,  
At/Po-Arandua,  
Via: -Basudevpur,  
Dist: -Bhadrak

Sub: -Supply of information under RTI Act.  
Ref: -Your application under RTI dt. 16.04.2011.

Sir,

With reference to your application under RTI Act dt. 16.04.2011 on the subject cited above, I am to say that you have applied under RTI Act to get the information regarding whether after passing +2 Arts/Science and Commerce course a student can appear at Vocational stream or not. As per rule 2(1) of the C.H.S.E. Act and Regulation 1982, Higher Secondary Course means course immediately following the High School Certificate course and covering a period of two academic years which is provided for either in a college or a Higher Secondary School and includes Arts, Science, Commerce and Vocational courses. If a student appears and qualifies in H.S. Examination in Arts, Science and Commerce stream successfully under any recognised institution he/she cannot take admission again in vocational stream of Higher Secondary Course.

This is for your kind information.

Yours faithfully,

Public Information Officer.

KA/

Project Co-ordinator,  
S. S. A., Bhadrak

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IN THE HIGH COURT OF ORISSA: CUTTACK.

W.P. (C) NO. 18706 / 2015

CODE NO. 310701

In the matter of

An application under Article 226 & 227 of the  
Constitution of India;  
A n d

In the matter of:

Presented in Court

28.8.15  
B.O.

An application challenging the illegal and arbitrary order  
dtd.21.8.2015 of the Opp. Party No.2 in connection with the  
matters of appointment as Sikshya Sahayak.

A n d

In the matter of :

1. Surekha Samal, aged about 25 years,  
D/o. Biswanath Samal, At. Bimbalbar, P.O. Patuli,  
Dist. Bhadrak.
2. Kalpana Panigrahi, aged about 27 years,  
D/o. Gourahari Panigrahi, At. Haripur, P.O. Sahar  
Via-Sabaranga, Block/Dist. Bhadrak.
3. Jyotsnarani Giri, aged about 32 years,  
D/o. Kamalakanta Giri, At. Gopalpur, P.O. Ganijanga  
Dist. Bhadrak.

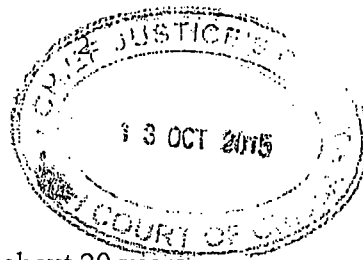
..... Petitioner

- Versus -

1. State of Orissa, represented through it's  
Commissioner-cum-Secretary, School and Mass Education  
Department, Orissa, At-Secretariat Building, Bhubaneswar,  
P.O. Bhubaneswar. District. Khurda.
2. Collector-cum-Chief Executive Officer, Zilla Parishad,  
Bhadrak, At/P.O/Dist. Bhadrak.
3. District Project Coordinator of Bhadrak S.S.A.  
Bhadrak, At/P.O/Dist. Bhadrak.
4. Tapaswini Jena, aged about 29 years,  
D/o. Narayan Ch. Jena, At- Padi, P.O. Adia, Dist. Bhadrak.  
At present working as Sikshya Sahayak,  
Under Bhadrak District.

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28.8.10.15  
AMBICA PRASAD RAY  
Notary, Cuttack Town  
Regd. No. OH-66/2004

Xerox copy  
Attested  
S. Mah



5. Banajini Mishra, aged about 29 years,  
W/o. Jitendra Kumar Padhi, Vill- Chakabental,  
P.O. Keshpur, Via-Gujidarda, Dist. Bhadrak.  
At present working as Sikshya Sahayak,  
Under Bhadrak District.
6. Pratima Manjari Kar, aged about 33 years,  
W/o. Rajib Kumar Dash, At/P.O.- Mamohadapur,  
Via-Similia, Dist. Balasore.  
At present working as Sikshya Sahayak,  
Under Bhadrak District.
7. Council of Higher Secondary Education, Orissa  
Represented, through its Secretary, At- Prajnapitha,  
Samantapur, Bhubaneswar-13 Dist- Khorda.

.. .. Opposite Parties

The matter out of which this writ application arises was not before this Hon'ble Court in the present form.

To

The Hon'ble Shri D.H. Whaghela, LL.M., the Chief Justice of Orissa High Court and His Lordship's other Companion Justices of the said Hon'ble Court ;

The humble petition of the  
petitioners named above ;

**Most Respectfully Sheweth :-**

1. That the petitioners, whose name find place in the provisional merit list for the post of Sikhya Sahayak under Bhadrak Education District-I, have filed this writ application challenging the illegal and arbitrary impugned order dtd.21.8.2015 under Annexure-11 of the Opp. Party No.2 claiming to have passed in compliance of order dtd.5.5.15 of the Hon'ble High Court passed in W.P. (C) No.5077/14 and a batch of writ applications, on the ground that the findings recorded in the impugned order is not only perverse but also contrary to the materials available in the case record. The impugned order is also assailed on the ground of absolute non-application of mind as the same stood contrary to the



settled principles of law, whereby, the Opp. Parties No.4,5 and 6 having committed fraud at the stage of not only acquiring Vocational certificates (in spite of earlier passing or prosecuting +2 Arts/ Science / Commerce) in contravention of CHSE Act and Rule Regulations (narrated in para-20 to 25), but also obtained engagement as Sikshya Sahayak by giving false undertaking, thereby, committed fraud, in other words, by deliberately suppressing the material facts in disadvantage to the bonfide candidates including the petitioners.

2. That the petitioners are citizens of India and the cause of action for filing this writ application arose is well within the territorial jurisdiction of this Hon'ble Court.

3. That it is respectfully submitted that the State Govt. in supersession of all previous resolutions, issued a detailed guideline for selection and engagement to the post of Sikhya Sahayak vide its resolution dtd.10.1.2011. As per Clause-6(1)-the eligibility qualification was prescribed that the candidate must have passed +2 Science,Arts/Commerce or its equivalent examination declared by appropriate authority and C.T. Training. Following the aforesaid Govt. resolution advertisement was issued by the Opp. Party No.2, on 22.1.2011 inviting applications from the eligible candidates. For better appreciation, a copy of the Govt. resolution dtd.10.1.2011 and copy of the advertisement dated 22.1.2011 are filed herewith as Annexure-1 Series.

4. That it is relevant to mention here that the petitioners have submitted their applications in respect of Bhadrak-I Education District. The petitioner Nos.1 & 3 belong to SEBC (Female) +2 Arts C.T. Category, had applied their application along with necessary documents for the post of S.S. The petitioner No.2 belonging to general (Female) +2 Arts C.T. Category had applied for the post of Sikhya

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Sahayak along with necessary documents. The Opp. Party No.2 and 3 on receipt of the applications, had initially prepared provisional merit list in respect of all categories such as unreserved Male; unreserved Female and other reserved categories. The name of the Petitioner no-1 found place in their respective first provisional merit list at Sl. No.11, Petitioner No.2 found place at Sl. No.4 of UR Female Merit list and Petitioner No.3 found place at Sl. No.1 of SEBC Female waiting merit list. For appreciation, copies of the initial provisional merit list of SEBC Female category and the general category bearing the name of the petitioners are filed herewith as Annexure-2 series.

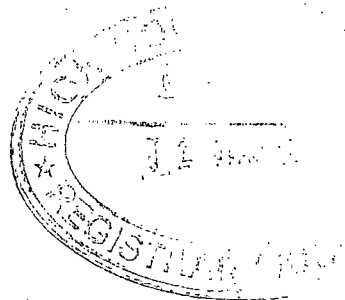
5. That it is relevant to mention here that in the said initial provisional merit list of different categories, Vocational candidates were not included either to +2 Arts, C.T. or +2 Science C.T. category, as a result, the Vocational candidates had approached the Hon'ble High Court in different writ applications bearing W.P. (C) No.6438/2011 and W.P. (C) No.6452/2011. This Hon'ble High Court while considering the aforesaid grievance vide order dated 18.3.2011 disposed of the aforesaid cases. For better appreciation the order dated 18.3.2011 passed in W.P. (C) No.6452/2011 is quoted herein below:

W.P.(C) No. 6452 of 2011.

18.03.2011

Heard.

The sole grievance of the petitioners in this writ application is that they made applications pursuant to an advertisement for being appointed as Sikshya Sahayak for which the eligibility qualification is +2 Arts/Science/Commerce with Certified Teachers Training. The petitioners have completed +2 Vocational Courses from the Council of Higher Secondary Education, which is not being treated equivalent to +2 Arts/Science/Commerce in the District of Bhadrak though the C.H.S.E. has treated the same to be equivalent to +2.



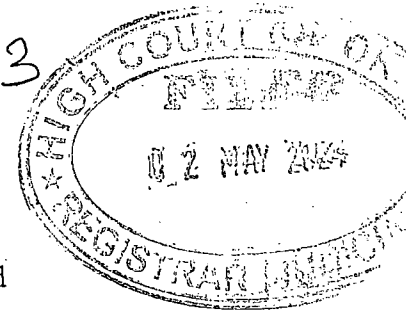
Mr. K.K. Rath, learned counsel appearing for the School and Mass Education Department submits that he has obtained instruction that the +2 Vocational Course will be treated as equivalent to +2 Arts/Science/Commerce and there was no impediment for considering the cases of the petitioners for appointment as Sikshya Sahayak. He also produces a written instruction received by him that the Government in its Department of School and Mass Education has issued a letter dated.09.04.2011 as well as 17.03.2011 to all Collectors-cum-CEOs, Zilla Parishad in respect of equivalence of +2 Vocational courses. In spite of this, the case of the Vocational C.T. pass candidates have not been taken into consideration while preparing the draft merit list as well as many candidates have filed writ petitions before this Court and in the present writ petition, this Court has directed to consider the case of the petitioners. The Collectors-cum-CEOs of different Districts have therefore been requested to revise the draft merit list immediately after taking into account the candidates, who have passed +2 Vocational course with C.T. under intimation to the Department.

Mr. Das, learned counsel for the petitioners submits that in the meantime a provisional list of selected candidates have been published without considering the cases of the petitioners.

In this view of the matter all the pending Misc. Cases as well as the writ petition is disposed of directing that the cases of the petitioners/candidates, who have completed +2 Vocational course with C.T. training shall be considered by the Collectors-cum-CEOs, Zilla Parishad as per the instruction given by the Department of School and Mass Education Department and the provisional list of selected candidates already published shall be revised accordingly after considering the cases of the petitioners and other candidates situated similarly. Fresh provisional merit lists of selected candidates shall be published. Since there are many similar matters pending and all the Collectors-cum-CEOs have been directed to revise such provisional list of selected candidates, this order shall apply to the entire process of selection in the State. The interim order passed earlier stands vacated.

OCT 20 2023

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A copy of this order be handed over to Mr. K.K.Rath, learned counsel for the school and Mass Education Department.

Urgent certified copy of this order be granted on proper application.

Sd/- M.M.Das,J.

6. That it is respectfully submitted that in the aforesaid direction, this Hon'ble High Court, without going to the legality and validity of their certificates or otherwise, particularly, the candidates whether having earlier +2 Arts / Science / Commerce qualification can be considered on the strength of Vocational certificates obtained by committing fraud, , only said that the Vocational certificates are equivalent to +2 courses and their cases to be considered. Accordingly, in consequence of the aforesaid directions of the Hon'ble High Court, the Opp. Party No.2 and 3 proceeded to prepare a fresh the merit list by including all those Vocational candidates to the merit list, without conducting the enquiry into the allegation of questioning the legality and validity of their Vocational certificates/Upasastri Certificates obtained by practicing fraud despite all those candidates had earlier passed a Higher Secondary Course in one stream immediately after passing HSC Examination. It is stated that under the provisions of CHSE Act & Regulation, Higher Secondary Course Means, a two Years Regular Course, Completed immediately after HSC Examination, therefore there can not be any double course at the higher Secondary Stage.

7. That it is respectfully submitted that before the merit lists being finalised, the similarly situated candidates like petitioners along with others, had ventilated grievance petition before the Op. Parties No.2 and 3, praying therein that firstly, the Vocational candidates and Upasastri candidates, those have obtained certificates by suppressing the fact of earlier pass of +2 Arts or Commerce or

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Science and without either producing SLC or CLC or without surrendering their earlier Council Registration Number, their case should not be considered vis-à-vis the bonafide candidates (petitioners) at the instance of their alleged Vocational Certificates and Upasastri Certificates. Secondly, as per the Equivalence clarification, given by the CHSE, even the candidates possessing Vocational certificates immediately after passing HSC Examination in consonance with the provisions of the CHSE Act and Regulations, those candidates having Science combination in foundation course of Vocational stream, they should be included into the +2 Science C.T. Category not to the +2 Arts C.T. Category. Despite the pendency of the above two fold grievances, without considering the same, when the concerned collector proceeded to prepare the list on merit, at that juncture, some of the bonafide candidates approached the Hon'ble High Court in W.P.(C) No-7478/2011. The Hon'ble High Court disposed of the aforesaid case by passing the following quoted order :

W.P.(C) No.7478 of 2011

Order No.02

Dt.24.03.2011 Heard.

During course of hearing, learned counsel for the petitioners submits that the petitioners have filed a representation under Annexure-7 before Opp. Party No.4-District Project Co-ordinator, SSA, Bhadrak, but the same has not yet been considered.

Considering the nature of grievance raised by the petitioners, the writ petition is disposed of directing Opp. Party no.4-District Project Co-ordinator, SSA, Bhadrak to consider and dispose of the representation of the petitioners under Annexure-7 within a period of three months from the date of receipt of a certified copy of this order in accordance with law.

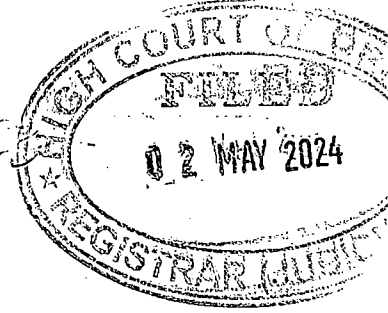
Urgent certified copy of this order be supplied on proper application.

  
  
PRASAD RAY

Sd/- H S Bhalla T

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8. That it is relevant to mention here that in pursuance to the above direction, the Opp. Party No. 2 and 3 initiated enquiry into the above allegations in respect of all such fraud certificates/fraud activities of the candidates, but without completing the enquiry published a second merit list including their name with a remark at remark column that enquiry is pending against such Vocational and Upasastri Candidates. For better appreciation, a copy of the second merit list including all those Vocational and Upasastri candidates are filed herewith as Annexure-3 series.

9. That it is respectfully submitted that notwithstanding receipt of the initial grievance petition, when the Op. Parties No.2 and 3 without completing enquiry, proceeded to engage all such Vocational and Upasastri candidates, out of annexure-3series, at that juncture, similarly situated persons including petitioners had approached this Hon'ble High Court in W.P. (C ) No.18256/2011 with a prayer either to exclude all those candidates from the list or they should not be given appointment pending finalization of the enquiry. In the said writ application, the Petitioners have also prayed that they (Petitioners) are bonafide and eligible candidates, their names were earlier find place in the provisional merit list. Because of inclusion of all those fake candidates, the Petitioners have been deprived of to get engagement as S.S. The said writ application was disposed by this Hon'ble High Court with the following direction:

W.P.(C) No.18256 of 2011

Order No.02

Dt.15.07.2011

Present: Mr. M.K. Sahoo, Advocate for the Petitioner.

Mr. Alekha Ch. Mohanty, Additional Government

Advocate for Respondents No. 1 to 4.

Learned Additional Government Advocate accepts notice on behalf of the Respondent No. 1 to 4. Three additional copies of the writ petition be served on him.

Grievance of the Petitioner is that, documents submitted by number of candidates along with their applications for consideration for appointment to the post of Sikshya Sahayak, Bhadrak Education District-1 are under scrutiny as document submitted by around 30 candidates are found to be forged. It is not in dispute that an enquiry has already been initiated by the Respondents against the said candidates along with their applications are under scrutiny and verification. However, without completing the enquiry, respondents have started with the selection process. All the Petitioners are also candidates who have applied against the said posts.

Under the circumstances and considering the limited relief claimed by the Petitioner, petition is disposed of with the directions to the respondents to complete the enquiry and thereafter consider the representation of the petitioners (Annexure-7) in the light of the enquiry report.

**However, it is made clear that respondents shall not appoint the candidates against whom the enquiry is pending till it is complete.**

A free certified copy of this order be given to learned Additional Standing Counsel under signature of the Court Master.

Urgent certified copy of this order be granted as per rules.

Sd/- A Suresh, J

10. That it is respectfully submitted that notwithstanding receipt of the aforesaid order of the Hon'ble High Court directing not to give appointment before completion of enquiry, the Opp. Party Nos.2 and 3. specifically asked all those alleged fake Vocational candidate / Upasastri candidate to furnish an undertaking so as to state the fact that whether they have passed earlier +2 Arts / Commerce / Science or not, before obtaining Vocational certificate/Upasastri certificates, so that all those candidates being in possession of only Vocational certificates /Upasastri certificates are to be liable to be considered for final selection and engagement as S.S. Accordingly, all those Vocational candidates / Upasastri candidates submitted

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individual undertaking stating the facts that they have not passed any other +2 course certificates (Arts/ Science / Commerce) other than their Vocational certificates/ Upasastri certificates and their cases be considered on the strength of such Vocational certificates/ Upasastri certificates, in the event, the facts stated by them in the undertaking is found to be incorrect then they shall have to be disengaged from the post of S.S. For appreciation, copies of all those undertakings (deliberately furnished by the Vocational candidates/Upasastri candidates by suppressing the fact of passing earlier +2 Arts/science/commerce so as to take advantage over others in the matters of engagement as S.S.) are filed herewith as

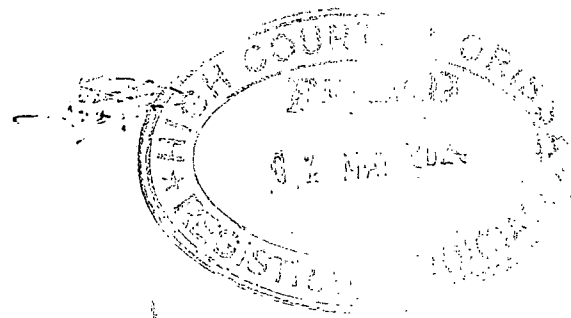
Annexure-4 series.

11. That it is relevant to mention here that on the above false undertakings, the Opp. Party Nos.2 and 3 issued conditional engagement order in favour of all those fake Vocational / Upasastri candidates as S.S. The condition expressly provided that this engagement order is subject to order of the Hon'ble High Court in W.P. (C ) No.7478/2011 and subsequent order of the Govt. in S & M.E. Dept. Apart from that it was further stipulated in the said engagement order by the Opp. Party No.2 and 3 that if any irregularity is detected in future, his/ her engagement will be terminated without assigning any reason thereof. For appreciation, copies of such conditional engagement orders issued in favour of Opp. Parties No.4, 5 and 6 are filed herewith as Annexure-5 series.

12. That It is further humbly submitted that however the Opp. Party Nos. 2 & 3 proceeded with enquiry in respect of all those fake Vocational candidates and Upasastri candidates in compliance of earlier direction of this Hon'ble High Court in W.P. (C) No.7478/11 and W.P. (C) No.18256/2011 by giving notices for hearing. Accordingly, on completion of enquiry, it was established that all those Vocational candidates and Upasastri candidates have earlier passed either +2 Arts /



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Science / Commerce with one registration number just immediately after passing HSE Exam and in suppression of the said fact, they have further prosecuted the Vocational courses and Upasastri courses in contravention of all norms of the CHSE Act and Regulations / Sanskrit University regulations. Thereafter, all those Vocational and Upasastri candidates by giving false undertakings, have obtained engagement as S.S. in Disadvantage to the bonafide candidates including petitioners. Therefore, on the basis of findings of the enquiry, all the Vocational candidates / Upasastri candidates including the Opp. Parties No.4, 5 & 6 were issued with 2<sup>nd</sup> show cause notice of disengagement. For better appreciation, the show cause notice for disengagement issued to all those Vocational candidates / Upasastri candidates including Opp. Parties No.4, 5 & 6 are filed herewith as Annexure-6 series.

13. That it is respectfully submitted that all those Vocational candidates / Upasastri candidates including Opp. Parties No.4, 5 & 6 on receipt of disengagement notices approached the Hon'ble High Court challenging the same in different writ applications. The Hon'ble High Court while issuing notices in the aforesaid writ applications filed by the Vocational candidates / Upasastri candidates, was pleased to pass interim order in their favour protecting their interest. For appreciation, interim order passed in respect of all Vocational candidates / Upasastri candidates were same and identical hence, one such order in respect of Opp. Party No.5 passed in W.P. (C) No.32024/2011 is quoted herein below:-

W.P.(C) No. 32024 of 2011

03. 22.12.2011 Present : Mr. P.K. Rath, counsel for the petitioner.  
Mr. S. K. Samal, Standing Counsel accepts notice  
for respondents 1 to 3. Show-cause notice be issued to respondent

AMRIKA PRASAD RAY

In the meantime, respondents shall file their counter affidavit.

Sd/- A. Suresh,J.

04. 22.12.2011

It is made clear that petitioner shall not be disengaged till further orders.

Free attested copy of this order be provided to the learned Standing Counsel under signature of the Court master.

Sd/- A. Suresh,J.

14. That it is respectfully submitted that all those Vocational candidates / Upasastri candidates, those who were engaged on the strength of false undertakings, they were allowed to continue as S.S. by the Opp. Party No.2 and 3 in view of the aforesaid interim direction/order of the Hon'ble High Court. It is also relevant to mention here that the state Opp. Parties including Opp. Parties No.2 and 3 also filed counter justifying their action initiated to be taken by issuing disengagement notice on the ground that all those Vocational candidates / Upasastri candidates have not only obtained their respective Vocational certificates / Upasastri certificates by suppressing materials facts but also have taken advantage over the bonafide candidates by giving false undertakings to the extent that they have not passed +2 Arts/ Science /Commerce. For appreciation, a copy of the counter filed by the Opp. Party Nos. 1 to 3 in the aforesaid cases

justifying the disengagement notice to all Vocational candidates / Upasastri candidates is filed herewith as Annexure-7.

15. That it is respectfully submitted that all those writ applications filed by the Vocational candidates / Upasastri candidates while pending, the petitioners and some other bonafide candidates (those could not get appointment because of inclusion of all those Vocational candidates / Upasastri candidates to the merit list) filed intervention application and also stay vacation petition in one hand. On the other hand, the petitioners / bonafide candidates also filed independent writ applications challenging the engagement of fake Vocational candidates / Upasastri candidates. The petitioners in those writ application also prayed for their own engagement so also seeking a prayer for their engagement afresh excluding all those fake Vocational candidates / Upasastri candidates.

In such circumstances, all those two groups of writ applications (one set filed by Vocational candidates / Upasastri candidates challenging disengagement notices and another set filed by bonafide candidates including petitioners) were clubbed together and finally were disposed of vide a common order dtd.5.5.2015. For appreciation, the order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases as described above is quoted herein below:-

W.P.(C) NO. 5077 OF 2014

W.P.(C) No. 5077/2014 W.P.(C) Nos. 539 597 598 10872 1487 21461 & 620 of 2013 W.P. (C) Nos. 5340 1857 17561 1438 22346 25355 & 927 of 2012 and W.P.(C) Nos. 32023 32024 32030 32025 32026 29301 11112 32029 32028 32027 29053 28415 28414 25693 25692 & 25694 of 2011.

09. 05.05.2015 Since common questions of law involve in all the writ petitions the same are taken up for analogous hearing.

Heard learned counsel for the petitioners Mr. B.P. Tripathy learned Standing Counsel for the School and Mass Education Department and

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learned counsel for the candidates, those who have passed the Vocational course.

The grievance of the petitioners is that even though the petitioners have undergone the C.T. training by virtue of their marks secured in +2 Examination but some other candidates have been engaged as Sikhya Sahayak after obtaining the Vocational/Upasastri certificates from the C.H.S.E.

According to the petitioners since those candidates had earlier appeared in 2 Arts Science Commerce Examination under C.H.S.E. as per the Regulation they are not entitled again to pursue the Vocational Course and therefore the certificates obtained by them in the 2 Vocational examination are illegal.

In some of the writ petitions the petitioners who are engaged on the basis of Vocational Certificates being issued with second show cause notices have challenged the same and some of them have filed their replies.

This anomaly if any has to be reconciled and a decision has to be taken by the recruiting authority.

/// In view of the above, the Collector-cum-C.E.O. S.S.A. Bhadrak is directed to take a decision by taking into consideration the show cause reply along with the enquiry report after supplying copy of the enquiry report to the petitioners and affording reasonable opportunity of hearing to them.

It is needless to mention that if the petitioners have committed fraud by submitting the +2 Vocational course certificates contrary to the C.H.S.E. Act and the Regulations then they shall be disengaged and consequently the merit list shall be recast. The entire exercise shall be completed within a period of three months from the date of receipt of the certified copy of this order.

AB However this Court has not expressed any opinion on the merit of the case. ///

The writ petitions are accordingly disposed of.

Urgent certified copy of this order be granted as per rules.

B.P. Ray J.

16. That it is respectfully submitted that in pursuant to the aforesaid order dtd.5.5.2015 of the Hon,ble High Court, both the groups appeared before the Collector and submitted their respective grievances with documents. It is pertinent to mention here that the petitioners of this writ application also appeared and filed a petition that the earlier enquiry file be called for basing upon which the disengagement notices to the fake Vocational candidates / Upasastri candidates were issued and materials available in that record be considered along with false undertakings. For appreciation, a copy of the said petition of the petitioners is filed herewith as Annexure-8. Apart from that the petitioners also filed various other documents including the false undertakings submitted by the fake Vocational candidates / Upasastri candidates and also other documents, more particularly, the mass exclusion of all identical fake Vocational candidates and Upasastri candidates, those were excluded from the 2012 selection for S.S. For appreciation, copies of the Rejection list in excluding all those Vocational candidates and Upasastri candidates from the selection of Sikashya Sahayak of the years, 2012 of the very same District of Bhadrak are filed herewith as Annexure-9 series.

17. That it is respectfully submitted that apart from the above documents, the petitioners also filed copies of the double certificates of the fake Vocational candidates and Upasastri candidates before the collector. For appreciation, Copies of double certificates of the Opp. Party Nos.4, 5 & 6 are filed herewith as Annexure-10 series. It is also relevant to mention here that in addition to the filing of aforesaid documents, the petitioners have also filed a written note of submission along with a list of citation of judgments with copies thereof, which are relevant in the context of engagement obtained by committing fraud / by deliberately misrepresenting the fact and thereby taking advantage over other bonafide candidates. A copy of the note of submissions along with a list of the citation of the

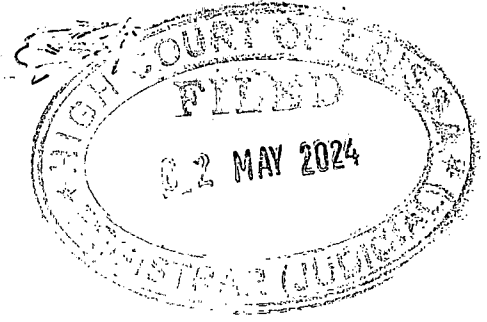
judgment of the Hon'ble High Court and Apex Court submitted before the Collector are filed herewith as Annexure-11 series.

18. That it is respectfully submitted that the learned Collector without considering all the aforesaid materials under Annexures-5, 6, 7,8,9, 10 & 11 series and other documents available in the case record of Surekha Samal and also without considering the relevant provisions of the CHSE Act and Regulations and without considering the relied judgments of the Hon'ble Apex Court and Hon'ble High Court, finally passed an order on 21.8.2015 holding inter-alia that the successful candidates (fake Vocational and Upasastri candidates) have given an undertakings that they have not passed the +2 Arts, Science and Commerce stream prior to the Vocational course is not correct rather the same is an suppression of fact but this is not enough to disqualify successful candidates and declare their recruitment as void. The Collector also gave a further findings that as all those Vocational and Upasastri candidates have already put around 4 to 5 years of service, for which, the learned Collector was not inclined to interfere in the recruitment of S.S. made in the year, 2011. With this observation, the Collector disposed of the case without considering the aforesaid materials submitted by the petitioners and without looking to the settled principles of law to the extent that once engagement obtained undisputedly on committing fraud or by giving misrepresentation of fact and also or in other words, by suppressing facts, thereby taking advantage over others, at that juncture, their engagement as S.S. is nullity in the eye of law. For appreciation, the impugned order dtd.21.8.2015 (certified copy obtained on 19.9.2015) of the Learned Collector, Bhadrak is filed herewith as

Annexure-12.

19. That it is respectfully submitted that the petitioners on being aggrieved by the aforesaid impugned order under Annexure-12 of the Learned Collector,

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Bhadrak has filed this writ application challenging the same on the following among other grounds:-

(A) The impugned order and its findings are not sustainable in the eye of law as the same stood contrary to the materials available in record and also perverse being contrary to the settled position law.

(B) The impugned order and its finding are also bad in law as the same stood violative of established fact and the provisions of the CHSE Act and Regulations / Instructions.

(C) The impugned order is also not sustainable and tenable as the same has been passed contrary to his own finding recorded earlier thereby, issued disengagement notice.

(D) The impugned order is also bad in law as in the instant case, the fact of suppression of earlier prosecuting / passing +2 Arts/Science/Commerce before taking admission to Vocational courses has already been established and also at the stage of engagement, the allegation of suppression of fact in the guise of undertaking, has also been established. Despite that the finding of the Learned Collector not to interfere in the recruitment of the year, 2011 is perverse and stood violative of the settled principles of law.

(E) The impugned order is also not liable to be sustained because of the other reason that the learned Collector has ignored all materials & admitted facts, more particularly, has deliberately avoided to consider the Annexure-4, 5, 6, 7, 8, 9, 10, 11 and 13 series. In other words, had the Collector fairly considered all those documents then certainly, such a finding as recorded in the impugned order in favour of fake Vocational and Upasastri candidates would not have been arrived at.

(F) The findings recorded by the Collector so far suppression of materials fact is concerned, the same has been admitted to have been established against the fake Vocational and Upasastri candidates, despite such findings, there was no occasion to give clean cheat to such fake Vocational and Upasastri candidates on the plea of 4 or 5 of continuance as S.S., particularly when, their continuance as S.S. was in accordance with the interim protection of the Hon'ble High Court. The said findings of the Collector holding inter-alia not to interfere in their continuance is perverse and contrary to the law.

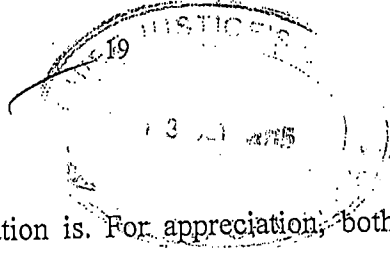
(G) That apart from the above, the findings of the Collector not to interfere in the aforesaid matter on the plea of 4 to 5 years continuance of all fake Vocational and Upasastri candidates is an erroneous finding because of the simple reason, as per their own false undertakings, all those fake candidates ought to have been disengaged and moreover in view of conditional engagement given by the Opp. Party No.2 and 3 with a clear condition that they shall be terminated in the event any irregularities is found and as a matter of fact, in the instant case, after enquiry when irregularity were established, at that juncture, they ought to have been disengaged.

20. That it is respectfully submitted that apart from the aforesaid grounds, the impugned order of the Collector is also untenable in view of the provisions of the Orissa Higher Secondary Education Act, 1982 came into force w.e.f. 7<sup>th</sup> day of September, 1982 and also the regulations framed there under. The said Act provided for establishment of Council means Council Higher Secondary Education U/s-3 to regulate, control and developed Higher Secondary Education in the State.

The Section -2(i) defines what Higher Secondary Course is and Section-2(j) defines



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what Higher Secondary Education is. For appreciation, both the provisions are quoted herein below:-

**Section-2(i)** - "Higher Secondary Course" means course "immediately" following the High School Certificate Course and covering a period of two academic years which is provided for either in a College or a Higher Secondary School and includes Arts, Science, Commerce and Vocational Courses".

**Section-2 (J)**- "Higher Secondary Education" means such general and Vocational Education forming in itself a complete purposive whole, which immediately follows Secondary Education as has been defined in the Orissa Secondary Education Act 1952 and immediately "precedes" a stage of education controlled by any university".

21. That it is respectfully submitted that Section-30 prescribed that the Govt. is to frame first regulations dealing with admission, examination and grant of certificate of Higher Secondary Course. Accordingly, Orissa Higher Secondary Education Regulation, 1982 has been framed and subsequently same has been amended by way of amendment Regulation 1983. The Chapter-VII deals with Higher Secondary Examination in Arts, Science and Commerce. Regulation-107 under Chapter-VII prescribed that only a registered students is allowed to appear one of the examination for not less than completion of two academic years after passing H.S.C. Examination. The Regulation-109 also provided that no students shall be admitted to an institution beyond six weeks from the date of publication of the HSE Result and at behest council may permit a student two weeks more for admission with a late fees of Rs.10/-.

As per Regulation -113 (3) no candidate shall be permitted to take at the 2<sup>nd</sup> examination in any subject, which he had not offered at the preceding Annual

Examination.

BRASAD RAY

22. That it is respectfully submitted that like Chapter-VII of the CHSE Regulation, the Chapter-VIII also deals with Higher Secondary Examination of Vocational Stream. Regulation-123 also provided that any registered student may be admitted to Annual Examination of Vocational Course for not less than two academic year after passing HSC Examination from Board of Secondary Education, Odisha and like Regulation-109, Regulation-124 also provided that no students shall be admitted into an institution beyond six weeks from the date of publication of Annual HSC result, only Council can permit a student two weeks more for admission with a late fees of Rs.10/-.

23. That it is respectfully submitted that in view of the aforesaid provisions of the Act and the Regulation, it is clear that (i) Higher Secondary Course is a two years regular course and (ii) Higher Secondary Course is always to be followed immediately after High School Certificate Examination, in other words, Higher Secondary Course is a two years regular course, just after HSC, either in Arts, Science and Commerce or Vocational Course.

Therefore, the State Govt. while framing the Regulation-107 and 109 so also Regulation-123 and 124 in consonance with the object and spirit of Section-2(i) and (j) of the Act, categorically prescribed that within six weeks from the date of publication of the HSC result, one has to take admission into any one of such courses or thereafter within two weeks more with late fees. Hence, at the stage of Higher Secondary Education, there is absolutely no scope to prosecute two courses simultaneously or one after another at the stage of Higher Secondary Education. Therefore, the impugned order of the Collector under Annexure-12 suffers from absolutely non-application of mind simple because of the reason that the Collector in his entire order has never considered the Regulations -107, 109, 113(3), 123,124 read with Section-2(i) and (j) of the Act. Besides that the Collector deliberately and

willfully ignored the aforesaid provisions of Law only to save all those fake Vocational and Upasastri candidates. Therefore, on this score alone the impugned order of the Collector is liable to be set aside and quashed.

24. That it is respectfully submitted that apart from the aforesaid grounds, the impugned order is liable to be interfered with, as because, in the instant case, the learned Collector has deliberately avoided to consider the relied judgment of this Hon'ble High Court and Hon'ble Apex Court. It is also pertinent to mention here that in the instant case, the provisions of the CHSE Act and Regulations and subsequent instructions have never been considered by the learned Collector. Had the same been considered then also the Collector would have come to a conclusion that the act of procuring Vocational certificates and Upasastri certificates is also amounts to committing fraud, which has been deliberately done to take advantage over other bonafide candidates, on suppression of fact of earlier passing +2 Arts, Science and Commerce. Despite that when the district authorities called upon all the Vocational and Upasastri candidates to furnish and undertaking to the extent of not suppressing any material facts to have passed earlier +2 Arts, Science and Commerce, in such circumstances, all the vocations candidates and Upasastri candidates having given false undertakings and thereby obtaining engagement is also amounts to committing fraud. Therefore, any benefits including any engagement obtained by practicing fraud is void and nullity in the eye of law. On this score alone the learned Collector ought to have disengaged all those fake candidates.

25. That it is respectfully submitted that in consonance with the provisions of the CHSE Act and the Regulations, the CHSE Authority (in reply to the query made by the DPC, Bhadrak in his letter No.6387 dtd.31.5.2011), has categorically stated in his office letter No.3920 /CHSE (O) dtd.13.6.2011 that the earlier letter

No.3142 dtd.4.5.2011, letter No.3630 dtd.27.5.2011 and letter No.3669 dtd.31.5.2011 issued by CHSE Authority-cum-PIO are authentic. For appreciation, copies of such instructions issued in letter No.3920 /CHSE (O) dtd.13.6.2011 that the earlier letter No.3142 dtd.4.5.2011, letter No.3630 dtd.27.5.2011 and letter No.3669 dtd.31.5.2011 along with the final letter dtd.13.6.2011 are filed herewith as Annexure-13 series. All those letters unequivocally forbids the prosecution of double course. Hence, all those instructions being available in the case record of Surekha Samal, the Collector has never considered the same and even never uttered a single word with regard to all those documents. Therefore, the findings recorded in favour of all those fake Vocational and Upasastri candidates is not only contrary to the above materials but also perverse.

26. That it is respectfully submitted that be that as it may even assuming for the sake of argument that one can simultaneously prosecute double higher secondary case and thereby can register himself as regular students with two registration numbers in respect of above two courses simultaneously or one after another without producing CLC / TC or surrendering registration number then also in that event, even if it is presumed that their Vocational certificates/ Upasastri certificates not liable to be a product of committing fraud in other words found to be considered then also all those Vocational candidates having Science subjects like Physics, Chemistry, Mathematics or Biology under the headings of basic foundation course, at that juncture, all those candidates including private Opp. Parties ought to have been considered for +2 Science C.T. Category not to +2 Arts C.T. Category. For appreciation, a copy of clarification regarding equivalency of CHSE is filed herewith as Annexure-14. Therefore, the Vocational candidates having combination Science Subject in foundation course ought to have been included to the +2 Science C.T. Category not to +2 Arts C.T. Category. Therefore,



judging for either of the angle their selection and engagement are not sustainable and tenable. Apart from that the judgment / order as relied by the learned Collector is also suffers from non-application of mind, particularly when, all those judgment as relied by the Collector are not applicable to the facts and circumstances of the case, as because, in the instant case, the Vocational candidates / Upasastri candidates have committed fraud in each stage, more particularly in furnishing false undertaking. Apart from that their continuance of 4 to 5 years is in view of the interim protection of this Hon'ble High Court, hence, the plea of estoppels or acquittance are not applicable to the case in hand, particularly when, the suppression of facts has been established and the said facts has been admitted by the Collector. In view of the above materials and the settled position of law, the impugned order is liable to be quashed and set aside.

27. Therefore, in the aforesaid facts and circumstances of the case, the petitioner having found no other alternative and efficacious remedy, has approached this Hon'ble High Court for getting appropriate relief.


#### P R A Y E R

Under the above facts and circumstances of the case, it is humbly prayed that this Hon'ble High Court be pleased to allow the writ application by granting following reliefs-

- A. An appropriate writ / writs be issued quashing the impugned order under Annexure-12 and in consequence thereof the conditional engagement orders be declared illegal and arbitrary.
- B. An appropriate writ / writs be issued to recast the merit list by excluding the fake Vocational and Upasastri candidates those have obtained engagement by suppressing the material facts as described above and thereafter necessary direction be made to engage the petitioners as Sikshya Sahayak with all benefits at par with others notionally.
- (C) Or in alternative, any other writ(s), direction(s), order(s) be issued as this Hon'ble court may deem fit and proper;

And for which act of your kindness the petitioners shall, as in duty bound, ever pray.  
Cuttack.

By the Petitioners through

  
Advocate.

Date : 8.10.2015.

### A F F I D A V I T

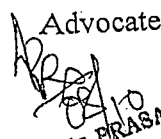
I, Surekha Samal, aged about 25 years, D/o. Biswanath Samal, At. Bimbalbar, P.O. Patuli, Dist. Bhadrak, do hereby solemnly affirm and state as follows :-

1. That I am the Petitioner No. 1 in this writ application and I have been authorized by other petitioners to swear this affidavit on their behalf.

That the facts stated above are all true and correct to the best of my knowledge and belief.

Identified by  
Sanjib Kumar Rath  
8.10.2015

Advocate

  
AMEIKA PRASAD RAY  
Notary, Cuttack Town  
Regd. No-ON-56/2004

  
Surekha Samal.


D e p o n e n t.

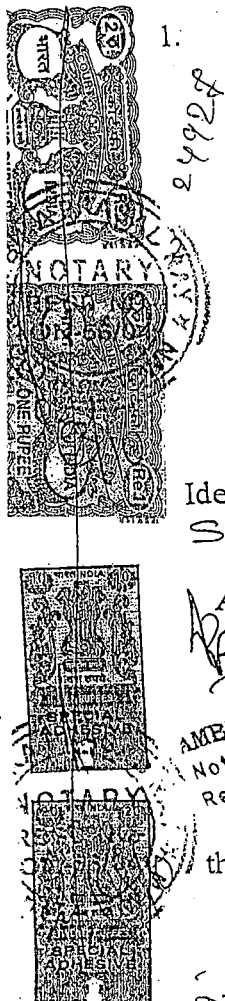
### Certificate

Certified that due to non-availability of catridge paper this has been typed in thick white paper.

  
Advocate.

I undertake to file English version of original annexure as and when required by this Honble Court and the petitioners being aware are exempted from filing Court fees.

  
Advocate



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GOVERNMENT OF ORISSA  
DEPARTMENT OF SCHOOL AND MASS EDUCATION  
RESOLUTION

No. 587 /SME Dt. 10-1-11  
II-SME(B)-41/2009.

Subject: Guidelines for engagement of Sikshya Sahayaks.

Government had issued the Resolution bearing No.18536 dtd.19.11.09 in supersession of this Department Resolution No. 673/SME dated 10.01.08, No.11676/SME dated 31<sup>st</sup> May, 2006 and Corrigendum No.20000/SME dated 12<sup>th</sup> October, 2006 and Resolution No.22438/SME dtd.14.11.07 & Addendum No.3817/SME Dt.26.02.09 prescribing the procedure for engagement and the career advancement policy of Sikshya Sahayaks. The said Resolution dtd.19.11.2009 was challenged before the Hon'ble High Court and the Hon'ble High Court in their order dtd.29.06.2010 in WP (C) Nos.1361/ 2010 and batch of cases passed order to the effect that "the notification (Resolution) dtd.19.11.09 and the consequential advertisement which have been annexed to the other writ petition also stand quashed with the observation that the Government shall take immediate steps for recruitment of such teachers(Sikshya Sahayaks) strictly in accordance with the existing rules after ascertaining the exact number of different types of teachers required to be recruited in the various schools already existing or to be opened / upgraded as proposed".

The Right of Children to Free and Compulsory Education Act,2009 came into force w.e.f.01.04.2010 (here in after called in the said Act).

As per the provisions under section-38 of the said Act the Orissa Right of Children to Free and Compulsory Education Rules,2010 ( here in after called in the said Rules) has been notified by the State Government vide Notification No 17291/SME, Dtd 27.09.2010 and came into force w.e.f. 18<sup>th</sup> October, 2010.

The said Act proposes to provide free and Compulsory Education to every child of the age group of 6 to 14 years.

As per the provisions under section-8(g) of the said Act, the State Government shall ensure good quality elementary education conforming to the standards and norms specified in the schedule.

Keeping in view the provisions of the said Act and Rules and to comply the orders of the Hon'ble High Court in WP(C) Nos.1361 / 2010 and batch of cases to go ahead with the recruitment process in accordance with existing rules i.e. the provisions contained in the Central Act and Rules framed their under and the guidelines issued by the National Council for Teacher Education (NCTE) as being the Academic Authority, Government have been pleased to issue the present Resolution in supersession of all the previous Resolutions, Corrigendum and Addendum for engagement of Sikshya Sahayaks provided that engagement made, action taken or things done under the provisions of the Resolution, Addendum and Corrigendum so superseded shall be deemed to have been taken, made, issued or done under this present resolution, namely :-

1. That, all the functions of elementary education will be transferred in phases to Zilla Parishad and other Panchayati Raj Institutions.

2. That, the recruits shall be called as Sikshya Sahayaks (SS).
3. That, engagement of all Sikshya Sahayaks (SS) will be made by respective Zilla Parishads on need basis under each category i.e. trained graduate Science, trained graduate Arts, +2 science CT and +2 Arts CT under the programme of Elementary Education, Sarva Sikshya Abhiyan (SSA) and for implementation of the said Act.

4. ENGAGEMENT:

4.1. Sikshya Sahayaks (SS) will be engaged in each Education District Unit wise by the respective Zilla Parishad by a Selection Committee to be headed by the Collector-cum-Chief Executive Officer, Zilla Parishad as Chairman and Circle Inspector of Schools, District Inspector of schools, District Project Coordinator (SSA), District Employment officer and the District Welfare Officer as members. The District Project Coordinator (SSA) will act as Convener of the Committee, who shall prepare the draft select list and place the same before the Zilla Parishad with due approval of Collector-cum-CEO, ZP. The final selection will be made by Zilla Parishad within 15 days at the maximum. In case the Zilla Parishad does not finalise the select list within the stipulated time, the draft select list submitted by the Collector-cum-CEO, ZP will be deemed to be approved.

4.2 Vacant posts as well as newly created posts in the elementary schools on account of opening of new Primary / Upper Primary Classes or due to Up-gradation of existing Primary Schools to Upper Primary Schools or opening of Class-VIII by way of up-gradation of existing Upper Primary Schools shall be filled up by the candidates having the qualification of +2 Science, Arts / Commerce (or its equivalent examination declared by appropriate authority) and C.T. Training or +2 Science, Arts / Commerce (or its equivalent examination declared by appropriate authority) and 2 year Diploma in Education (Special Education) a course recognized by Rehabilitation Council of India (RCI) and B.A., B.Sc. (or its equivalent Examination declared by appropriate authority) and B.Ed. or B.A., B.Sc. (or its equivalent examination declared by appropriate authority) and one year B.Ed. (Special Education) a course recognized by Rehabilitation Council of India (RCI) as per the requirement under each category.

As per Section 23(2) of the said Act, read with rule 16(2) and (4) of the said Rules the State Government shall request the Central Government for relaxation of the prescribed minimum qualification as laid down by the academic authority for appointment of teachers. The candidates with lesser qualification will be considered for appointment only on the basis of qualification so relaxed by the central Government.

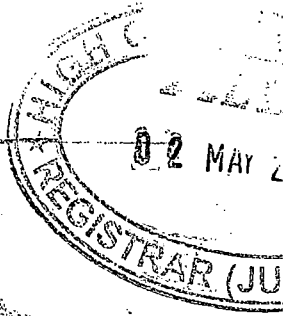
Untrained candidates selected as per the relaxed standard shall furnish an affidavit at the time of engagement to the effect that they shall acquire the required training qualification within a period of 5 years at their own cost.

4.3 Selection shall be made only on merit i.e. on the basis of percentage of marks secured in +2 (or its equivalent examination declared by the appropriate authority) and C.T. for C.T. candidates and B.A., B.Sc. (or its equivalent examination declared by the appropriate authority) with B.Ed. for B.Ed. candidates.

In case of untrained candidates the percentage of marks secured in +2 or its equivalent examination declared by the appropriate authority or BA, B.Sc. or its equivalent examination declared by the appropriate authority shall be considered.



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In case two or more candidates secure the same marks, the candidates older in age and if ages are same, the candidates passing High School Certificate Examination earlier will be placed above the other in the select list.

4.4 The select list for each Education District unit will be valid for a period of one year from the date of its finalisation. This select list will be 150% of the posts advertised for such Education District unit.

4.5 Orders of engagement shall be issued by the Zilla Parishad through its C.E.O. ZP of the District.

While issuing the engagement order the respective CEO Zilla parishad will exhaust the list of selected trained candidates of the required category first and thereafter if need be he/she will fill up the remaining vacancies from the list of selected untrained candidates.

4.6 The engagement will be on an annual contract basis. Contract will be renewed in subsequent years depending on the performance of the candidate. While renewing the contract of the Sikshya Sahayaks (SSs), the Zilla Parishad / Collector-Cum-CEO, Zilla Parishad must see that the Village Education Committee of the concerned school has given positive certificate in his/her favour about regular attendance and satisfactory teaching. The Sikshya Sahayak (SS) can be removed from engagement with a prior notice of 30 days, if she/he violates the conditions of the contract on the basis of adverse report of the Village Education Committee.

#### 5. MODE OF APPLICATION

5.1 Applications will be invited from eligible candidates (registered with employment exchanges / State employment exchanges as the case may be) through advertisement in local newspapers by the respective Collector-Cum-CEO, Zilla Parishad.

A candidate may make an application for any Education District unit of the State irrespective of his / her home Education District subject to condition that he / she shall apply in respect of one Education District unit only.

Application will be submitted in following ways before the respective CEO, Zilla Parishad i.e.,

- (a) Registered post (b) By person

The candidate shall have to furnish an affidavit with his / her application to the effect that he / she has not made application for engagement of Sikshya Sahayak in any Education District unit other than the Education District unit applied for. If, on verification it is found that the candidate has applied in more than one Education District unit for engagement as Sikshya Sahayak, his / her application shall be rejected without assigning any reason thereof.

#### 6. ELIGIBILITY

6.1 The candidates must have passed +2 Science, Arts/Commerce (or its equivalent examination declared by appropriate authority) and C.T. Training from a recognized Board /University or +2 Science, Arts/ Commerce (or its equivalent examination declared by appropriate authority) and 2 year Diploma in Education (Special Education) a course recognized by Rehabilitation Council of India (RCI) or B.A., B.Sc. (or its equivalent examination declared by appropriate authority) and B.Ed. from a recognized University or B.A., B.Sc. and one year B.Ed. (Special Education) a course recognized by Rehabilitation Council of India (RCI). The +2 candidates must have Odia as a subject up to class-VII and B.Ed. candidates must have Odia as a subject up to class -X.

6.2 B.Ed. candidates must have registered their names either in the special employment exchange located at Vani Vihar (Bhubaneswar), Jyoti Vihar

( Sambalpur), Bhanja Vihar (Berhampur) or in the State Employment Exchange at Bhubaneswar. +2 C.T. and untrained candidates must have registered their name in any employment exchange.

7. **AGE:**

Candidates shall not be below 18 years of age and above 42 years of age. In case of SC/ST, Women, Ex-Servicemen & SEBC candidates the upper age limit may be relaxed by five years and in case of PH candidates the upper age limit may be relaxed by 10 years.

8. **RESERVATION**

The Orissa Reservation Vacancies (In posts and services for ST & SC) Act, 1975 and rules made thereunder and such other principles of reservation as prescribed by the State Government, from time to time, shall be followed. Up to 33 1/3% posts will be reserved for women candidates.

9. **ASSIGNMENT**

The Sikshya Sahayaks shall perform the following duties.

- (i) They must maintain regularity and punctuality in attending school.
- (ii) They must ensure completion of entire curriculum within the specified time.
- (iii) Assess the learning ability of each child and accordingly supplement additional instructions if any as required.
- (iv) They must ensure minimum level of learning (MLL) for the students as prescribed by the Competent Authority (School & Mass Education Department).
- (v) They must ensure at least 90% attendance of the children in respective schools in all classes.
- (vi) They shall reduce the dropout of the children in school below 10%.
- (vii) She/He shall motivate the parents / guardians of the village in which Primary School is situated for enrolment of children within the age group of 6 to 14 years. It shall be his/her duty to contact parents / guardians in case children fail to attend classes regularly and get back such children to the classes.
- (viii) They will hold regular meeting with parent and guardians and apprise them about the regularity in attendance, ability to learn, process made in learning and any relevant information about the child.
- (ix) They shall perform all such other duties as assigned to them by the competent authority as and when required.

9.1 The Sikshya Sahayaks (trained and un-trained) will get consolidated monthly remuneration as decided by the Govt. from time to time.

The untrained sikshya Sahayaks will start getting the remuneration of trained Sikshya Sahayaks on acquiring training qualification.

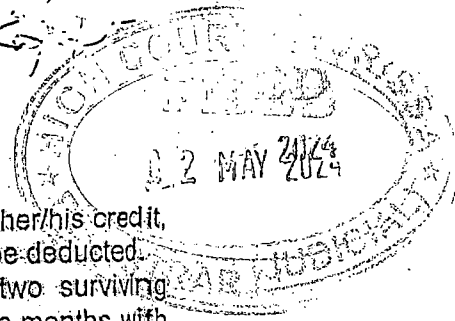
9.2 The Sikshya Sahayaks (SS) would attend training programme as may be fixed by Government, from time to time.

9.3 The engagement would be on the basis of annual contract. In case Zilla Parishad decides not to renew the contract, appeal shall lie to the Government in School and Mass Education Department within three months of non-renewal of contract.

9.4 The Sikshya Sahayak shall be eligible for casual leave of 12 days during one calendar year. She/He shall not be entitled to any other authorised absence beyond the above-mentioned period. If he/she remains absent with

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permission and if she/he does not have any authorised leave at her/his credit, the proportionate amount from consolidated remuneration shall be deducted.

9.5 Any Lady Sikshya Sahayak who is having less than two surviving children is entitled to avail leave on account of maternity for three months with usual remuneration.

9.6 The agreement as prescribed by the Government, between the Collector-cum-C.E.O., Zilla Parishad and Sikshya Sahayak (SS) is to be executed on stamped paper.

9.7 Funds as required for remuneration of Sikshya Sahayak (SS) for each district will be placed with the respective Zilla Parishads who shall pay to the Sikshya Sahayak (SS).

10. Decision taken in the matter of engagement of Sikshya Sahayak (SS) will also be applied mutatis-mutandis to the institutions looked after by the ST & SC Development Department.

This Resolution will take effect from the date of issue.

By order of the Governor

Memo No. 588 /SME, Date 10-1-11 (10.1.2011)  
Commissioner cum Secretary to Govt.

Copy forwarded to the Gazette Cell in-charge, Orissa Gazette Cell, C/o Commerce Department, Orissa Secretariat, Bhubaneswar with a request to publish the above Resolution in an extra ordinary issue of Orissa Gazette and supply 500 (five hundred) copies to this Department.

Memo No. 589 /SME, Date 10-1-11  
Addl. Secretary to Govt.

Copy forwarded to Finance Department / P&C Department / Panchayat Raj Department / ST & SC Development for information and necessary action.

Memo No. 590 /SME, Date 10-1-11  
Addl. Secretary to Govt.

Copy forwarded to Director, Elementary Education / SPD, OPEPA / Addl. Director, Planning (OPEPA) / Director, TE & SCERT, Orissa for information and necessary action.

Memo No. 591 /SME, Date 10-1-11  
Addl. Secretary to Govt.



Copy forwarded to all Collectors-cum-Chief Executive Officers, Zilla Parishad / All DPC / All DI of Schools for information and necessary action.

Memo No. 592 /SME, Date 10-1-11  
Addl. Secretary to Govt.

Copy forwarded to Section - I / V / VI / XIII / five copies to XIV (Legal Cell-I & II) / Computer Cell / Sr. Standing Counsel, S&ME Cell, Cuttack & Bhubaneswar / 50 copies to guard file of Section-II for information and necessary action.

Addl. Secretary to Govt.

T. C. Adhikari  
Adura

**ଓଡ଼ିଶା ସାହିତ୍ୟ ଏକାଡେମୀ**  
ସର୍ବିଶିଷ୍ଟ ସାହିତ୍ୟ କଳା  
- 12 -

**ଜିଲ୍ଲାପ୍ରକଳ୍ପ କାର୍ଯ୍ୟାଳୟ, ସର୍ବଶିକ୍ଷା ଅଭିଯାନ, ଭଦ୍ରକ**

ବିଜ୍ଞାପନ ନଂ. ୮୮୫୧ତାରିଖ: ୦୮.୧୨.୨୦୧୧

**ଶିକ୍ଷା ସହାୟତା/ସହାୟତା ନିୟୋଜନ ବିଧିବିଧାନ**

ଭଦ୍ରକ ଜାତୀୟ ଶିକ୍ଷା ଜିଲ୍ଲାଗୁଡ଼ିକର ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକ ଶିକ୍ଷା ସହାୟତା ନିୟୋଜନ ପାଇଁ ଭଦ୍ରକ ଜିଲ୍ଲା ପରିଷଦ ତରଫରୁ ଚରଣାଞ୍ଚ ଆୟାଜନ କରାଯାଇଅଛି । ଉକ୍ତ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଯେ କୌଣସି ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିପାରିବେ । ଏଥିପାଇଁ ଆବେଦନ ପତ୍ର ସହିତ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀ କେବଳ ଗୋଟିଏ ଶିକ୍ଷା ଜିଲ୍ଲାପାଇଁ ଆବେଦନ କରିଛନ୍ତି ବୋଲି ଏକ ସତ୍ୟପାଠ (Affidavit) ଦାଖଲ କରିବେ । ଯାହା ସମୟରେ ସବି ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ଦ୍ଵାରା ଅନ୍ୟ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ଆବେଦନ କରିଥିବା ପ୍ରମାଣିତ ହୁଏ ତେବେ ପ୍ରାର୍ଥୀଙ୍କର ଆବେଦନ ପତ୍ର ବିଚାରକୁ ନିଆ ନ ଯାଇ ନାକଦ କରିଦିଆଯିବ । ସାବିତ୍ରୀକେନ୍ଦ୍ର ନାଲି ବୋଲି ପ୍ରମାଣିତ ହେଲେ ଆକଳ୍ପ ଅନୁଯାୟୀ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯିବ ଏବଂ ନିୟୁତ୍ତି ରତ କରାଯିବ । ଉକ୍ତ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ସାଧା କାଗଜରେ ନିମ୍ନ ପ୍ରଦତ୍ତ ଚରଣାଞ୍ଚ ପର୍ଯ୍ୟନ୍ତ ଅନୁସାରେ ଆବେଦନ ପତ୍ର ଜାଗ୍ରତାକ ପ୍ରକଳ୍ପ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଜ, ଉତ୍କଳରେ ଆସନ୍ତା ୩୧.୧୦.୦୧.୨୦୧୨ ଖ୍ରୀଷ୍ଟ ସୁଦ୍ଧା ଓଡ଼ିଶା ଡାକରେ ଜିମ୍ବା ଦ୍ଵାରା ଗ୍ରହଣ କରାଯିବ ।

ନୂତ୍ତିପୂର୍ଣ୍ଣ ବା ବିନମୁଣ୍ଡେ ପ୍ରାପ୍ତ ଚରଣାଞ୍ଚ ଗୁଡ଼ିକୁ ବିଚାରକୁ ନିଆଯିବ ନାହିଁ । ଆବେଦନପତ୍ର ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ ତଥା ଜିଲ୍ଲାପ୍ରକଳ୍ପ ନିର୍ଦ୍ଦେଶକଙ୍କୁ ନିଶ୍ଚୟ ଆବଶ୍ୟକ ।

(୨) ଏହି ଶିକ୍ଷା ସହାୟତା ନିୟୋଜନ ପାଇଁ ଶିକ୍ଷା ଜିଲ୍ଲାଗୁଡ଼ିକା ବିଭିନ୍ନ ଶ୍ରେଣୀର (Category) ପଦବୀ ସଂଖ୍ୟା ଏବଂ ବିଭିନ୍ନ ବର୍ଗ ପାଇଁ ସଂରକ୍ଷଣ ଥିବା ପଦବୀ ସଂଖ୍ୟା ନିମ୍ନ ପ୍ରକାର ଅଟେ :

ଶିକ୍ଷା ଜିଲ୍ଲାର ନାମ	ପଦବୀର ପ୍ରକାର	ମୋଟ ପଦବୀ ସଂଖ୍ୟା	ଶାରିରାତ୍ମକ ଉନ୍ନତମତ୍ତ ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ପଦବୀ
ଭଦ୍ରକ - ୧	ବି.ଏସ୍.ସି / ବି.ଏ.ଡି.ଇଟି	୧୪୫	୫
	ସ୍ୱଚ୍ଛ-ପଢ଼ ବିଜ୍ଞାନ / କଳା/ ବାଣିଜ୍ୟ ସି.ଟି.	୧୧୨	୬
ଭଦ୍ରକ - ୨	ବି.ଏସ୍.ସି/ ବି.ଏ.ଡି.ଇଟି	୧୨୩	୪
	+୨ ବିଜ୍ଞାନ/ କଳା/ ବାଣିଜ୍ୟ ସି.ଟି.	୧୨୫	୫

+୨ ଯୋଗ୍ୟତା ଯହ ଉର୍ଦ୍ଧ୍ୱ ତାଲିମପ୍ରାପ୍ତ ସି.ଟି. ପ୍ରାର୍ଥୀ/ ପ୍ରାର୍ଥନୀମାନେ ଭାବେ ଜିଲ୍ଲା ପାଇଁ ଆବେଦନ ପତ୍ର ଡାଖଲ କରିବେ । ସେମାନଙ୍କୁ ଜିଲ୍ଲା ପ୍ରାଥମିକ ଓ ଉଚ୍ଚ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକତା ଅନୁଯାୟୀ ନିଯୋଜନ କରାଯିବ । ଏହି ପଦବୀ ଗୁଡ଼ିକର ସଂଖ୍ୟା ଏବଂ ବିଭିନ୍ନ ବର୍ଗ ପାଇଁ ସଂରକ୍ଷଣ ଥିବା ପଦବୀ ନିମ୍ନ ପ୍ରକାର ଅଟେ ।

ପଦବୀର ପ୍ରକାର	ମୋଟ ପଦବୀ ସଂଖ୍ୟା	ଶାରିରାତ୍ମକ ଉନ୍ନତମତ୍ତ ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ପଦବୀ
ନୂତ୍ତି ସି.ଟି.	୩୫	୧

(ଅବ୍ୟାକ୍ୟ ବର୍ଣ୍ଣିତ ବ୍ୟକ୍ତିଙ୍କ ନିମନ୍ତେ ସରକାରଙ୍କ ଦ୍ଵାରା ସଂରକ୍ଷିତ ସଂରକ୍ଷଣ ନିୟମାନୁଯାୟୀ ପଦବୀ ସଂରକ୍ଷିତ ରହିବ ।)

ଏହାଙ୍କୁ ୧୫୦% ଭାଗ ଯୋଗ୍ୟ ବିବେଚିତ ପ୍ରାର୍ଥୀଙ୍କୁ ତାଲିମଗ୍ରହଣକାରୀଙ୍କ ଯାହା ବର୍ଷିକ ପାଇଁ ବୈଧ ରହିବ । ଏହି ଯୋଗ୍ୟ ବିବେଚିତ ଆକାର୍ଯ୍ୟ ଏବଂ ଚୂଡ଼ାତ ପ୍ରାର୍ଥୀ ତାଲିକା (Provisional & Final Select List) ଶିକ୍ଷା ଜିଲ୍ଲା, ଜିଲ୍ଲା ପରିଷଦ ଏବଂ ଜିଲ୍ଲାପ୍ରକଳ୍ପ କାର୍ଯ୍ୟାଳୟ ମାନଙ୍କର ଗୋଟିଏ ବୋର୍ଡ଼ରେ ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ପ୍ରକାଶିତ ହେବ । ଶିକ୍ଷା ସହାୟତାମାନେ ଜିଲ୍ଲାପରିଷଦ ଦ୍ଵାରା ନିଯୋଜିତ ହେବେ ।

(୩) ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା: ନିମ୍ନଲିଖିତ ଯୋଗ୍ୟତା ଥିବା ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଯେ କୌଣସି ଗୋଟିଏ ପଦବୀ ପାଇଁ ଆବଶ୍ୟକ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଆବେଦନ କରିବେ ।

(କ) ସ୍ୱଚ୍ଛ ପଢ଼ (+2) ବିଜ୍ଞାନ/କଳା/ବାଣିଜ୍ୟ ଜିମ୍ବା ଉପସ୍ଥଳ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ଵାରା ଯୋଗିତ ଚତୁର୍ଥ୍ୟ-ପରୀକ୍ଷାରେ ପାସ ଯୋଗ୍ୟତା ସହିତ ଉକ୍ତ ମାତ୍ରାଣାରେ ସମ୍ପୂର୍ଣ୍ଣ ଶ୍ରେଣୀ ପାସ ଯୋଗ୍ୟତା ଥିବା ତାଲିମପ୍ରାପ୍ତ (ସି.ଟି.) (Recognised by NCTE) ।

(ଖ) ସ୍ୱଚ୍ଛ ପଢ଼ (+2) ବିଜ୍ଞାନ/କଳା/ବାଣିଜ୍ୟ ଜିମ୍ବା ଉପସ୍ଥଳ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ଵାରା ଯୋଗିତ ଚତୁର୍ଥ୍ୟ-ପରୀକ୍ଷାରେ ପାସ ଯୋଗ୍ୟତା ସହିତ ଉକ୍ତ ମାତ୍ରାଣାରେ ସମ୍ପୂର୍ଣ୍ଣ ଶ୍ରେଣୀ ପାସ ଯୋଗ୍ୟତା ଥିବା Rehabilitation Council of India (RCI) ଦ୍ଵାରା ସ୍ୱୀକୃତି ପ୍ରାପ୍ତ ସ୍ୱଚ୍ଛ ଶିକ୍ଷାରେ ୨ ବର୍ଷିଆ ଡିପ୍ଲୋମା ତାଲିମ (2 year diploma in Special Education) ।

(ଗ) ସ୍ନାତକରେ ବିଜ୍ଞାନ/କଳା ଜିମ୍ବା ଉପସ୍ଥଳ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ଵାରା ଯୋଗିତ ଚତୁର୍ଥ୍ୟ-ପରୀକ୍ଷାରେ ପାସ ସହିତ ମାଟ୍ରିକ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତ୍ରାଣା ଯୋଗ୍ୟତା ଥିବା ବି.ଏଡ଼, ତାଲିମ ପ୍ରାପ୍ତ (Recognised by NCTE) ।

(ଘ) ସ୍ନାତକରେ ବିଜ୍ଞାନ/ କଳା ଜିମ୍ବା ଉପସ୍ଥଳ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ଵାରା ଯୋଗିତ ଚତୁର୍ଥ୍ୟ-ପରୀକ୍ଷାରେ ପାସ ସହିତ ମାଟ୍ରିକ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତ୍ରାଣା ଯୋଗ୍ୟତା ଥିବା Rehabilitation Council of India (RCI) ଦ୍ଵାରା ସ୍ୱୀକୃତି ପ୍ରାପ୍ତ ସ୍ୱଚ୍ଛ ଶିକ୍ଷା ପାଠ୍ୟକ୍ରମରେ ବି.ଏଡ଼, ତାଲିମ (B.Ed. Special Education) ।

(ଙ) ସଂଯୋଗ୍ୟତା ସହ ଉର୍ଦ୍ଧ୍ୱ C.T. ପ୍ରାର୍ଥୀମାନେ ଅତ୍ୟନ୍ତ ପକ୍ଷେ ଉର୍ଦ୍ଧ୍ୱ ମାତ୍ରାଣା ଥିବା ସମ୍ପୂର୍ଣ୍ଣ ଶ୍ରେଣୀ ପାସ କରିଥିବା ଆବଶ୍ୟକ ।

(ଚ) ସ୍ୱଚ୍ଛ ପଢ଼ (+2) ବିଜ୍ଞାନ, କଳା, ବାଣିଜ୍ୟ ଜିମ୍ବା ଚତୁର୍ଥ୍ୟ-ପରୀକ୍ଷାରେ ପାସ ସହିତ ଓଡ଼ିଆ ମାତ୍ରାଣା ସମ୍ପୂର୍ଣ୍ଣ ପର୍ଯ୍ୟନ୍ତ ଯୋଗ୍ୟତା ଥିବା ଏବଂ ବିଜ୍ଞାନ ଓ କଳାରେ ଜିମ୍ବା ଚତୁର୍ଥ୍ୟ-ପରୀକ୍ଷାରେ ସ୍ନାତକ ପାସ ସହିତ (ଓଡ଼ିଆ ମାତ୍ରାଣା ନ୍ୟୁନ ପର୍ଯ୍ୟନ୍ତ) ଯୋଗ୍ୟତା ଥିବା ଅଗ୍ରତାଲିମ ପ୍ରାପ୍ତ ଓଡ଼ିଆ ଶିକ୍ଷା ସହାୟତା ନିୟୋଜନ ଓଡ଼ିଶା ସାହିତ୍ୟ ଏକାଡେମୀ ଦ୍ଵାରା ନିୟୋଜିତ ହେବ । ଏହି ନିୟୋଜନ ପ୍ରକଳ୍ପରେ ଅନ୍ୟାନ୍ୟ ଶିକ୍ଷା ସହାୟତା ନିୟୋଜନ ପ୍ରକଳ୍ପର ସହିତ ଏହା ସମ୍ପୂର୍ଣ୍ଣ ଶିକ୍ଷା ସହାୟତା ନିୟୋଜନ ଆବଶ୍ୟକତା ସଂଖ୍ୟା ଉପସ୍ଥଳ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ନିର୍ଦ୍ଦେଶ ଅନୁଯାୟୀ ଯୋଗ୍ୟତା ଥିବା ପ୍ରାର୍ଥୀ ନିମନ୍ତେ ଏବଂ ଭାଗନ ସରକାରଙ୍କ ଦ୍ଵାରା ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା ସଂପର୍କିତ ବିଶାଳ ଆବେଦନ ଅନୁଯାୟୀ ସେମାନଙ୍କ ବିଶୟକୁ ବିଚାରକୁ ନେଇ ନିମ୍ନଲିଖିତ ହେବ ।

(୩୩) ୨୦୧୦-୧୧ ଶିକ୍ଷା ବର୍ଷରେ C.T. ପରୀକ୍ଷା ଦେଇଥିବା ପ୍ରାର୍ଥୀମାନେ Admit କାର୍ଡ଼ ନକଲ ସଂଯୋଗ କରି ଆବେଦନ କରିପାରିବେ । C.T. ପରୀକ୍ଷା Result ବାହାରିବା ୧୫ ଦିନ ମଧ୍ୟରେ ସେମାନେ ପାସ Certificate ଏବଂ Marksheet ନ ନକଲ ଆବେଦନ କରିବେ ।



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PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011

Annexure-2 Series 3 UR FEMALE

NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
1	205	SANITA BALAKAR	H-MANASH RANJAN DASH	AT/PO- JAGANNATHPUR, BDK	02.02.88	F	GEN		3226/10	WT/66 63/09	900	564	62.67	1250	919	73.52	136.19		
2	291	ANITA BHUIYAN	F- BRAHAMANA NDA BHUIYAN	AT-KUANRDA, PO ADIA, VIA- BONTH, BDK	27.05.90	F	SEBC	79/11	218/11	WT/85 15/10	900	562	62.44	1250	916	73.28	135.72		
3	65	DIPTI PRAVA BEHURIA	F-TAPAN KU. BEHURIA	AT-TIKARA, PO- AKHUAPADA, B.P. OKHARI, BDK	15.05.91	F	SEBC	90/11	75/11	WT/67 6/11	600	406	67.67	1250	841	67.28	134.95		
4	374	USHARANI JENA	F-ANIRUDHA JENA	AT- GANDAGARA, PO- KENDUAPADA, B. HADRAK	06.04.89	F	GEN		188/11	WT/24 20/09	900	521	57.89	1250	963	77.04	134.93		
5	174	RASMITA DEY	F-PRAYAT KU. DEY	AT- JANUGANJ, PO- MADHABNAGAR, BDK	04.05.87	F	OBC	83/05	417/11	WT/18 22/08	900	537	59.67	1250	939	75.12	134.79		

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PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011

UR FEMALE

Sl. No.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
6	36	SASMITA BARIK	F-NARAYAN CH. BARIK	AT-SHYAMPUR, PO-D. NAGAR, BDK, 756117	08.06.91	F	OBC	753/11	675/11	WT/224/11	600	368	61.33	1250	918	73.44	134.77		
7	61	BISAKHA KUMARI BAL	F-SHYAMA SUNDAR BAL	AT-NEULIA, PO-MANJURI, VIA-AKHUAPADA, BDK, 756112	02.05.91	F	SEBC	09/11	33/11	TW/280/11	600	389	64.83	1250	851	68.08	132.91		
8	167	SNEHALATA KAR	F-PARSURAM KAR	AT-KUANRDA, PO-ADIA, VIA-BONTH, BDK	12.06.91	F	GEN		141/11	TW/627/11	600	400	66.67	1250	828	66.24	132.91		
9	60	NIRMALA BEHERA	F-MAYADHAR BEHERA	AT-KAHALIAGADHIA, PO-KAHALIGADIA, VIA-D.J. PUR, KEONJHAR, 758078	18.05.87	F	SEBC	504/11	500/11	WT/583/09	900	558	62.00	1250	886	70.88	132.88		
10	66	CHHABIRANI MOHAPATRA	F-TANMAY KU. MOHANTY	AT-JAGANNATHPUR, PO-BDK, 756100	18.03.80	F	GEN		560/11	TW/3263/08	900	571	63.44	1250	858	68.64	132.08		

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PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011

UR FEMALE

Sl. No.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sp. ports	Remarks
11	163	MANASI SABAT	H-NARENDRA KU. SENAPATI	AT-PALLI, PO-ATTO, BDK, 756123	22.05.90	F	GEN		488/11	TW/84 98/10	900	545	60.56	1250	892	71.36	131.92		
12	145	SMT. NAMITA BEHERA	H-BASANTA KU. NAYAK	AT-KESHABNAGAR, PO-MADHABNAGAR, BDK, 756181	13.06.74	F	SEBC	874/09	6755/10	TW/30 13/07	900	557	61.89	1250	873	69.84	131.73		
13	101	ANNAPURNA PATI	F-RAMAKANTA PATI	AT/PO-OLANGA, VIA-RANDIAHAT, BDK, 756135	04.06.91	F	GEN		81/11	CT/375 /11	600	369	61.50	1250	870	69.60	131.10		
14	222	NUSRAT JAHAN	F-MD. KASIM KHAN	AT-MUNSIMAHALLA, PO-GUJJIDARADA, BDK	18.05.87	F	GEN		531/11	TW/18 72/08	900	516	57.33	1250	921	73.68	131.01		
15	313	GITANJALI PANDA	H-SUSANTA PARHI	AT/PO-KALYANI, VIA-KOTHAR, BDK	14.04.84	F	GEN		7807/11	TW/71 77/06	900	412	45.78	1250	890	71.20	116.98	PH(OR TH) 55%	

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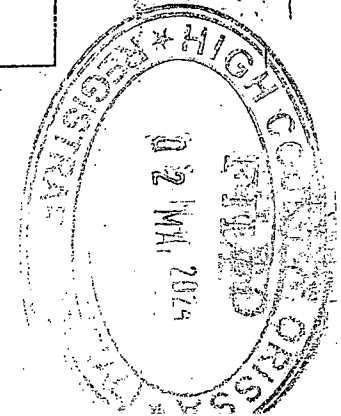
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PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011

UR FEMALE

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FORM INDEX NO	Name of the Applicant	Father/Husba nd's Name	Permanent Address	Date of Birth	Sex	Categ ory	Caste certi. No. Date	Residen t Certi. No.	Emple ment Excha nge Regn. No.	+2 Full Mark	+2 Mark Obtain ed	Perce ntage	Full Mark CT	Mark Obtai ned CT	Perce ntage	Total	PH/Ex. Ser./Sp orts	Remarks
WAITING																		
1	103	GEETANJALI MISHRA	H- CHANDRALO CHAN TRIPATHY	AT/PO- SABARANGA, BD K, 756123	06.05.86	F	GEN	6074/10	TW/37 0/07	900	504	56.00	1250	929	74.32	130.32		
2	122	NASREEN AKHTARI	F-HASIM KHAN	AT- KAZIMOHALLA, P O- PURUNABAZAR, BDK	05.06.86	F	GEN	470/11	WT/15 14/09	900	506	56.22	1250	921	73.68	129.90		
3	110	CHANDINI KHATOON	F-SK. ABDUL GAFFAR	AT-NUASAH, PO- GARADPUR, DIST BHADRAK	28.01.91	F	GEN	470/11	WT/66 1/11	600	332	55.33	1250	932	74.56	129.89		
4	302	KALPANA PANIGRAHI	F-GOURHARI PANIGRAHI	AT-HARIPUR, PO- SAHADA, VIA- SABARANGA, BD K	08.06.89	F	GEN	475/11	WT/11 1/10	900	502	55.78	1250	914	73.12	128.90	PH(EY E) 42%	



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PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011

UR FEMALE

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SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remark
5	273	ARCHANA MISHRA	F. BYOMOKESH A MISHRA	AT/PO-APARTIBINDHA, BDK	06.07.81	F	GEN		535/10	TW/30 32/07	900	509	56.56	1250	903	72.24	128.80		
6	176	SHAMMA PERWEEN	F-SK. DAUD	AT-HELASAH, PO PURUNABAZAR, BDK	02.02.87	F	GEN		654/11	TW/10 628/10	900	491	54.56	1250	923	73.84	128.40		
7	293	SMITA RANI PANIGRAHI	F-NIRANJAN PANIGRAHI	AT-HARIPUR, POSAH ADARIPUR, VI A-SABARANGA, BDK	06.07.89	F	GEN		5986/10	WT/11 290/10	900	475	52.78	1250	945	75.60	128.38		
8	89	ANITA MISHRA	H-BIKRAM KESARI PADHI	AT-EREIN, PO-CHARAMPA, BDK, 756101	09.02.79	F	GEN		528/11	TW/78 2/07	900	490	54.44	1250	920	73.60	128.04		

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SEBC FEMALE CATEGORY

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PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011

S-I +2 ARTS CT

SL.NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
1	95	MITANJALI DHAL	F- PURUSOTTA M DHAL	AT/PO- KANPUR, VIA- DHANURJAYAPUR, PS- SOSO, KENOJHAR, 758078	07.07.91	F	SEBC	332/11	330/11	WT/183/11	600	364	60.67	1250	817	67.76	128.43	PH(ORTH) 50%	
2	127	ANITA PRADHAN	H-BIKRAM KU. ROUT	AT- CHANDRAPUR, P O- JALAMANDUA, VI A-BARIKPUR BAZAR, DIST- BHADRAK	18.07.83	F	SEBC	18/11	417/11	TW/1268/08	900	554	61.56	1250	630	66.40	127.96		
3	272	MANOSWINI RANA	F-LAMBODAR RANA	AT- BINAYAKPUR, BDK	04.05.90	F	OBC	243/08		TW/877/11	900	500	55.56	1250	901	72.08	127.64		
4	13	SHANTI LATA SAHOO	H-JITENDRA KU. DAS	AT- NARIPUR, PO/PS- BHADRAK, BDK	02.01.88	F	OBC	319/06	5378/09	T/2306/09	900	526	58.44	1250	857	68.56	127.00		
5	270	SARITA NAYAK	F- NITYANANDA NAYAK	AT- BALIPATANA, PO- MAUDA, VIA- MADHAB NAGAR, BDK	02.08.89	F	SEBC	316/06	817/11	WC/9479/10	900	528	58.67	1250	854	68.32	126.99		

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**PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS  
(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011**

SI-1 +2 ARTS CT

SL.NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
6	85	MANINI PARIDA	F- JUDHISTHIR PARIDA	AT-BHABANIBINDHA, PO- ICHHAPUR, VIA- DOLASAH, BDK, 756127	07.04.83	F	OBC	103/11	525/11	WT/19 15/08	900	472	52.44	1250	927	74.16	126.60		
7	299	MALATI LATA NAYAK	F-INDRAMANI NAYAK	AT/PO- BALIBAREI, HADAGARH, KEONJHAR	14.06.88	F	SEBC	970/11	958/11	TW/15 62/09	900	536	59.56	1250	833	66.64	126.20		
8	153	SUBHASHMITA MOHANTY	F- ABHIMANYU MOHANTY	AT-JAMITIRA, PO- ORALI, VIA- HATADIHI, KEONJHAR	11.04.91	F	SEBC	137/11	136/11	WT/10 7/11	600	366	61.00	1250	815	65.20	126.20		
9	288	PARBATI SAHOO	F-KASHINATH SAHOO	AT-MATIAPADA, PO- PURI-II, PURI	27.05.84	F	SEBC	643/03	318/11	WT/69 05/09	900	526	58.44	1250	828	66.24	124.68		
10	490	BASANTI LATA SAMAL	F-ISWAR CH. SAMAL	AT-BAYANGDIHI, PO- NUAHAT, VIA- KOTHAR, BDK	05.08.81	F	SEBC	2281/08	1935/11	PHCW/ 4342/03	900	522	58.00	3325	2192	65.92	123.92	PH(EY E) 100%	Dip In Spt. Edu.

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IS-1+2 ARTS CT

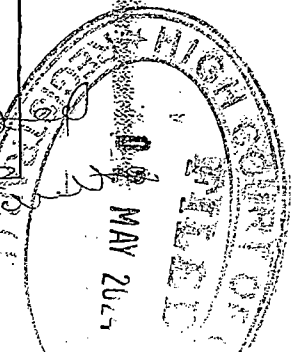
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**PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAKS**  
**(150% OF THE VACANT POST) UNDER BHADRAK DISTRICT, 2011**

SEBC FEMALE CATEGORY

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
11	184	SUREKHA SAMAL	F- BISWANATH SAMAL	AT- BIMALBAR, PO- PATULI, VIA- BARIKPUR BAZAR, BDK	15.07.89	F	SEBC	5150/07	330/11	WT/86 46/10	900	525	58.33	1250	813	65.04	123.37		
12	224	SMT. SUDHA NAAYK	F- JATINDRA KU. NAYAK	AT/PO- DANAR, VIA- M. ROAD, KENOJ HAR	05.07.91	F	SEBC	22/10	23/11	TW/26 6/11	600	345	57.50	1250	820	65.60	123.10		
WAITING																			
1	62	JYOTSNARA NI GIRI	F- KAMALKANTA GIRI	AT- GOPALPUR, PO- GANIJANG, VIA- BONTA, BDK, 756 114	02.05.82	F	SEBC	297/00	5978/10	WC/19 04/08	1000	597	59.70	1250	786	62.88	122.58		
2	66	GAYATRI OJHA	F- SRIDHAR OJHA	AT- PADMAPUR, PO- GANJEIBADI, VIA- DOLASAH, BDK, 756127	28.08.86	F	OBC	91/11	526/11	TW/18 78/08	900	491	54.56	1250	840	67.20	121.76		
3	72	SWARNALATA PAUL	F- SUJANAN KU. DAS	AT/PO- ICHHADA, VIA- BARIKPUR, PS- D. NAGAR, BDK, 756112	03.02.83	F	SEBC	935/11	678/11	T/984/1 1	900	458	50.89	1250	883	70.64	121.53		



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D. P. D. N. Mehra - 40 -

Annexure 3 Series

(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P (C) NO. 6452/11)

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste certificate No. Date	Resident Certificate No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
1	169	RAJASHREE BARIK	F-SOMANATH BARIK	AT-PATRISAHI, PO-DHUSURI, BDK	08.07.90	F	SEBC	1382/11	768/11	TW/92 12/10	500	383	76.60	1250	959	77.52	154.12		
2	50	PRAVATI BARIK	F-ABHAYA CH. BARIK	AT-SANKHUAL, PO-NAAMI, VIA-M.ROAD, BDK	13.07.91	F	OBC	1397/08	3417/10	WT/18 5/11	500	429	71.50	1250	979	78.32	149.82		
3	115	ARUN KUMAR	F-BHAGIRATHI KAR	AT-PRAKATPUR, PO-MARDAKATIACHHAK, PS-MANGALPUR, JAJPUR	01.05.83	M	GEN		10808/10	T/127/11	1000	780	78.00	1250	896	71.68	149.68		VOCATIONAL (UNDER ENQUIRY)

Project Coordinator  
S. S. A. Bhadrak

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IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 646/11

SL. NO.	FORM INDEX NO.	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste Certificate No. Date	Residence Certificate No.	Employment Exchange Registration No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
4	40	AMIYABALA ROUT	F-PRAMOD KU. ROUT	AT-GOTHINA, PO-AMBILIGAN, VIA-KOTHAR, BDK	12.06.89	F	GEN		263/11	WT/592/11	900	601	66.78	1250	992	79.36	146.14		
5	31	TAPASWINI JENA	F-NARAYAN CH. JENA	AT-PADI, PO-ADIA, VIA-BONTH, BDK	11.06.90	F	SEBC	89/11	78/11	WT/456/11	1000	745	74.50	1250	894	71.52	146.02		VOCATIONAL (UNDER ENQUIRY)
6	93	JYOTIPRIYA PANDA	F-GIRIDHARI PANDA	AT-SANKHULA, PO-NAAMI, M.ROAD, BDK, 756121	09.06.91	F	GEN		3248/10	WT/212/11	600	406	67.67	1250	974	77.92	145.59		

For Project Co-ordinator  
S. A. Bhattacharya

DIS-1 &amp; 2 ARTS (C)

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FINAL MERIT LIST OF S.S.s  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO 6452/11)

UR CATEGORY

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste certificate No. Date	Resident Certificate No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sp. orts	Remarks
7	159	PRITIPADMA DAS	F-BHASKAR CH. DAS	AT- BISHNUPUR, P O- BAHUDARADA, B. POKHARI, BD K	15.03.91	F	GEN		05/11	TW/10 3/11	600	410	68.33	1250	959	76.72	145.05		
8	19	NIYATI JENA	F-BASUDEV JENA	AT- RASUNAPADI, P O- KAUPUR, VIA- RANDIAHAT, BD K	17.03.85	F	SEBC	6/11	120/11	TW/25 1/11	1000	741	74.10	1250	883	70.64	144.74		UPASASTRI UNDER ENQUIRY
9	34	JYOTIRANJAN MOHAPATRA	F-ALEKHA KU. MOHAPATRA	AT/PO- SABARANGA, B DK, 756123	21.05.88	M	SEBC	1422 /10	5168/10	T/364/1 1	1000	702	70.20	1250	922	73.76	143.96		VOCATIONAL (UNDER ENQUIRY)

24/4/11  
Dist Project Co-ordinator  
S. S. A. Bhadrak

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FINAL MERIT LIST OF S.S.S  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

UR CATEGORY

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Cast e certifi. No. Date	Reside nt Certi. No.	Empl oyment Excha nge Regn. No.	+2 Full Mark	+2 Mark Obtain ed	Perce ntage	Full Mark CT	Mark Obtain ed CT	Perce ntage	Total	PH/Ex. Ser./Sp orts	Remarks
10	402	BIKASH KU. SETHI	F- BRUNDABAN SETHI	AT/PO- KENDUAPADA, DIST- BDK, 756142	06.04.90	M	SC	205/ 05	449/11	614/11	1000	638	63.80	1250	1000	80.00	143.80		UPASASTRI UNDER ENQUIRY
11	107	AJIT KU. GIRI	F-GOPINATH GIRI	AT/PO- MAREIGAON, VI A- HATADIHI, KEO NJHAR, 758083	02.05.80	M	OBC	4827 /10	267/11	T/508/0 9	1000	661	66.10	1250	958	76.64	142.74		VOCATIONAL (UNDER ENQUIRY)
12	3	MITARANI SAHOO	F-ANANDA CH. SAHOO	AT- KAHARAPOKH ARI, PO- PIRIPUR, VIA- BARIKPUR BAZAR, BDK	16.03.91	F	GEN		16/11	TW/10- 4/11	600	411	68.50	1250	921	73.68	142.18		

Dist Project Co-ordinator  
S. S. A. Bhadrak

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- 24/4/11

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FINAL MERIT LIST OF S.S.s  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

UNIVERSITY

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste certificate No. Date	Resident Certificate No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
13	194	ABHIMANYU SANKHUA	F-LATE NILAMANI SANKHUA	AT-TALAPADA, PO-D. NAGAR, BDK	03.02.86	M	OBC	3891/10	3890/10	T/1827/08	900	554	61.56	1250	1005	80.40	141.96		
14	175	GULE FIRDOSH	F-SK. AIYUB	AT-HELASAH, PO-PURUNABAZAR, BDK	02.06.83	F	GEN		653/11	WT/10 627/10	900	548	60.89	1250	1009	80.72	141.61		
15	76	DIPAK KU. NAYAK	F-GOURANGA CH. NAYAK	AT/PO-SERAPUR, VIA-DOLASAH, BDK, 756122	10.04.91	M	GEN		91/11	T/385/11	600	404	67.33	1250	922	73.76	141.09		

Dist Project Co-ordinator  
S. S. A., Bhadrak

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DD-12 ARTS LT

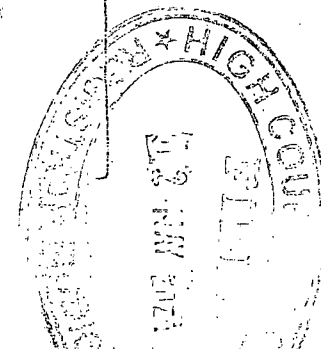
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FINAL MERIT LIST OF S.S.s  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste certificate No. Date	Resident Certificate No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
16	91	TILOTTAMA MALIK	F-PITABASH MALIK	AT/PO- RAMAKRUSHN APUR,VIA- BARAPADA,BD K,756113	02.05.90	F	SC	200/ 06	292/11	WT/41 4/11	600	400	66.67	1250	927	74.16	140.83		
17	59	SWORNANJ ALI PANIGRAHI	F-ANANDA CH. PANIGRAHI	AT/PO- BANITIA,VIA- CHARAMAPA,B DK	15.02.91	F	GEN		388/11	WT/15 0/11	600	366	61.00	1250	995	79.60	140.60		
18	96	PRITIREKHA PUHAN	F-BISHNU PRASAD PUHAN	AT- KODANDPUR,P O-ATTO,VIA- SABARANG,BD K	14.06.90	F	SEBC	34/1 1	490/11	WT/91 18/10	900	603	67.00	1250	919	73.52	140.52		

24/2/11

Dist Project Co-ordinator  
S. S. A. Bhadrak



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FINAL MERIT LIST OF S S S  
(100% OF THE VACANT POSTS, UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Cast e certifi. No. Date	Reside. nt Certi. No.	Empl oyment Excha nge Regn. No.	+2 Full Mark	+2 Mark Obtain ed	Perce ntage	Full Mark CT	Mark Obtain ed CT	Perce ntage	Total	PH/Ex. Ser./Sp orts	Remarks
19	383	SRADHANJA LI KAR	H- NITYANANDA DASH	AT-SUGO, PO- GOPALJEW SUGO, BDK	04.01.87	F	GEN		890/11	WT/16 93/09	1000	705	70.50	1250	869	69.52	140.02		VOCATIONAL (UNDER ENQUIRY)
20	8	NILOTPALA MOHANTY	F-BIJAYA KU. MOHANTY	AT/PO- NAGUAN, VIA- BARIKPUR BAZAR, BDK	05.04.91	F	GEN		34/11	WT/13 5/11	600	410	68.33	1250	891	71.28	139.61		UPASASTRI UNDER ENQUIRY
21	102	PRAGYAN MISHRA	H-MANAS KU. PRADHAN	AT- KHANABARI, PO- ANDHAIPALLI, V IA- BARIKPURBAZ AR, BNDK, 75611 2	18.06.86	F	GEN		34/11	WT/33 :3/11	1000	765	76.50	1250	786	62.88	139.38		

Dist Project Co-ordinator  
S. S. A., Bhadrak

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**FINAL MERIT LIST OF S.S.s  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)**

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste certificate No. Date	Residence Certificate No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
22	231	GANESH KU. KUARNR	F-BARINI KUARNR	AT-MATHA, PO/VIA-HATADIHI, KEONJHAR	07.09.85	M	SEBC	6115/10	6116/10	T/200/1	1000	674	67.40	1250	899	71.92	139.32		VOCATIONAL (UNDER ENQUIRY)
23	361	PRATIMA MANJARI KAR	H-RAJIV KU. DASH	AT/PO-MOHAMMADPUR, VIA-SIMULIA, BLS	04.05.82	F	GEN		129/11	TW/11 05/11	1000	740	74.00	1250	815	65.20	139.20		UPASASTRI UNDER ENQUIRY
24	459	MADHUSMITA ROUT	F-BIDYADHAR ROUT	AT-SUSHILADEIPUR, PO-RAMBHILA, VIARANITAL, BDK	19.04.87	F	SEBC	2491/10	1289/11	T/1836/09	900	575	63.89	1250	939	75.12	139.01		

Project Co-ordinator  
S. S. A. Bhadrak

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*[Signature]*

FINAL MERIT LIST  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Cast e certifi No. Date	Reside nt Certi. No.	Emplo yment Excha nge Regn. No.	+2 Full Mark	+2 Mark Obtain ed	Perce ntage	Full Mark CT	Mark Obtai ned CT	Perce ntage	Total	PH/Ex. Ser./Sp orts	Remarks
25	30	BISHNUSAN TI RATNAMAYE E BARIK	F. BISHNUPADA BARIK	AT-PADI, PO-ADIA, VIA-BONTH, BDK	15.04.91	F	OBC	251/08	79/11	WT/44 9/11	600	400	66.67	1250	901	72.08	138.75		
26	69	JAYAPRAKASH SWAIN	PARASURAM SWAIN	AT/PO-SARASADA, VIA-B.POKHARI, BDK, 756120	01.06.85	M	SEBC	989/09	137/11	T/3997/09	1000	727	72.70	1250	825	66.00	138.70		VOCATIONAL (UNDER ENQUIRY)
27	248	MANDAKINI JENA	F. DINABANDHU JENA	AT-BERUNAPADI, PO-SOSO, VIA-D.J.PUR, KEONJHAR	01.06.89	F	SC	478/11	479/11	WT/26 45/10	500	356	71.20	1250	839	67.12	138.32		

*[Signature]*  
Project Officer  
Bhadrak

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*[Signature]*

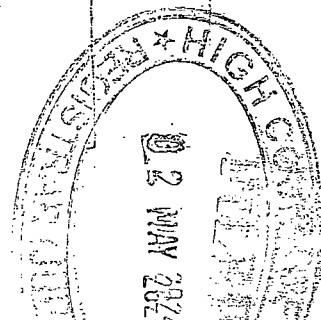
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FINAL MERIT LIST OF S.S.S  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT 2-111  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Cast & certificate No. Date	Residence Certificate No.	Employment Exchange Registration No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
28	209	MANASI NAYAK	F-NILAMANI NAYAK	AT/PO-BONTH,BDK	07.03.87	F	OBC	65/05	441/11	WT/20 81/08	900	544	60.44	1250	972	77.76	138.20		
29	136	KATHIKA SWAIN	F-KISHORE KU. SAWAIN	AT/PO. KENDUAPADA, DIST-BDK,756142	06.01.90	F	SEBC	219/07	450/11	WT/91 15/10	1000	665	66.50	1250	896	71.68	138.18		VOCATIONAL (UNDER ENQUIRY)
30	114	RAJASMITA PANDA	H-PRAMOD KU. SAHU	AT/PO-ALABAGA,VIA-ERTAL,BDK,756124	16.02.89	F	GEN		360/11	T/9495/10	1000	652	65.20	1250	907	72.56	137.76		UPASASTRI UNDER ENQUIRY

Dist Project Co-ordinator  
S. S. A. Bhadrak

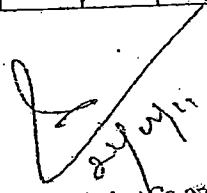


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FINAL MERIT LIST OF S.S.s  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

SL. NO.	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste certificate No. Date	Resident Certificate No.	Employment Exchange Registration No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex. Ser./Sports	Remarks
31	216	DIPTIMAYEE ROUT	F-GOLAK BIHARI ROUT	AT-KANIARI, PO-DHENKA, VIA-HADAGARH, KEONJHAR	05.06.91	F	SEBC	97/11	88/11	WT/127/11	600	395	65.83	1250	899	71.92	137.75		
32	211	SUBASH CH. TRIPATHY	F-LATE UPENDRA NATH TRIPATHY	AT-KORKADA, PO-DOBAL, VIA-D. NAGAR, BDK	18.01.67	M	GEN		901/11	T/1866/93	900	421	46.78	1050	518	49.33	96.11	PH(ENT) 40%	

  
Project Co-ordinator  
S. S. A. Bhadrak

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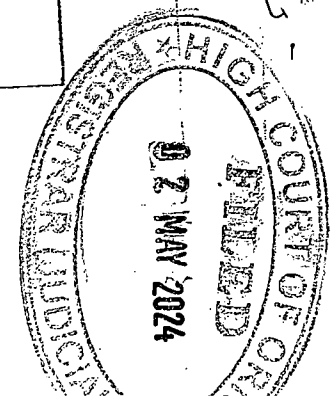


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THE MERIT LIST OF S.S.S  
(100% OF THE VACANT POSTS) UNDER BHADRAK DISTRICT, 2011  
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO. 6452/11)

SL. NO	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Residence Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex .Ser./S ports	Remarks
1	54	SASMITA NAYAK	F-RAMAKANTA NAYAK	AT/PO- KUMARPUR, PO BASUDEVPUR, VIA- ANANTAPUR, B DK, 756046	03.06.89	F	OBC	215/10	52/11	WT/25 9/11	1000	699	69.90	1250	846	67.68	137.58		UPASASTRI UNDER ENQUIRY
2	287	PRAVATI BEHERA	H-ASHOK K. DAS	AT- RAIN TIRA, PO- ADIA, VIA- BONTH, BDK	24.04.88	F	GEN		479/11	TW/13- 30/09	900	584	64.89	1250	906	72.48	137.37		
3	316	SUJATA JENA	F-SARAT CH. JENA	AT/PO- TODANGA, VIA- BARIKPUR BAZAR, BDK	05.05.91	F	SEBC	195/11	139/11	WT/6S 7/11	600	373	62.17	1250	932	74.56	136.73		
4	205	SARITA BALAKAR	H-MANASH RANJAN DASH	AT/PO- JAGANNATHPUR, BDK	02.02.88	F	GEN		3226/10	WT/6S 63/09	900	564	62.67	1250	919	73.52	136.19		

*[Handwritten signature]*  
Date of birth of candidate is correct.



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100% OF THE VACANT POSTS UNDER CATEGORY 'B' IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P.(C) NO 6452/11

SL. NO	FORM INDEX NO	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Cert. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	Percentage	Total	PH/Ex Ser./S ports	Remarks
5	290	BANAJINI MISHRA	H-JATINDRA KU. PADHI	AT-CHAKABANTAL, PO-KESHIPUR, VIA-GUJARADA, BDK	19.02.84	F	GEN		359/11	WT/15 94/09	1000	744	74.40	1250	770	61.60	136.00	PH(EY E) 42%	VOCATIONAL (UNDER ENQUIRY)
6	228	BIDYABHARATI BEHERA	F-PITAMBAR BEHERA	AT/PO-SAMIA, VIA-SABARANGA, BDK	02.03.88	F	OBC	118/11	670/11	WT/42 8/11	900	671	74.56	1250	768	61.44	136.00		VOCATIONAL (UNDER ENQUIRY)
7	291	ANITA BHUYAN	F-BRAHAMANAN DA BHUYAN	AT-KUANRDA, PO-ADIA, VIA-BONTH, BDK	27.05.90	F	SEBC	79/11	218/11	WT/85 15/10	900	562	62.44	1250	916	73.28	135.72		
8	25	SABITA DHAL	H-PRAKASH KU. SAMAL	AT-AKULIKANA, PO-SARASADA, PS-B. POKHARI, BD K, 756120	24.08.87	F	SEBC	1500/0 8	1167/09	TW/40 60/08	1000	694	69.40	1250	828	66.24	135.64		VOCATIONAL (UNDER ENQUIRY)

Project Co-ordinator  
Rishadrik

T. C. addressed  
Adm

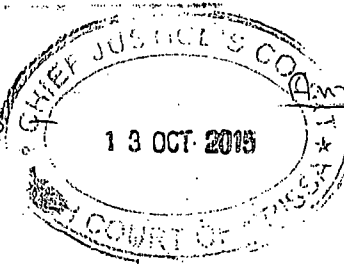
-609-

-515-

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Annexure-4 Ser

**UNDERTAKING TO BE SUBMITTED BY PROVISIONALLY  
SELECTED S.S. APPLICANTS OF BHADRAK DISTRICT CLAIM  
TO HAVE PASSED +2 VOCATIONAL COURSES OR  
UPASHASTRI.**

I, Pratima Manjari Kar S/O/W/O. D/O. Rajeeb Kumar Dash of village Mahamadpur  
P.S. Simulia Dist. Balasore residing  
at Mahamadpur P.S. Simulia Dist. Balasore  
being present in the verification counter today  
(11.03.11) do hereby solemnly affirm and state that, I have not passed +2  
Examination or equivalent Examination from CHSE, Orissa or from equivalent  
Council/Board/University before appearing at the Vocational Course/Upashastri  
examination for which I have submitted my pass certificate and mark sheet.

If any thing contrary to the above is established, I shall be criminally  
prosecuted under the provisions of law.

Knowing well the prevalent rules, I do hereby undertake that, I have  
passed Vocational Examination from CHSE, Orissa or any other equivalent  
Council/Board/University OR Upashastri Examination from Sri Jagannath  
Sanskrit University, Srivihar, Puri or equivalent University/Council/Board. The  
copy of the pass certificate has been submitted by me.

Pratima Manjari Kar  
Full signature of the applicant

**Witness**

1. Rajeeb Kumar Dash
2. Pragyan Mishra

Issued Under RTI-Act-05  
PIO, SSA, Bhadrak

T. C. - attached  
[Signature]

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UNDERTAKING TO BE SUBMITTED BY PROVISIONALLY  
SELECTED S.S. APPLICANTS OF BHADRAK DISTRICT CLAIM  
TO HAVE PASSED +2 VOCATIONAL COURSES OR  
UPASHASTRI.

I, Sri/Smt/Kumari TAPASWINTI JENA  
S/O, W/O, D/O NAHARYAN CH JENA of village at  
padu P.O. ADDA  
P.S. AGARPATA Dist. BHADRAK residing  
at present at village padu  
P.O. ADDA P.S. AGARPATA Dist. BHADRAK

being present in the verification counter today  
(11.03.11) do hereby solemnly affirm and state that, I have not passed +2  
Examination or equivalent Examination from CHSE, Orissa or from equivalent  
Council/Board/University before appearing at the Vocational Course/Upashastri  
examination for which I have submitted my pass certificate and mark sheet.

If any thing contrary to the above is established, I shall be criminally  
prosecuted under the provisions of law.

Knowing well the prevalent rules, I do hereby undertake that, I have  
passed Vocational Examination from CHSE, Orissa or any other equivalent  
Council/Board/University OR Upashastri Examination from Sri Jagannath  
Sanskrit University, Srivihar, Puri or equivalent University/Council/Board. The  
copy of the pass certificate has been submitted by me.

Witness

1. Pratap Kumar Nayak  
Jr. M., Khadija Nodai
2. Suresh Chandra Nallu  
H.O. S.J. Nodai, Daipura

TAPASWINTI JENA  
Full signature of the applicant

Issued Under RTI-Act-05  
PIO, SSA Bhadrak

T. C. arrested  
15

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UNDERTAKING TO BE SUBMITTED BY PROVISIONALLY  
SELECTED S.S. APPLICANTS OF BHADRAK DISTRICT CLAIM  
TO HAVE PASSED +2 VOCATIONAL COURSES OR  
UPASHASTRI

I Sri/Smt/Kumari Banajini m2skre  
S/O, W/O, D/O Jyotsna Parik of village at  
Chakra bentel P.O. Kesh pur  
P.S. Bhadra Dist. Bhadra residing  
at present at village Chakra bentel  
P.O. Kesh pur P.S. Bhadra Dist. Bhadra  
Bhadra being present in the verification counter today

(11.03.11) do hereby solemnly affirm and state that, I have not passed +2  
Examination or equivalent Examination from CHSE, Orissa or from equivalent  
Council/Board/University before appearing at the Vocational Course/Upashastri  
examination for which I have submitted my pass certificate and mark sheet.

If any thing contrary to the above is established, I shall be criminally  
prosecuted under the provisions of law.

Knowing well the prevalent rules, I do hereby undertake that, I have  
passed Vocational Examination from CHSE, Orissa or any other equivalent  
Council/Board/University OR Upashastri Examination from Sri Jagannath  
Sanskrit University, Srivihar, Puri or equivalent University/Council/Board. The  
copy of the pass certificate has been submitted by me.

Witness

1. Pratap Kumar Nayak  
H. M. Bhadracharya Nodjal

2. S. K. Chandra Mallick  
H. M. S. J. Nodjal

Smt. Banajini m2skre  
Full signature of the applicant

Not Under RTI Act  
Bhadra

T. C. attested  
A. K.

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02 MAY 2024

**DISTRICT PROJECT OFFICE  
SARVA SHIKSHA ABHIYAN: BHADRAK**

Order No. 5366 / Dated. 30/04/11

Consequent upon execution of an agreement dated 28.04.11 between BANAJINI MISHRA, W/O JATINDRA KUMAR, PADHI, AT CHAKABENTAL, P.O. KESHPUR, VIA GUJIDARADA, DIST. BHADRAK and Collector-cum-CEO, ZP, Bhadrak, BANAJINI MISHRA is hereby engaged as "SHIKSHA SAHAYAK" for a period as mentioned in the agreement on a fixed monthly honorarium of Rs. 4000/- (Rupees four thousand only) subject to the following terms and conditions.

Place of engagement Utharbahini P.S. SCHOOL under Bhadra Block.

1. The "SHIKSHA SAHAYAK" shall motivate the parents/guardians of the village in which P.Y. /UP schools are situated for enrolment of the children within the age group 6-14 years.
2. It will be his/her duties to contact parents/guardians in case children fail to attend class regularly and get back such children to classes.
3. Whenever applicable he/she will work under the administrative control of Headmaster/Headmistress in charge of the school to which he/she is assigned. He/She shall perform the duties as will be entrusted upon him/her by the concerned Headmaster/Headmistress.
4. He/She may be assigned any other work in furtherance of objective of universalisation of Primary Education by Chief Executive Officer, ZP, or any other authority as decided by the Govt. in School and Mass Education Deptt. from time to time.
5. He/She shall attend training programme as fixed by Govt. from time to time.
6. This engagement order is subject to the order of the Hon'ble High Court in W.P.(C) No. 7478/2011 and subsequent order of the Govt. in S&M.E. Deptt.

*It is further ordered that if any irregularity is detected in future, his/her engagement will be terminated without assigning any reason thereof.*

*By order of the Collector-cum-CEO, ZP, Bhadrak*

*District Project Co-ordinator  
SSA, Bhadrak*

Memo No. 5367 / Dated. 30/04/11

Copy to person concerned for information and necessary action. He/She is directed to report before the concerned H.M. of school with all original documents within a week positively failing which this order will stand cancelled.

*District Project Co-ordinator  
SSA, Bhadrak*

Memo No. 5368 / Dated. 30/04/11

Copy to the Headmaster/Headmistress of the concerned School for information and necessary action. He/She requested to report the date of joining of Siksha Sahayak to the undersigned through concerned BRCC for further action at this end.

*District Project Co-ordinator  
SSA, Bhadrak*

Memo No. 5369 / Dated. 30/04/11

Copy forwarded to the B.R.C.C. concerned for information and necessary action.

*District Project Co-ordinator  
SSA, Bhadrak*

Memo No. 5370 / Dated. 30/04/11

Copy forwarded to the concerned Block Development Officer / District Inspector of schools, Bhadrak-1 for information and necessary action.

*District Project Co-ordinator  
SSA, Bhadrak*

*Issued Under K.T.I.-Act-10  
PIO, SSA, Bhadrak*

*T.C. - attached  
B*

-114-      -99-  
-57-      -27-  
**DISTRICT PROJECT OFFICE**

**SARVA SHIKSHYA ABHIYAN BHADRAK**

Order No. 5081 / Dated. 30/04/11

Consequent upon execution of an agreement dated 28.04.11 between TAPASWINI JENA, D/O NARAYAN CH. JENA, AT PADI, PO ADIA, VIA BONTHE DIST BHADRAK and Collector-cum-CEO, ZP, Bhadrak, TAPASWINI JENA is hereby engaged as "SHIKSHA SAHAYAK" for a period as mentioned in the agreement on a fixed monthly honorarium of Rs.4000/- (Rupees four thousand only) subject to the following terms and conditions.

Place of engagement Oladanga Praj Pary School under Bonth Block.

1. The "SHIKSHA SAHAYAK" shall motivate the parents/guardians of the village in which Pary. /UP schools are situated for enrolment of the children within the age group 6-14 years.
2. It will be his/her duties to contact parents/guardians in case children fail to attend class regularly and get back such children to classes.
3. Whenever applicable he/she will work under the administrative control of Headmaster/Headmistress in charge of the school to which he/she is assigned. He/She shall perform the duties as will be entrusted upon him/her by the concerned Headmaster/Headmistress.
4. He/She may be assigned any other work in furtherance of objective of universalisation of Primary Education by Chief Executive Officer, ZP, or any other authority as decided by the Govt. in School and Mass Education Deptt. from time to time.
5. He/She shall attend training programme as fixed by Govt. from time to time.
6. This engagement order is subject to the order of the Hon'ble High Court in W.P. (C) No. 7478/2011 and subsequent order of the Govt. in S & M.E. Deptt.

*It is further, ordered that if any irregularity is detected in future, his/her engagement will be terminated without assigning any reason thereof.*

By order of the Collector-cum-CEO, ZP, Bhadrak

District Project Co-ordinator  
SSA Bhadrak

Memo No. 5082 / Dated. 30/04/11

Copy to person concerned for information and necessary action. He/She is directed to report before the concerned H.M. of school with all original documents immediately on receipt of this engagement order.

District Project Co-ordinator  
SSA Bhadrak

Memo No. 5083 / Dated. 30/04/11

Copy to the Headmaster/Headmistress of the concerned School for information and necessary action. He/She is requested to report the date of joining of Shiksha Sahayak to the undersigned through concerned B.R.C.C. for further action at this end.

District Project Co-ordinator  
SSA Bhadrak

Memo No. 5084 / Dated. 30/04/11

Copy forwarded to the B.R.C.C. concerned for information and necessary action.

District Project Co-ordinator  
SSA Bhadrak

Memo No. 5085 / Dated. 30/04/11

Copy forwarded to the concerned Block Development Officer / District Inspector of schools, Bhadrak for information and necessary action.

District Project Co-ordinator  
SSA Bhadrak

Issued Under RTI-Act-05

DIO, SSA Bhadrak

T. C. adesh

**DISTRICT PROJECT OFFICE**

**SARVA SHIKSHA ABHIYAN: BHADRAK**

Order No. 4776

Dated: 30/04/11

Consequent upon execution of an agreement dated. 28.04.11 between PRATIMA MANJARI KAR, W/O RAJIV KUMAR DASH, AT/P.O. MAHAMMADPUR, VIA. SHIMULIA, DIST. BILASORE and Collector-cum-CEO, ZP, Bhadrak, PRATIMA MANJARI KAR is hereby engaged as "SHIKSHA SAHAYAK" for a period as mentioned in the agreement on a fixed monthly honorarium of Rs.4000/- (Rupees four thousand only) subject to the following terms and conditions:

Place of engagement: PALLI NODAL U.P. SCHOOL under BHADRAK Block.

1. The "SHIKSHA SAHAYAK" shall motivate the parents/guardians of the village in which Pry. /UP schools are situated for enrolment of the children within the age group 6-14 years.
2. It will be his/her duties to contact parents/guardians in case children fail to attend class regularly and get back such children to classes.
3. Whenever applicable he/she will work under the administrative control of Headmaster/Headmistress in charge of the school to which he/she is assigned. He/She shall perform the duties as will be entrusted upon him/her by the concerned Headmaster/Headmistress.
4. He/She may be assigned any other work in furtherance of objective of universalisation of Primary Education by Chief Executive Officer, ZP, or any other authority as decided by the Govt. in School and Mass Education Deptt. from time to time.
5. He/She shall attend training programme as fixed by Govt. from time to time.
6. This engagement order is subject to the order of the Hon'ble High Court in W.P.(C) No. 7478/2011 and subsequent order of the Govt. in S&M.E. Deptt.

*It is further, ordered that if any irregularity is detected in future, his/her engagement will be terminated without assigning any reason thereof.*

By order of the Collector-cum-CEO, ZP, Bhadrak

District Project Co-ordinator  
SSA, Bhadrak

Memo No. 4777

Dated: 30/04/11

Copy to person concerned for information and necessary action. He/She is directed to report before the concerned H.M. of school with all original documents within a week positively failing which this order will stand cancelled.

District Project Co-ordinator  
SSA, Bhadrak

Memo No. 4778

Dated: 30/04/11

Copy to the Headmaster/Headmistress of the concerned School for information and necessary action. He/She is requested to report the date of joining of Shiksha Sahayak to the undersigned through concerned P.O. for further action at this end.

District Project Co-ordinator  
SSA, Bhadrak

Memo No. 4779

Dated: 30/04/11

Copy forwarded to the B.R.C.C. concerned for information and necessary action.

District Project Co-ordinator  
SSA, Bhadrak

Memo No. 4780

Dated: 30/04/11

Copy forwarded to the concerned Block Development Officer / District Inspector of schools, Bhadrak-I for information and necessary action.

District Project Co-ordinator  
SSA, Bhadrak

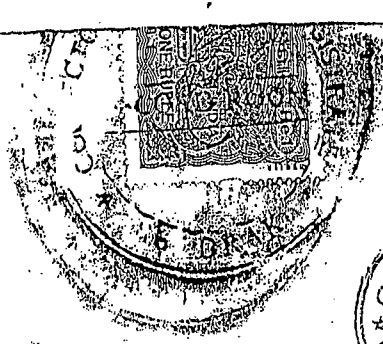
Issued Under RTI-Act-03  
PIO, SSA, Bhadrak

T.C. attached



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5-12 MAY 2015  
CHIEF JUSTICE'S COURT



CHIEF JUSTICE'S COURT  
13 OCT 2015  
COURT OF ORDER

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Sl. No. of Order	Date of Order	Order with Initial of Officer	Office notes as to action taken on or after (if any) & date
1	2	3	4
	24.11.2011	<p><b>In the Office of the District Project Co-ordinator-cum-Enquiring Officer, S.S.A., Bhadrak</b></p> <p>Misc Case No. 24/2011 arising out of W.P. (C) No.18256/2011 Manini Parida &amp; others .....Petitioner Vrs. Tapaswini Jena ..... Opp. Party</p> <p><b>ORDER</b></p> <p>The case is taken up today. I have already heard both the parties on different dates. The records available clearly reveal that the O.P. Tapaswini Jena passed +2 Vocational course in the year 2008 from Govt. Vocational Jr. College, Nuasahi under CHSE (O). She has also passed +2 Science course prior to +2 Vocational course from Agarapara College, Agarapara under CHSE (O) as reported by the PIO, Agarapara College, Agarapara. It is a fact that Tapaswini Jena has not submitted the fact at any point of time during selection of Shiksha Sahayak, 2011. Now it is ascertained that continuance of study in +2 Vocational course as regular student after passing out of +2 Science course as regular student without obtaining CLC goes against the guide line/instructions of CHSE (O) communicated vide Letter No.3926/CHSE/ dated:13.06.11 of the PIO, CHSE (O) read with the instructions of the Government in School &amp; Mass Education Department intimated vide Letter No.11385/SME/ dated:08.06.11.</p> <p>So, the engagement of Tapaswini Jena as Shiksha Sahayak basing on the Vocational course passed certificate, and mark sheet suppressing the earlier certificate and mark sheets towards passing out of +2 Science Examination is to be cancelled as per law.</p> <p>So, issue show-cause notice to Tapaswini Jena through R.P. so as to submit her statement of defence why she will not be disengaged from the post of Shiksha Sahayak by 24.12.2011.</p> <p>Accordingly, the Misc Case is disposed of.</p>	

IMPAIRED BY.

29/11/11

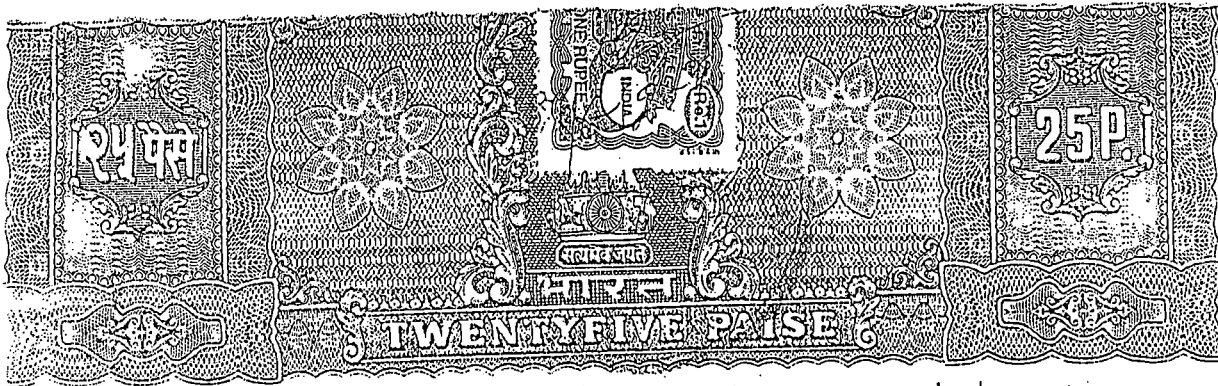
29/11/11  
29/11/11  
29/11/11

Certified to be true copy  
RECORDED  
Authorised U.S. 74, Act-1 of 187

District Project Co-ordinator,  
SSA, Bhadrak

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प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो In the Office of the District Project Co- ordinator, Bina Inquiring Officer requisite stamps and folios. S. S. Bhardra	तारीख, जबकि देने के लिए the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
2/12/2011	15/12/2011	Misc Case No. 26/2011 arising out of W.P. (C) No.18256/2011		17/12/2011

Mahant Parvati & others ..... Petitioner  
Vrs.

Banajini Mishra ..... Opp. Party

**ORDER**

24.11.2011

The case is taken up today. I have already heard both the parties on different dates. The records available clearly reveal that the O.P. Banajini Mishra passed +2 Vocational course in the year 2006 from Govt. Vocational Jr. College, Basudevpur under CHSE (O). She has also passed +2 Arts course prior to +2 Vocational course from Tupti Women's College, Basudevpur under CHSE (O) as reported. It is a fact that Banajini Mishra has not submitted the fact at any point of time during selection of Shikshya Sahayak, 2011. Now it is ascertained that continuance of study in +2 Vocational course as regular student after passing out of +2 Arts course as regular student without obtaining CLC goes against the guideline/instructions of CHSE (O) communicated vide Letter No.3920/CHSE/ dated.13.06.11 of the PIO, CHSE (O) read with the instructions of the Government in School & Mass Education Department intimated vide Letter No.11385/SME/dated.08.06.11.

So, the engagement of Banajini Mishra as Shikshya Sahayak basing on the Vocational course passed certificate and mark sheet suppressing the earlier certificate and mark sheets towards passing out of +2 Arts Examination is to be cancelled as per law.

So, issue show-cause notice to Banajini Mishra through R.P. so as to submit her statement of defence why she will not be disengaged from the post of Shikshya Sahayak by 24/12/2011.

Accordingly, the Misc Case is disposed of.

COMPARED BY.

*[Signature]*  
16/11/11

reason not  
True Copy

*[Signature]*  
16/11/11

certified to be true copy

*[Signature]*  
RECORD KEEPER

11/11/2011

District Project Co-ordinator  
SSA, Bhardra

*[Signature]*  
T.C. - 11/11/11

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प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षा संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	ऑर्डिनेटर/प्रोजेक्ट कोऑर्डिनेटर S.S.A. Bhadrak Date of delivery of the requisites Date on which the copy was made for delivery.	प्रतिनिधि तैयार थी Date of making over the copy to the applicant.
2/12/2011	15/12/2011	Misc Case No. 27/2011 W.P. (C) No. 18256/2011 Manjari Parida & others ..... Petitioner Pratima Manjari Kar ..... Opp. Party	17/12/2011

### ORDER

24.11.2011

The case is taken up today. I have already heard both the parties on different dates. The records available clearly reveal that the O.P. Pratima Manjari Kar passed +2 Upasastri course in the year 2006 from Chintamani Sanskrit Mahavidyalaya, Patepur, Balasore under Shri Jagannath Sanskrit Vishwavidyalaya, Puri. She has also passed +2 Arts course prior to +2 Upasastri course from Agarapara College, Agarapara under CHSE (O) as reported. It is a fact that Pratima Manjari Kar has not submitted the fact at any point of time during selection of Shikshya Sahayak, 2011. Now it is ascertained that continuance of study in +2 Upasastri course as regular student after passing out of +2 Arts course without obtaining CLC goes against the guide line/instructions of S.I.S.V. Puri communicated vide Letter No. 5316/S.I.S.V. dated 14/15.09.11 of the Register, S.I.S.V. Puri read with the instructions of the Government in School & Mass Education Department intimated vide Letter No. 11385/SME dated 08.06.11.

So, the engagement of Pratima Manjari Kar as Shikshya Sahayak based on the Upasastri course passed certificate and mark sheet suppressing the earlier certificate and mark sheets towards passing out of +2 Arts Examination is to be cancelled as per law.

So, issue show-cause notice to Pratima Manjari Kar through R.P. so as to submit her statement of defence why she will not be disengaged from the post of Shikshya Sahayak by 24.12.2011.

Accordingly, the Misc Case is disposed of.

COMPARED BY.

16/12/11

Not on CC  
True Copy

Copy of the order  
to be sent to  
Pratima Manjari Kar  
Bhadrak

Certified to be true copy

RECORD KEEPER

District Project Co-ordinator,  
SSA, Bhadrak

T.C. attached

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Annexure-7

IN THE HIGH COURT OF ODIHSA: CUTTACK

W.P.(C) NO.32025 OF 2011

Banajini Mishra ... ..... Petitioner.

-Vrs-

State of Odisha & others..... Opp.parties.


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Cuttack

Date: -

20-7-12

  
Standing Counsel,  
School & Mass Education Cell.

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IN THE HIGH COURT OF ODIHSA: CUTTACK

W.P.(C) NO.32025 OF 2011

Banajini Mishra ... .. Petitioner.

-Vrs-

State of Odisha & others..... Opp.parties.

COUNTER AFFIDAVIT FILED ON BEHALF OF OPP.PARTY NO-1,2 & 3

I, Sri Manoj Kumar Behera, aged about 52 years, Son of Late Harikrishna Behera of Village- Malasahi, P.O/P.S- Mangalabag, Dist:- Cuttack at present working as District Project Co-ordinator, SSA, Bhadrak, At/Po/Dist:- Bhadrak do hereby solemnly affirm and state as follows:-

That, I have been authorized by Opp.party No-1 & 2 to swear this affidavit on their behalf.

That, I have gone through the averments made in the writ petition and have understood the averments made therein.

1. That, the District Project Co-ordinator, SSA, Bhadrak arbitrary passed order dated.24.11.2011 without holding any enquiry. In accordance with the order of the Hon'ble High Court in W.P.(C) No.18256/2011, the District Project Co-ordinator,SSA,Bhadrak has enquired into the alleged matter against Shikshya Sahayak applicants who have passed +2 Vocational course/Upasastri course after passing out the +2 Arts/Commerce/Science examination. Under the principle of the

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2

natural justice the concerned Shikshya Sahayak applicants (subsequently engaged) were given adequate opportunity to defend themselves.

2. That, the District Project Co-ordinator, SSA, Bhadrak has carefully followed the direction of the Hon'ble High Court in W.P.(C) No.18256/2011 and has enquired into the matter before taking action on the findings. The District project Co-ordinator, SSA, Bhadrak has not exceeded his jurisdiction. Similarly, the D.P.C., SSA, Bhadrak passed order on 24.11.2011 so as to issue show-cause notice to the petitioner to substantiate notice is not violative of the principles of natural justice.
3. That, this deponent humble submits that there is nothing to comment in respect of Para-3 of the writ petition.
4. That, this deponent humble submits that there is nothing to comment in respect of Para-4 of the writ petition.
5. That, this deponent humble submits that there is nothing to comment in respect of Para-5 of the writ petition.
6. That, this deponent humble submits that there is nothing to comment in respect of Para-6 of the writ petition.
7. That, by the time the order No-2 dated.15.07.2011 in W.P.(C) No.18256/2011 of the Hon'ble High Court was received the petitioner had already been engaged as Shikshya Sahayak. But it was specified that *"respondents shall not appoint against whom the enquiry is*

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*pending till it is complete."* Under such circumstance issue of show-cause notice is in accordance with the order of the Hon'ble High Court.

8. That, this deponent humble submits that there is nothing to comment in respect of Para-8 of the writ petition.
9. That, it is not a fact that the District Project Co-ordinator, SSA, Bhadrak issued show-cause notice without holding any enquiry and without giving any opportunity to the petitioner.
10. That, it is not a fact that the District Project Co-ordinator, SSA, Bhadrak arrived at a conclusion on enquiry that the Vocational course certificate is a forged and fake certificate. Rather, the crux of the issue is that she had passed +2 Vocational course after she passed +2 Arts course which is not permissible.
11. That, this deponent humble submits that there is nothing to comment in respect of Para-11 of the writ petition.
13. That, this deponent humble submits that there is nothing to comment in respect of Para-13 of the writ petition.
14. That, it is a fact that the District Project Co-ordinator, SSA, Bhadrak detected the irregularity committed by the petitioner in taking admission in +2 Vocational course after completion of +2 Arts course is against the principles laid down by the Council of Higher Secondary Education, Odisha as has been communicated by the P.I.O of the C.H.S.E(O). Even the said P.I.O also intimated to the District Project Co-ordinator, SSA, Bhadrak vide his Letter No.3920 dated.13.06.2011

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K2 A No - 3422

Annexure A/B Series

BY REGD. POST

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COUNCIL OF HIGHER SECONDARY EDUCATION: ORISSA  
PRAJNAPITHA: SAMANTAPUR: BHUBANESWAR: -13

No. 3920  
DTI-157/11

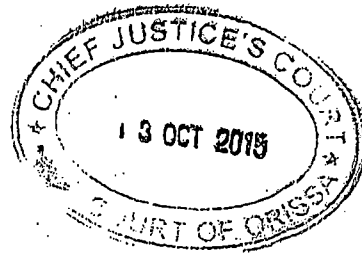
/CHSE(O)... Dt: 13/6/11

From

Dr. Gopa Ranjan Mishra,  
Public Information Officer,  
C.H.S.E., Orissa, Bhubaneswar.

To

District Project Co-ordinator,  
S.S.A., Bhadrak.



Sub: - Supply of information under RTI Act.  
Ref: - Your letter No. 6887 dt. 31.05.2011.

Sir,

With reference to your letter on the subject cited above, I am to say that the letter No. 3142 dt. 04.05.2011, No. 3630 dt. 27.05.2011 and No. 3669 dt. 31.05.2011 which were sent to the applicants are authentic.

977 This is for your kind information.  
20/6/2011

Yours faithfully,

Public Information Officer.

13.6.11

Attested

KA/-

District Project Co-ordinator,  
S.S.A., Bhadrak

T - C - attested  
Adulka



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COUNCIL OF HIGHER SECONDARY EDUCATION: ORISSA:  
PRANGYAPITHA: SAMANTAPUR: BHUBANESWAR-13

By hand

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No. RTI. 24/11. 30/09 CHSE(O), dt. 31/5/11

From:-

Dr. Gopa Ranjan Mishra,  
Public Information Officer  
CHSE(O), Bhubaneswar.

To  
Ramakanta Sahoo,  
C/O-Mahendra Prasad Sahoo  
At-Kalidaspur, Po-Narasimhpur  
Dist-Bhadrak.

Sub:- Supply of information under RTI Act.

Ref:- Your application dt. 4.5.2011.

Sir,

With reference to your application dt. 4.5.11 on the subject cited above, I am to say that you have applied under RTI Act to know whether a student can have two Registration Number. A student cannot have two Registration Number. In case a student fails in the A.H.S. Examination conducted by the Council and taken admission changing his stream he will get a new Registration Number as surrender of old registration number.

This for your kind information.

Yours faithfully,

Public Information Officer  
28.5.11

Attested

Project Co-ordinator  
S. S. A. Bhadrak

GCB/

T. C. Choudhary  
A. S. Choudhary

To

The Collector-cum-Chief Executive Officer, Zilla Parisada,  
At/P.O./Dist-Bhadrak.

Sub- Petition with a prayer to call for all the case records pertaining to enquiry conducted in pursuant to the earlier order dtd.24.3.2011 passed in W.P. (C) No.7478/2011 (filed by Sri Rama Kanta Sahoo and others) and order dtd.15.7.2011 passed in W.P. (C) No.18256/2011 (filed by Manin Parida and others) for reference and consideration of the materials / documents produced by the petitioners of the aforesaid case in proof of the fraud committed by the vocational and Upasastri Candidate

Sir,

With due respect, we the petitioner in W.P. (C) No.5077/2014 do hereby, humbly beg to submit that

(1) The list of vocational candidate and Upasastri candidate those have obtained certificates of Vocational pass and Upasastri pass in suppression of materials fact and in violation of CHSE Rules and Regulations are available in the enquiry case records prepared / conducted by the office of DPC, Bhadrak in pursuant to earlier order dtd.24.3.2011 passed in W.P. (C) No.7478/2011 (filed by Sri Rama Kanta Sahoo and others) and order dtd.15.7.2011 passed in W.P. (C) No.18256/2011 (filed by Manin Parida and others).

(2) In all such enquiry case records pertaining to D.I.-1 and D.I.-2, the documents / materials evidences of double certificates and deliberate willfully acts of fraud are available. Those materials are also vital for conducting the present enquiry in pursuant to the order of the Hon'ble High Court passed in W.P. (C) No.5077/2014 (filed by Surekha Samal) and a batch of cases.

We therefore, pray your good authority to be kind enough to consider the above grievance and be pleased to call for all enquiry case records for further verification and scrutiny with further opportunity of hearing to the petitioners on the scheduled date fixed for enquiry i.e.10.7.2015. For which act of kindness, the petitioners shall be obliged.

Surekha Samal

Date 8-7-15

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Annexure-9

**REJECT LIST OF THE APPLICANTS FOR THE POST OF SIKSHYA SAHAYAK, 2012 UNDER  
BHADRAK DISTRICT**

Sl. No.	Index No.	Name of the applicant	Father's/ Husband's Name	Date of Birth	Sex	Caste	Edn. Dist.	Remarks
LIST OF APPLICANTS REJECTED DUE TO STUDIED +2 COURSE BOTH ARTS/SC/GOM & VOG/UPASASTRI								
1	30	BIDYUTA PRAVA KAR	BASANTA KU. DASH	01.04.84	F	GEN	BDK-II	
2	207	KABITA BEHERA	RABINARAYAN BEHERA	04.02.89	F	SEBC	BDK-II	
3	403	MANOJ KUMAR BEHERA	RATNAKAR BEHERA	25.06.90	M	OBC	BDK-II	
4	356	BAIJAYANTI DAS	BHOJENDRA PRASAD DAS	03.02.90	F	SEBC	BDK-II	
5	1047/+2 UT	HARAPRIYA JENA	F-GANESH PRASAD JENA	18/06/90	F	SEBC	BDK-II	
6	281/+2 U	SAMISKYA TRIPATHY	F-PRADEEP KU. TRIPATHY	12.05.91	F	GEN	BDK-II	
7	7	SODAMINI BISWAL	PRASHANTAKU. ROUT	12.05.89	F	SEBC	BDK-II	
8	341	CHAKRADHAR BAL	KRUSHNA CHANDRA BAL	06.04.86	M	SEBC	BDK-I	
9	174	SASMITA DAS	F-SANYASI DAS	04.04.90	F	SC	BDK-I	
LIST OF APPLICANT REJECTED DUE TO ONE YEAR D.S.E. COURSE								
1	33	AKSHAYA KUMAR JENA	F-DIBAKAR JENA	10.01.71	M	SC	BDK-I	

District Project Co-ordinator  
S. S. A., BHADRAK

+2 CT  
END DIST-BHADRAK II

# REJECT LIST FOR THE POST OF SS,2012 UNDER BHADRAK DISTRICT

SI. NO	INDEX NO	NAME OF THE CANDIDATE	NAME OF THE FATHER/HUSBAND NO	PERMANENT ADDRESS	DATE OF BIRTH	SEX	CASTE	CASTE CERT. NO.	RES. NO.	E. REGD. NO	FULL MRKS IN +2	MARKS OBTAINED	% OF MARKS	FULL MARKS IN C.T.	MARKS OBTAINED	% OF MARKS	TOTAL PERCENTAGE	PH/SPOR TS/EX. SERVICE MAN	REMARKS
27	61	LALITA KUMAR PUHAN	KAMINI KANTA PUHAN	AT-JAGANNATHI,PO-SUAN,VIA-ERAM,BHADRAK-756162	15.06.84	M	SEBC	924/11	1985/1	T/7508/09	1000	745	74.50	1250	891	71.28	145.78		Reject due to +2 vol. & +3 in 2006 & 2008 respectively
28	413	TAPASWINI NAYAK	PITABASH MOHANTY	AT/PO-PANDARABATIA,VIA-DHUSURI,DIST-BHADRAK	15.03.66	F	SEBC	933/08	1428/1	1580/08	900	406	45.11				45.11		Rejected due to find Teacher certificate not equivalent to +CT
29	56 A	SRIDHAR SETHI	MUSI SETHI	AT/PO-KANDRAGAIDA,VIA-TIHDI,BHADRAK	06.06.70	M	GEN		3314/06	3314/08	900	340	37.78				37.78		Rejected due to inadequate CT mark
30	380	PITABAS MOHANTY	SHYAMA SUNDAR MOHANTY	AT/PO-PANDARABATIA,VIA-DHUSURI,DIST-BHADRAK	09.09.66	M	SEBC	1192/07	1428/1	1475/08	900	369	41.00	1200	672	56.00	97.00		Reject due to ONE YEAR DSE
31	320	PRAHALAD CH. DAS	AGANI CH. DAS	AT/PO-ARASA,DIST-BHADRAK	14.02.67	M	SC	075/06	4428/1	2028/08	900	359	39.89	1000	513	51.30	91.19		Reject due to DSE ONE YEAR
32	375	PRAVAKAR DAS	MURALIDHAR DAS	AT-KHUNTA,PO-MANIPUR,VIA-TUDIGADHA,DIST-BALASORE	04.06.68	M	SEBC	327/11	wanting	4813/10	900	412	45.78				45.78		Reject due to INADEQUATE C.T. MARK
33	417	PRAVAT KUMAR NAYAK	MAHENDRA PRASAD NAYAK	AT/PO-BATI,VIA-SIMULIA,DIST-BALASORE	05.05.71	M	SEBC	487/11	2590/1	3638/10	900	358	39.78				39.78		Reject due to INADEQUATE MARK SHEET

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*[Signature]*

*[Signature]*  
Reject due to CT mark

\*2 C1  
END DIST-BHADRAK II

REJECT LIST FOR THE POST OF SS, 2012 UNDER BHADRAK DISTRICT

Sl. No	Index No	Name of the Candidate	Name of the Father/Husband	Permanent Address	Date of Birth	Sex	Caste	Caste Certificate No.	Res. No.	E. Regd. No.	Full Marks in +2	Marks Obtained	% of Marks	Full Marks in C.T.	Marks Obtained	% of Marks	Total Percentage	PH/SPORTS/EX. Service Man	Remarks
1	258	SURYANARAYAN NAYAK	SAYADHAR NAYAK	AT:POKHARIPUR(URUNIA), PO: LUNGA VIA: ERTAL, B BHADRAK	08.05.84	M	SEBC	6632/10	8356/11	6348/09	1000	691	69.10	1250	862	68.96	138.05	PH (ORTHO) 65%	Reject due to double +2 pass +2 VOC
2	304	HJRANYA KUMAR BEHERA	DAITARI BEHERA	AT-RUDHUNGA, PO-ASTIA, VIA-SIMULIA, DIST-BALASORE	08.05.88	M	SEBC	423/11	2295/11	6124/08	1000	697	69.70	1250	745	59.60	129.30		Reject due to double apply Soro Ky 553 UPASASTRI
3	329	SUSANTA KU. DAS	LAXMANKUMAR DAS	AT-MUKTESWAR PUR, PO PAKHAR, VIA-ANANTAPUR, DIST-BALASORE	18.05.92	M	SEBC	219/09	7176/11	10259/11	600	425	70.83	1250	822	65.76	136.59		Reject due to double apply Soro KY537 +2 COM.
4	307	SASMITA BARIK	NIRMAL CH. BARIK	AT:PO-CHUDAMANI, VIA-BASUDEVPUR, DIST-BHADRAK	26.06.88	F	SEBC	97/10	7006/11	9074/11	1000	651	66.10	900	666	74.00	140.10		Reject due to BSS 1 YEAR DIPLOMA
5	110	KALPANA NAYAK	RAJESH KU. MOHANTY	AT-NEW INDIASAHU, PO-BASUDEVPUR, BHADRAK	07.03.84	F	SEBC	811/11	7298/11	308/09	1000	750	75.00	1250	748	59.84	134.84		Reject due to double +2 pass +2 VOC
6	78	PRITIRANI KAR	MAHESWAR NAYAK	AT:CHANDANPUR, PO VIA BETADA, BHADRAK	15.02.88	F	GEN		1274/11	7190/210	1000	662	66.20	1250	925	74.00	140.20		Reject due to double +2 pass
7	101	DHRUTIPATRA SATAPATHY	ANANTA NARAYAN TRIPATHY	AT:PO-NARASINGHAPUR, VIA-BETADA, DIST-BHADRAK	04.04.84	F	GEN		7261/11	1750/09	1000	699	69.90	1250	815	65.20	135.10		Reject due to double +2 pass
8	214	PURNA CHANDRA SAHOO	SANAMALI SAHOO	AT:PO-KORANJADA, PO-GHANTESWAR BALPAL, VIA: GHANTESWAR, DIST-BHADRAK	22.11.80	M	SEBC	112/10	86/12	8191/09	1000	777	77.70	1250	819	65.52	143.22		Reject due to double +2 pass
9	52	NIRANJAN NAYAK	BAIKUNTHA NAYAK	AT:PO-CHUDAMANI, PS-BASUDEVPUR, BHADRAK	12.01.81	M	SEBC	6649/10	5388/11	7734/05	1000	787	78.70	1250	869	69.52	148.22		Reject due to double +2 pass +2 VOCATION
10	22	TAPASA KUMAR DHUPAL	EMBADHAR DHUPAL	AT-SUGO, PO-GOPALJEWI, SUGO, VIA-ERTAL, DIST-BHADRAK, PIN-756124	25.05.89	M	GEN		7190/11	7162/11	1000	672	67.20	1250	867	69.36	136.56		Reject due to double +2 pass +2

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+2 CT  
END DIST-BHADRAK II

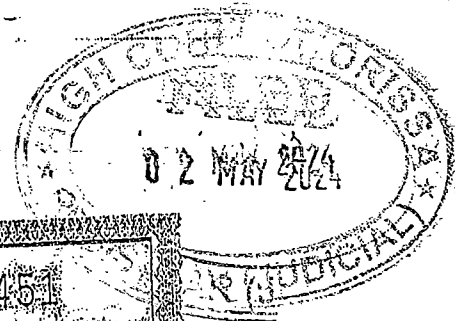
REJECT LIST FOR THE POST OF SS,2012 UNDER BHADRAK DISTRICT

SI NO	INDEX NO	NAME OF THE CANDIDATE	NAME OF THE FATHER/HUSBAND	PERMANENT ADDRESS	DATE OF BIRTH	SEX	CASTE	CASTE CERT. NO.	RES. NO.	E. REGD. NO.	FULL MARKS IN +2	MARKS OBTAINED	% OF MARKS	FULL MARKS IN C.T.	MARKS OBTAINED	% OF MARKS	TOTAL PERCENTAGE	PH/SPOR TS/EX. SERVICE MAN	REMARKS
11	160	MAHESWAR BEHERA	RAMESH CH. BEHERA	AT-BASATHI,PO- RADHABALLAVPUR,VIA- BASUDEVPUR,BHADRAK	04.05.88	M	OBC	141/10	5730/1 1	5271/8 9	1000	752	76.20	1250	883	70.64	146.84		Reject due to double +2 pass +2 VOC
12	274	JNANA RANJAN KABAT	GHANASHYAM KABAT	AT/PO-NUAPAN,VIA- ERAM,DIST-BHADRAK	05.06.84	M	SEBC	1014/11	8394/1 1	4359/0 9	1000	722	72.20	1250	904	72.32	144.52		Reject due to double +2 pass +2 Voc
13	315	SHASHIREKHA BEHERA	BIKARTANA BEHERA	AT/PO-KUMARPUR,VIA- ANANTAPUR,DIST- BHADRAK	05.02.84	F	SEBC	143/04	8282/1 1	806/11	1000	661	66.10	1250	774	61.92	128.02		Reject due to Double +2 pass UPASAST
14	354	ANASUYA MOHAPATRA	BHAGIRATHI MOHAPATRA	AT-JAYAPUR,PO- NARASINGHAPUR,VIA- BETADA,BHADRAK	05.06.90	F	GEN		7685/1 1	10136/11	1000	738	73.60	1250	907	72.56	146.36		Reject due to double +2 pass UPASAST
15	230	AMAR KU. BEHERA	MARKANDA BEHERA	AT: KUAGADHIA, POVIA- BETADA, BALASORE	17.11.83	M	SEBC	33/12	2297/1 1	4386/1 0	1000	717	71.70	1250	878	70.24	141.94		Reject due to double +2 pass UPSASTRI
16	63	HEMANTA KUMAR NATH	AMULYA CHARAN NATH	AT-BARTONG,PO- BARAPUR,VIA- ANANTAPUR,BHADRAK- 756008	10.07.83	M	OBC	650/209	1338/1 1	71517/09	1000	772	77.20	1250	680	70.40	147.60		Reject due to double +2 pass+2 VOCATION
17	194	LAXMINARAYAN BEHERA	BHAGIRATHI BEHERA	AT/PO: GUD, VIA: ANANTAPUR, DIST: BALASORE	20.09.80	M	OBC	143/10	7973/1 1	9570/0 9	1000	658	65.80	1250	896	71.68	137.48		Reject due to Double Apply Sero KY 254.2
18	322	MADHUSMITA DAS	SARAT CH DAS	AT-GHATAPUR,PO- SUNTAPADA,VIA- CHAKABARAPUR,DIST- BALASORE	12.05.86	F	GEN		7708/1 1	966/11	1000	605	60.50	1250	970	77.60	138.10		Reject due to Double apply Sero KY345
24	318	CHANDRAM ANI HOTA	MANAGOBINDA HOTA	AT-TALABANDHA,PO- GHATAPUR,VIA- PIRHAT,DIST-BHADRAK	28.08.69	M	GEN		6290/1 1	12/09	900	334	37.11	1050	480	45.71	82.83		Reject due to Over age
25	382	SASMITA ROUT	BABULI ROUT	AT-RANKADEULI,PO- DUMASAHU,VIA- GODIPADA,DIST- NAYAGAD	20.06.92	F	OBC	10013/1 1	10074/11	7481/1 1	900	396	44.00				44.00		REJECTED DUE TO UNTRAINED OBC CANDIDATE
26	382	SASMITA ROUT	BABULI ROUT	AT-RANKADEULI,PO- DUMASAHU,VIA- GODIPADA,DIST- NAYAGAD	20.06.92	F	OBC	10013/1 1	10074/11	7481/1 1	900	396	44.00				44.00		REJECTED UNTRAINED OBC CANDIDATE

T. C. - attached  
Advt

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ROLL NO. 302AB050  
REGN.NO. 025565/2005

SERIAL NO. 261451

CER. SNO: 2007100225

# COUNCIL OF HIGHER SECONDARY EDUCATION BHUBANESWAR ORISSA



## HIGHER SECONDARY EXAMINATION CERTIFICATE

I Certify that **TAPASWATI JENA**  
Son/Daughter of **Smt. BIMALA JENA**  
& **Sr. NARAYAN CHANDRA JENA**  
of **AGARPARA COLLEGE, AGARPARA**  
has passed the Higher Secondary Examination in **SCIENCE**  
held in the month of **MARCH** 2007 and has placed in the **SECOND** Division.

## SUBJECTS OF EXAMINATION

COMPULSORY	ENGLISH MIL. ORIYA
OPTIONALS	PHYSICS CHEMISTRY MATHS
EXTRA OPTIONAL	BIOLOGY
WORK EXPERIENCE	B



DATE  
30-05-07

COMPARER

*K. Paul*  
HEAD OF THE  
INSTITUTION

*R. S. Mahapatra*  
SECRETARY

Tapaswati Jena

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NO. 911KA027  
GN.NO. 151741/2006

SERIAL NO. 591738  
CER. SMO: 2008102416

**COUNCIL OF HIGHER SECONDARY EDUCATION, ORISSA**  
**BHUBANESWAR**



VOCATIONAL

**HIGHER SECONDARY EXAMINATION CERTIFICATE**

I Certify that **TAPASWINI JENA**  
Son/Daughter of Smt **BIMALA JENA**  
& Sri **NARAYAN JENA**  
of **GOVT VOCATIONAL JR COLLEGE NUASAH**  
has passed the Higher Secondary Examination in **VOCATIONAL**  
held in the month of **XX** YEAR **2008** and was placed in the **FIRST Division**

**SUBJECTS OF EXAMINATION**

**COMPULSORY** : ENGLISH  
: HIL ORIYA  
: GENERAL FOUNDATION COURSE  
**OPTIONALS** : BASIC FOUNDATION COURSE  
**TRADE** : DAIRY FARMING



DATE  
09-JUN-08

COMPARER

HEAD OF THE  
INSTITUTION

SECRETARY

*Tapaswini Jena*



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-028

ROLL NO. 127A8024  
REGN. NO. 032614/1999

SERIAL NO. 1086188

CERES NO. 20011007166



### HIGHER SECONDARY EXAMINATION CERTIFICATE

I Certify that **BANAJINT MISHRA**  
Son/Daughter of Smt. **SANTILATA MISHRA**  
& Sri **SARAT CHANDRA MISHRA**  
of **TRUPTI WOMEN'S COLLEGE, BASUDEVPUR,**  
has passed the Higher Secondary Examination in **ARTS**  
held in the month of **MARCH 2001** and was placed in the **THIRD** Division.

#### SUBJECTS OF EXAMINATION

COMPULSORY : ENGLISH  
                  : MATHS  
OPTIONALS : OPT. SANSKRIT  
                  : EDUCATION  
                  : PHYSICS  
EXTRA-OPTIONAL : HISTORY  
WORK EXPERIENCE : B

DATE

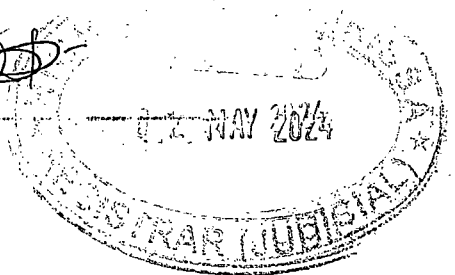
COMPARED

HEAD OF THE  
INSTITUTION

SECRETARY

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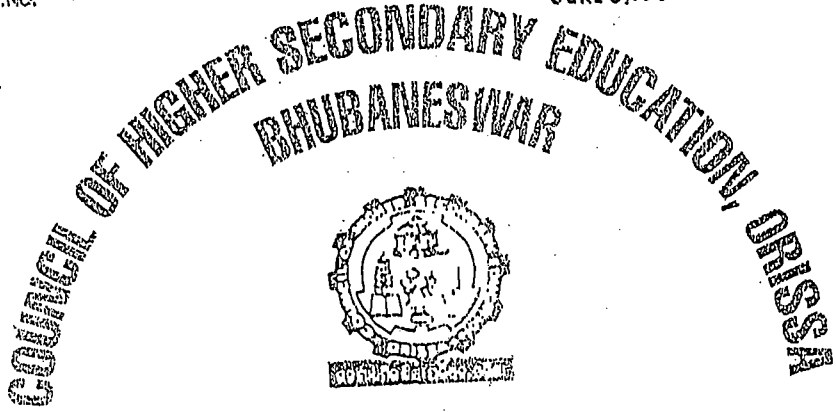
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Annexure-10 Score

ROLL NO. 907AB029  
REGN. NO. 700027/1999

SERIAL NO. 246669  
CER. SNO: 2006100121



VOCATIONAL

HIGHER SECONDARY EXAMINATION CERTIFICATE

I Certify that **DANAJINI MISHRA**  
Son/Daughter of Smt. **SANTI LATA MISHRA**  
& Sri **SARAT CHANDRA MISHRA**  
of **GOVT VOCATIONAL JR COLLEGE BASUDEVPUR**  
has passed the Higher Secondary Examination in **VOCATIONAL**  
held in the ~~XXXXXX~~ YEAR **2006** and was placed in the **FIRST** Division.

SUBJECTS OF EXAMINATION

COMPULSORY	1. ENGLISH 2. HIL ORIA 3. GENERAL FOUNDATION COURSE
OPTIONALS	1. BASIC FOUNDATION COURSE
TRADE	1. REPAIRMAINT. OF RADIO&TV



DATE  
09/06/06

CONTROLLER

HEAD OF THE  
INSTITUTION

SECRETARY

Distt. College  
Bhubaneswar

T. Chakrabarti

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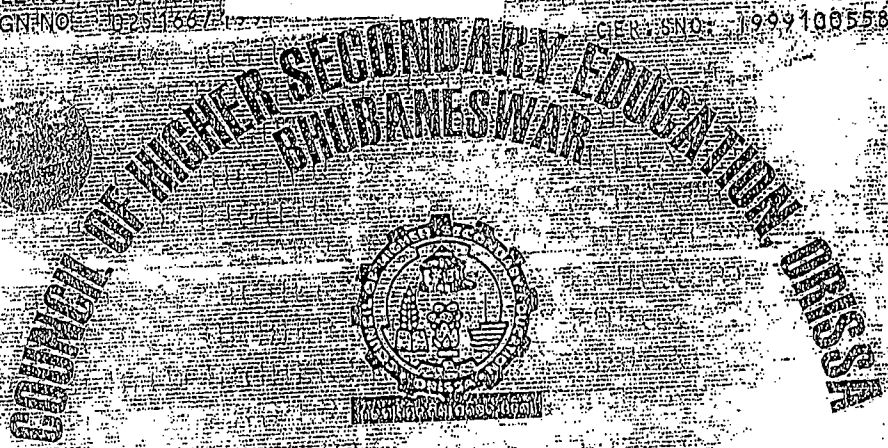
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-100-

ROLL NO. 1024812  
REGN NO. 10251667

SERIAL NO. 876386  
CEN. SNO. 19991005588



### HIGHER SECONDARY EXAMINATION CERTIFICATE

I Certify that PRATIM MANJARI KAR  
of AGARPARA GO. L. HIGH SCHOOL, AGARPARA has passed the Higher Secondary  
Examination in ARTS held in the month of MARCH 1999  
and was placed in the THIRD Division.

### SUBJECTS OF EXAMINATION

COMPULSORY	ENGLISH HINDI ORLYA
OPTIONALS	EDUCATION ECONOMICS POLITICAL SCIENCE
WORK EXPERIENCE	

24.02  
DATE

COMPARER

HEAD OF THE  
INSTITUTION

SECRETARY

-81-



# SRI JAGANNATH SANSKRIT VISHVA VIDYALAYA, SHRI VIJAYA PURAM, ORISSA

## PROVISIONAL PASS CERTIFICATE CUM - MEMORANDUM OF MARKS

This is to certify that  
Son/Daughter of  
Examination

PRATIMAMANJARI KAK

SANKARSAN KAR

June 2006 from BS07-CHINTAMANI SANSKRIT MAHAVIDYALAYA, PATNA

6007BS021

UPASCHARYA

Compulsory Core Course			Compulsory Language Course			Shastriya Optional			Modern Optional			Extra Optional		
Subject	Paper	FM MS	Subject	Paper	FM MS	Subject	Paper	FM MS	Subject	Paper	FM MS	Subject	Paper	FM MS
Vyakarana	1	100 90	MIL (Oriya)	6	100 71	Vyakarana	4	100 88	History	9	100 70	Education	11	75 50
Sahitya	2	100 68	English	7	100 49	Sahitya	5	100 72	History	10	100 75	Education	12	75 53
Darshan	3	100 73	English	8	100 70							Practical	50	45
Total			Total			Total			Total			Total		
233			193			193			173			173		
Total Marks			Total Marks			Total Marks			Total Marks			Total Marks		
233			193			193			173			173		
In Words (Six hundred Forty)			In Words (Nineteen)			In Words (Nineteen)			In Words (Eighty Three)			In Words (Eighty Three)		
N.B. Pass Marks: Theory 30%, Practical 40%, Aggregate 50%, Combined Pass Mark of 70% (70% of 100)			N.B. Pass Marks: Theory 30%, Practical 40%, Aggregate 50%, Combined Pass Mark of 70% (70% of 100)			N.B. Pass Marks: Theory 30%, Practical 40%, Aggregate 50%, Combined Pass Mark of 70% (70% of 100)			N.B. Pass Marks: Theory 30%, Practical 40%, Aggregate 50%, Combined Pass Mark of 70% (70% of 100)			N.B. Pass Marks: Theory 30%, Practical 40%, Aggregate 50%, Combined Pass Mark of 70% (70% of 100)		
Division/Class: First 60%, Second 45%, Third 35%, Extra Opt. Out of 500 Pass			Division/Class: First 60%, Second 45%, Third 35%, Extra Opt. Out of 500 Pass			Division/Class: First 60%, Second 45%, Third 35%, Extra Opt. Out of 500 Pass			Division/Class: First 60%, Second 45%, Third 35%, Extra Opt. Out of 500 Pass			Division/Class: First 60%, Second 45%, Third 35%, Extra Opt. Out of 500 Pass		

Date 17 SEP 2006

Head of the Institution

Controller of Examination

Handwritten signature and name: A. S. S. S.

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BEFORE THE COLLECTOR-CUM-CHIEF EXECUTIVE  
OFFICER, ZILLA PARISADA, BHADRAK.

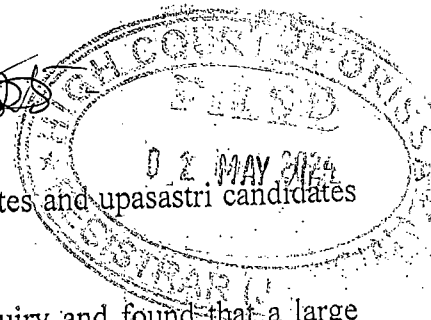
MISC. CASE NO. 3 / 2015

(Arising out of W.P. (C) No.5077/2014 along with a batch of cases disposed of  
on vide common order dtd.5.5.2015).

DATE OF EVENTS AND NOTE OF SUBMISSION FILED BY THE  
PETITIONERS (NON- VOCATIONAL / UPASASTRI CANDIDATES).

- 1) 10.1.2011 State Govt. issued Resolution dated-10.01.2011 prescribing guideline for engagement of SS on Annual Contractual Basis.
- 2) 22.1.2011 Following the Govt. Resolution dtd.10.1.2011, the advertisement for engagement of SS was published in respect of D.I.-I and D.I.-II.
- 3) Initially provisional merit list was published. In the said list name of the petitioners / Intervener-Petitioner found place excluding the vocational candidates.
- 4) 21.4.2011 2<sup>nd</sup> provisional list was published including vocational candidate and upasastri candidate,
- 5) 18.03.2011 one of the writ petitioner (Ramakanta Sahoo, & another) submitted objection to the inclusion of fake vocational and upasastri candidates on the ground that they are all fake candidates and by committing fraud and in / concealment/misrepresentation of fact, they have applied for the post of SS.
- 6) 24.3.2011 The Hon'ble High Court in W.P.C NO-7478/2011 directed the DPC to consider the grievance petition of the petitioners against the vocational and upasastri candidates and their inclusion to the merit list.
- 7) 16.07.2011 Some of the Intervener-Petitioners also filed W.P. (C) No.18256/2011 again challenging the inclusion of fake vocational and upasastri candidate and steps being taken for engagement. The Hon'ble High Court vide order dtd.15.07.2011 directed to complete the enquiry and thereafter give appointment. But in violation of the above

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direction, fake vocational candidates and upasastri candidates are engaged.

- 8) The DPC by then conducted enquiry and found that a large number of vocational / upasastri candidate have committed fraud in both way by Concealing the fact of their earlier Arts/Commerce/Science pass certificates and by giving false undertaking. Accordingly, many of the fake vocational / upasastri candidates were issued with disengagement notices. Against Disengagement action, fake vocational candidates and upasastri candidates approached the Hon'ble High Court in different writ petitions.
- 9) The petitioners ( in W.P.C No.5077/2014 & others) being the genuine candidates intervened all those cases opposing the fake vocational and Upasastri candidates. On the other hand also filed independent cases praying for engagement as SS.
- 10) 05.05.2015 All the writ petitions were clubbed together and finally vide order dtd.5.5.2015 were disposed of with a direction to disengage fake / fraud candidates and to engage genuine candidates by recasting the merit. Copy of the order dtd.5.5.2015 passed in W.P. (C ) No.5077/2014 (copy enclosed).
- 11) The following issues emerge to be decided
- (A) What is **fraud** and what is **misrepresentation of fact / concealment of fact** ?.
- (B) Whether the vocational candidates and upasastri candidates committed any **fraud** in acquiring vocational and upasastri certificates in contravention of the CHSE Act, Regulation and instructions ? or Whether the vocational candidates and upasastri candidates, committed fraud in obtaining engagement as SS by suppressing the earlier fact of prosecuting or passing Arts / Science / Commerce course immediately after passing H.S.C. Examination ?.
- (C) Whether the vocational and upasastri candidates have willfully / deliberately concealed/misrepresented the fact to gain contractual engagement of SS in disadvantage to the genuine general candidates (petitioners)?.

#### Issue No.-A

In order to answer, the following provisions of Contract Act 1872 is quoted herein below:-

#### Section - 17 -

"Fraud" defined - "Fraud" means and includes any of the following acts committed by a party to a contract,

- (1) - xxxxxxxxxxxxxxxx  
 (2) - The active concealment of a fact by one having knowledge or belief of the fact.  
 (3) - xxxxxxxxxxxxxxxx  
 (4) - Any other act fitted to deceive

Section - 18 - Misrepresentation means and includes

(1) - xxxxxxxxxxxxxxxx

- (2) - Any breach of duty which without an intention to deceive, gains an advantage to the person committing it, or anyone claiming under him by misleading another to his prejudice, or to the prejudice of anyone claiming under him.

In view of the aforesaid provision any thing obtained by concealment of a fact or by misrepresentation of fact either to deceive or to gains an advantage or to the disadvantage of others is amounts to fraud.

Question No.-B In order to answer the aforesaid question the relevant provisions are quoted below:-

- (1) Govt. Resolution dtd.1.10.2011 governing the field at Paragraph-4.6. The engagement will be on an Annual Contract Basis.

- (2) The provisions of the Orissa Higher Secondary Act 1982.  
 Section-2 - Definitions

Section-2(i) - "Higher Secondary Course" means course "immediately" following the High School Certificate Course and covering a period of two academic years which is provided for either in a College or a Higher Secondary School and includes Arts, Science, Commerce and Vocational Courses".

Section-2 (J)- "Higher Secondary Education" means such general and Vocational Education forming in itself a complete purposive whole, which immediately follows Secondary Education as has been defined in the Orissa Secondary Education Act 1952 and immediately "precedes" a stage of education controlled by any university".

Section-30 (2) - The first regulations shall be framed by the Govt.



## ORISSA HIGHER SECONDARY EDUCATION REGULATIONS 1982.

Consists of Chapter -I to V which covers Regulation 1 to 87

## ORISSA HIGHER SECONDARY EDUCATION (AMENDMENT) REGULATIONS 1983.

Consists of Chapter -VI to X which covers Regulation 88 to 164

Chapter-VII deals with admission to Higher Secondary Education

Regulation - 106 - XXXXXXXXXXXXXXXXXXXXXXXX

Regulation -107 - "Any registered student of the Council may be admitted to the annual examination in Arts, Science, Commerce Courses, if he / she has completed in one or more affiliated institutions, recognized for the purpose of such examinations a regular courses of study, on the subjects in which the candidate wishes to be examined, for not less than two academic years after passing the High School Certificate Examination of the Board of Secondary Education, Orissa, or some other examination recognized by the Council as equivalent thereto (Examinations conducted by the Central Board of Secondary Education, Indian School Certificate Examination and the Board of Secondary Education of other states in India) and has been promoted to the second year class on the basis of the examinations conducted by that institution in the first year".

Regulation -109 (1) - " No students shall ordinarily be admitted into an institution six weeks after the date of reopening of the institution or from the date of publication of results of the Annual High School Certificate Examination of the Board of Secondary Education, Orissa, whichever is later, provided that the Councils may permit a student two weeks more for admission with a late fees of Rs.10".

Regulation -109 (2) - "A candidate who passes the Supplementary High School Certificate Examination of the Board of Secondary Education, Orissa, may be admitted to an institution



within three weeks after the publication of the results, provided that the Council may extend the date of admission by 10 days with a late fee of Rs.10".

### Chapter-VIII

#### Admission to the Higher Secondary Education in the Vocational Stream

Regulation -122 -

XXXXXXXXXXXXX

Regulation -123

"Any registered student of the Council may be admitted to the Annual Examination in Vocational courses, if he/she completed in any Higher Secondary School / Junior College, recognized by the Council as a Vocational Centre a regular course in a Vocational subject for not less than two academic years after passing the High School Certificate Examination of the Board of Secondary, Orissa or some other examination recognized by the Council as equivalent thereto, and has been promoted to the second year class".

Regulation -124 (1) "No student shall be admitted into an institution six weeks after the date of reopening of the institution or from the date of publication of results of the Annual High School Certificate Examination of the Board of Secondary Education, Orissa, whichever is later provided that the Council may permit a student two weeks more for admission with a late fee of Rs.10".

Regulation -124 (2) "A candidate who passes the supplementary High School Certificate Examination of the Board of Secondary Education, Orissa, may be admitted to an institution within three weeks after the publication of result. Provided that the Council may extend the date of admission by 10 days with a late fee of Rs.10".

### Submission in reply to question-B.

- (1) The Higher Secondary Course is a two year course, which is immediately being followed from High Schools Certificate Courses. The Higher Secondary Course may be general (+2 Arts/ Science/ Commerce) and Vocational.

From Section-2(i) and (j) of the Act, it is clear that the course either general or vocational is to be treated Higher Secondary Course / Higher Secondary Education, which is followed immediately from the stage of HSC. Therefore, there cannot be two courses at the stage of Higher Secondary Education by any stretch of imagination to be prosecuted just after HSC.

Here all the fake vocational and upasastri candidates have prosecuted their vocational and upasastri courses after taking admission to the general courses of +2 Arts/ Science/ Commerce, which was legally impermissible. Therefore all such vocational & Upasastri candidates have committed fraud in obtaining either vocational or Upasastri certificates.

- (2) The Regulation - 107 deals with admission to general courses +2 Arts/ Science/ Commerce and Regulation -123 deals with admission to vocational courses. Both these regulations envisage admission just after passing HSC Examination for not less than two academic year. Both these Regulations are in consonance with the Section-2 (i) and (j) of the Act. In view of the said regulation, the statutory restriction has been envisaged that no two year course is possible to be followed one after another.

- (3) Apart from Section-2(i) and (j) read with Regulation -107 & 123, the Regulation-109 and 124 are expressly clear by stipulating time statutorily when and how a candidate can take admission either one of the general courses or vocational course. The time stipulation as provided under Regulation-109 for general courses and under Regulation -124 for vocational courses are identical and same so far admission is concerned.

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Therefore, reading together the Regulation - 109 and 124 along with the Regulation -107 and 123 with reference to Section -2 (i) and (j), the Act and the Regulation -1993 framed by the Government does not leave any scope for double course or double certificates by any stretch of imagination rather it clearly imposes restrictions that no admission is possible one after another.

In other words, only one course can be preferred within six weeks from the date of passing HSC Examination. Hence, the aforesaid provisions being statutory nature is mandatorily required to be followed. Any course prosecuted in violation of / deviation of / derogation of the aforesaid provision of the Act & Regulation and thereby obtained certificates deserves no consideration as the certificates obtained by committing fraud stands ifso-facto invalid and illegal.

(4) The fake Vocational/Upasastri writ petitioners in W.P.(C) No.32024/2011, W.P.(C) No.32023/2011, W.P.(C) No.32025/2011, W.P.(C) No.32026/2011, W.P.(C) No.1857/2012, W.P.(C) No.28414/2011, W.P.(C) No.5340/2012 have never disputed the fact that they failed or passed with less percentage of marks, again they have prosecuted the alleged vocational courses and upasastri courses by antedating the said admission to the alleged course.

Therefore, the statutory time as stipulated under Regulation -109 and 124 for getting admission either to one of the general course or to vocational course respectively is mandatory in nature. The certificate obtained by the fake vocational candidates and upasastri candidates de hors the aforesaid provisions of law are not liable to be considered for engagement of any public post.


Therefore, all the vocational candidates and upasastri candidates have not only committed fraud in taking admission to vocational courses by suppressing the fact of earlier prosecution of general courses but also obtained such certificates so as to acquire C.T. qualification and further to get engagement as SS.


Submission in reply to question-C.

1. As per Clause-4.6 of the Govt. Resolution, Sikshya Sahayak engagement is a contractual engagement.
2. All the vocational and upasastri candidates have willfully and deliberately suppressed/ concealed material facts i.e. the earlier passing of +2 Arts / Science / Commerce.
3. The undertaking given by the vocational and upasastri candidate is very clear to the extent that they have willfully/deliberately given false information, thereby, deliberately misrepresented the facts not only to gain the post of SS but also in disadvantage to other genuine candidates.
4. Hence, in view of the admitted fact & definition of fraud and the judgement of the Hon'ble High Court & Hon'ble Supreme Court, they have committed fraud in Two stages :-
  - i) in obtaining vocational / Upasatri certificates
  - ii) in obtaining contractual engagement as Sikshya Sahayak by giving false undertakings.

Bhadrak

Date :

  
Advocate for Surekha Samal and others

T. C. attached  


BEFORE THE COLLECTOR-CUM-CHIEF EXECUTIVE  
OFFICER, ZILLA PARISADA, BHADRAK.

MISC. CASE NO.3/2015

(Arising out of W.P. (C) No.5077/2014 along with a batch of cases disposed of on vide common order dtd.5.5.2015).

LIST OF JUDGMENTS relied by the Petitioners  
(Surekha Samal and others)

- A)
  1. An act committed by a party with intent to gain advantage
  2. An act to deceive another.
  3. An act or omission or concealment/ misrepresentation of fact by which a person obtains an advantage against another.  
(including in reference to Section-17 of the Contract Act.)
- B)
  1. 2009 (II) OLR (SC), Page-229, Para-36, 37.
  2. AIR 1994 (SC), Page-853, Para-  
Fraud & justice never dwell together.
- C)
  3. JT 2005(II) (SC), Page-439, Para-15,16 & 18.
  4. 2012 (II) OLR, Page-721, Para-7.
- D)
  5. Fraud & its Consequences.
  6. AIR 1996 (SC), Page-686, Para-6.
  7. SCALE 2011(9), Page-295, Para-11.
  8. AIR 1998 (SC), Page-111, Para-6,7.
  9. W.P.C NO-160/2012 disposed of on 09.01.2012 of the Hon,ble High Court in the context of the present nature of case.

by the petitioners  
(Surekha Samal and others)

Through Advocate.

T. catenuloides

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By Hand

COUNCIL OF HIGHER SECONDARY EDUCATION:ORISSA  
PRAJNAPITHA SAMANTAPUR BHUDANESWAR:13

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No. 3630 /CHSE, Dt. 27/5/11  
RTI.123/11

From,

Dr.Gopa Ranjan Mishra,  
Public Information Officer.

To

Ramakanta Sahoo,  
C/o-Mahendra Prasad Sahoo,  
At- Kalidaspur,  
Po- Narasinghapur,  
PS- Basudevpur,  
Dist-Bhadrak.

Sub:- Supply of information under RTI Act.

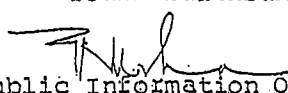
Ref:- Your application dt. 4.5.11.

Sir,

With reference to your application dt.4.5.2011 on the subject cited above, I am to say that, you have applied under RTI Act regarding admission procedure of a student. If a student takes admission in another College in 1st year having been failed in Annual HS Exam. conducted by the Council, the C.L.C from the 1st College needs to be released and required to be submitted in second College at the time of admission.

This is for your kind information.

Yours faithfully,

  
Public Information Officer.

27.5.11

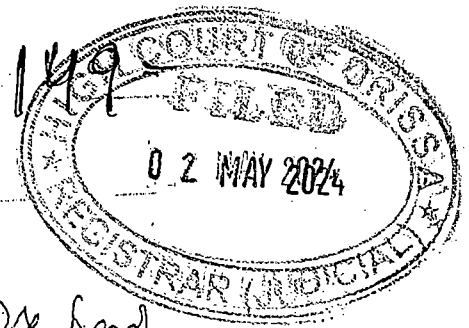
Attested

G/

Project Co-ordinator  
S. S. A. Bhadrak

T. C. Chhabra





COUNCIL OF HIGHER SECONDARY EDUCATION: ORISSA  
PRANGYAPITHA: SAMANTAPUR: BHUBANESWAR-13

No. RTI. 24/11 366 / CHSE(O), dt. 31/5/11

From:-

Dr Gopa Ranjan Mishra,  
Public Information Officer  
CHSE(O), Bhubaneswar.

To  
Ramakanta Sahoo,  
C/O-Mahendra Prasad Sahoo  
At-Kalidaspur, PO-Narasingshpur  
Dist-Bhadrak.

Sub:- Supply of information under RTI Act.  
Ref:- Your application dt. 4.5.2011.

Sir,  
With reference to your application dt. 4.5.11 on the subject cited above, I am to say that you have applied under RTI Act to know whether a student can have two Registration Number. A student cannot have two Registration Number. In case a student fails in the A.H.S. Examination conducted by the Council and taken admission changing his stream he will get a new Registration Number as surrender of old registration number.

This for your kind information.

Yours faithfully,

[Signature]  
Public Information Officer  
28.5.11

Attested

[Signature]  
Dist Project Co-ordinator  
S. S. A. Bhadrak

T.C. attested  
[Signature]  
Advocate

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Annexure-14

COUNCIL OF HIGHER SECONDARY EDUCATION, ORISSA  
PRANGNAPITHA, C/2 SAMANTAPUR, BHUBANESWAR-13  
XXXXXXXXXXXX

From :

Dr. J.K. Mahapatra,  
Secretary

No. CE/SECY/DE. 14/2/11

To :

The Special Secretary to Govt.,  
Deptt. of Higher Education, Orissa, Bhubaneswar.

Sub : Clarification regarding equivalence of the  
H.S. Vocational Examinations conducted by the  
CHSE, Orissa, Bhubaneswar.

Sir,

As desired by you, I am directed to inform you that as per the proceedings of the Academic Committee of the Council held on 11.01.2010 and duly approved by the General Body of the Council in its meeting held on 13.01.2010, the followings are the criteria for deciding equivalence to different streams of H.S. Examinations.

H.S. Vocational Examination having subjects as mentioned below as Basic Foundation Course	Equivalent to Higher Secondary Examinations in
History, Pol. Science & Economics	Arts Stream
Accounting, Cost Management etc.	Commerce Stream
Physics, Chemistry, Mathema- tics or Biology	Science Stream

This is for your kind information and necessary action.

Yours faithfully,

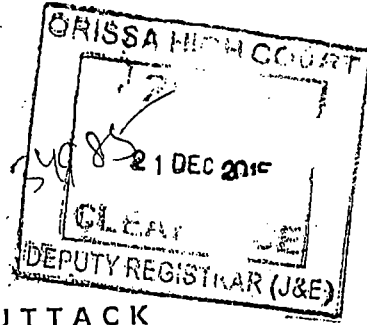
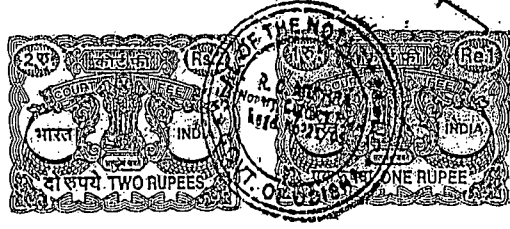
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Secretary

Copy attested  
Dated





IN THE HIGH COURT OF ORISSA; C U T T A C K  
W.P(C) No. 18706 of 2015

Surekha Samal and others .... Petitioners.

- Versus -

State of Odisha and others ..... Opp. Parties.

COUNTER AFFIDAVIT FILED ON BEHALF OF OPP. PARTY

NO.2 & 3.

I, Sri Ranjan Kumar Giri, aged about 50 years, Son of Jayakrishna Giri, at present working as District Project Co-ordinator, Bhadrak, At/Po/Dist.- Bhadrak do hereby solemnly affirm and state as follows:-

1. That, this deponent has been arrayed as opp. Party No.3 in this writ petition. He has gone through the averments made in the writ petition and has understood the contents thereof. He has been duly authorised by opp. Party No.2, Collector-cum-CEO, Zilla Parishad, Bhadrak to swear this affidavit on his behalf.

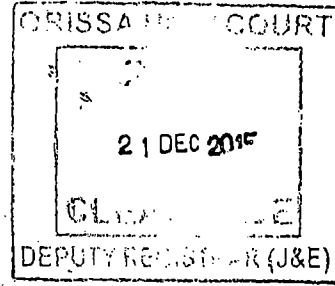
2. That, the petitioner above named has filed the aforesaid writ petition challenging the order under Annexure-12 wherein pursuant to the order dtd. 05.05.2015 of this Hon'ble Court passed in W.P(c) No.5077 of 2014 and similar other cases, the Collector-cum-CEO, Zilla Parishad, Bhadrak having considered the claim of the present petitioner vis a vis the other candidates,



Ranjan Kumar Giri  
District Project Co-ordinator  
S. S. A., BHADRAK

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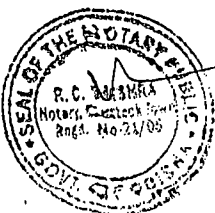
those who have been given engagement as Sikshaya Sahayak, after conducting personal hearing passed an order not to interfere in the recruitment of Sikshaya Sahayak made in the year 2011.

3. That, without giving parawise reply, this deponent craves leave of this Hon'ble Court to canvass the issues involved herein for kind appreciation of this Hon'ble Court.

4. That, it is humbly submitted that the State Government in supersession of all previous Resolutions, issued a detailed guideline for selection and engagement to the post of Sikhaya Sahayak vide its Resolution dtd.10.01.2011. As per Clause-6(1) the eligibility qualification was prescribed that the candidate must have passed +2 Science/Arts/Commerce or its equivalent examination declared by appropriate authority and C.T training. Following the aforesaid Govt. Resolution advertisement was issued by the Opp. Party No.2 on 22.01.2011 inviting applications from the eligible candidates.

5. That, after preparation of the merit list some of the candidates those who had acquired vocational qualification having been placed higher in the merit list, were given engagement since at the time of their engagement it was not known to the authorities that they had prosecuted their vocational studies after passing +2 courses under the Council of Higher Secondary Education, Odisha, Bhubaneswar and after

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*Ranjana Kumar Giri*  
District Project Co-ordinator  
S. S. A., BHADRAK

receipt of certain allegations, show cause notices were issued to the candidates, those who were given engagement on the basis of marks secured in their vocational courses, which was acquired by them after having passed +2 examination from the same Council of Higher Secondary Education, Odisha, Bhubaneswar.

6. That, while matter stood thus, some of the candidates, those who were issued with show cause notices approached this Hon'ble Court in different writ petitions and an interim order was passed in their favour for which they could not be disengaged.

7. That, this Hon'ble Court vide order dtd. 05.05.2015 passed in W.P(c) No. 5077 of 2014 and batch of cases directed the Collector-cum-CEO, Zilla Parishad, Bhadrak to take a decision by taking into consideration the show cause reply along with the enquiry report after supplying copy of the enquiry report to the petitioners and affording reasonable opportunity of hearing to them.

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Sr

Ranjana Kumare Giri

District Project Co-ordinator  
S. S.A., BHADRAK

It was further observed by this Hon'ble Court that it is needless to mention that if the petitioners have committed fraud by submitting the +2 Vocational course certificates contrary to the Council of Higher Secondary Education Act and the Regulations then they shall be disengaged and consequently the merit list shall be recast. The entire exercise shall be completed within a period of three months from the date of receipt of the certified copy of this order.



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8. That, pursuant to the above said order dtd. 05.05.2015 of this Hon'ble Court, the Collector-cum-CEO, Zilla Parishad, Bhadrak after giving personal hearing to the concerned parties as well as considering the show cause reply passed the order dtd. 21.08.2015 which is impugned before this Hon'ble Court in the present writ petition.

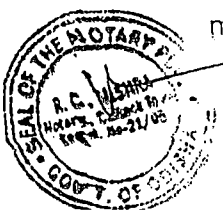
9. That, it is humbly submitted that on the date of personal hearing, the learned Advocates appearing for different petitioners advanced their argument and considering the arguments advanced and case laws produced before the Collector-cum-CEO, the above said order dtd. 21.08.2015 has been passed as per the appreciation of the Collector-cum-CEO, Zilla Parishad, Bhadrak.

10. That, it is humbly submitted that the learned Advocate for Surekha Samal and others (petitioners in W.P(c) No. 5077 of 2014 and others ) Mr. M.K. Sahoo argued that, the candidates having Vocational/Upasastri qualification have been engaged as Sikshaya Sahayak pursuant to the advertisement No. 243 dtd. 22.01.2011 of the District Project Co-ordinator, SSA, Bhadrak suppressing the facts that they have passed earlier +2 Science/Arts/Commerce Examination conducted by the Council of Higher Secondary Education, Orissa, Bhubaneswar which goes against the guidelines/resolution of the Council. They are all fake candidates and by committing fraud and in concealment/misrepresentation of fact, they have applied for the post of

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S

Ranjan Kumar Giri

District Project Co-ordinator,  
S. S. A., BHADRAK



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Sikshaya Sahayak. He also stated that, pursuant to the order of the Hon'ble High Court in W.P(c) No. 7478 of 2011 and W.P.(C) No.18256 of 2011, the then DPC, SSA, Bhadrak conducted enquiry and found that a large number of candidates having vocational/upasastri qualification have committed fraud in both way of concealing the fact of their earlier +2 Arts/Science/Commerce examination or equivalent examination from CHSE, Odisha or from equivalent Council/Board/University before appearing at the vocational/upasastri course examination at the time of receipt of engagement order. Accordingly many of the fake vocational/upasastri candidates were issued with disengagement notices and against such action of the DPC, SSA, Bhadrak, the Vocational/Upasastri candidates approached the Hon'ble High Court in different writ petitions. The petitioners in W.P(c) No. 5077 of 2014 and others being the genuine candidates intervened all those cases opposing the fake Vocational and Upasastri candidates and praying for engagement as Sikshaya Sahayak. To clarify the meaning of fraud and misrepresentation/ concealment of facts they cited the provisions of Contract Act, 1872 that fraud means the active concealment of a fact by one having knowledge or belief of the fact or any other act fitted to deceive. As per said Act the meaning of misrepresentation that, any breach of duty which without an intention to deceive, gain an advantage to the person committing it or any one claiming under him by misleading another to his

B.R.A.  
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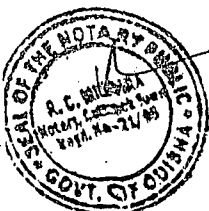
*Ranjana Kumar Giri*

District Project Co-ordinator  
S. S. A., BHADRAK

*[Handwritten signature]*

prejudice or to the prejudice of anyone claiming under him. In view of the said provision anything obtained by concealment of a fact or by misrepresentation of fact either to deceive or to gains an advantage or to the disadvantage of others is amount fraud. He submits that, as per provisions of the Odisha Higher Secondary Act, 1982, Higher Secondary course means course immediately following the High School Certificate course and covering a period of two academic years which is provided for either in a college or a Higher Secondary schools and includes Arts, Science, Commerce and Vocational courses. Higher Secondary Education means such general and vocational education forming in itself a complete purposive whole, which immediately follows secondary education as has been defined in the Orissa Secondary Education Act, 1952 and immediately precedes a stage of education controlled by any university. He also cited some points of the Orissa Higher Secondary Education Regulations, 1982. As per regulation-107, any registered student of the council may be admitted to the annual examination in Arts, Science, Commerce courses, if he/she has completed in one or more affiliated institutions, recognised for the purpose of such examinations a regular courses of study, on the subjects in which the candidates wishes to be examined, for not less than two academic years after passing the High School Certificate examination conducted by the Board of Secondary Education, Orissa or some other examination recognised by the council as

B.D.  
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*Ranjana Kumari Geta*

District Project Co-ordinator  
S. S. A., BHADRAX

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equivalent thereto and has been promoted to the second year class on the basis of the examinations conducted by that institution in the first year.

11. That, it is pertinent to mention here that in W.P(c) No. 32023 of 2011 that the learned counsel appearing for the petitioner stated that as per the Black's law dictionary fraud means (i) a knowing misrepresentation of knowing concealment of a material fact made to induce another to act to his or her detriment and (ii) a reckless misrepresentation made without justified believe in its truth to induce another person to act. As per chambers 20<sup>th</sup> century dictionary fraud means deceit, imposture, a cheat. As per the major law lexicon ( 4<sup>th</sup> edition ) fraud means and includes any of the following acts committed by a party to a contract or with his connivance, or by his agent, with intent to deceive another party thereto or his agent, or to induce him to enter into the contract:- (I) the suggestion, as a fact, of that which is not true, by one who does not believe it to be true (II) the active concealment of a fact by one having knowledge or belief of the fact, (III) a promise made without any intention or performing it (IV) any other act fitted to deceive (V) any such act or omission as the law specially declares to be fraudulent.

*By RA*  
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*Ranjana Karmate Gore*

District Project Co-ordinator  
S. S. A., BHADRAK



Further it was argued by the learned counsel that there was no such prohibition to have both +2 Arts/Science and +2

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vocational qualifications from Council of Higher Secondary Education. Also those documents now forthcoming and filed by the petitioners in W.P(c) No. 5077 of 2014 and other similar writ petitions either in the writ petition or before the Court of the Collector-cum-Chief Executive Officer, Zilla Parishad, Bhadrak are of the year 2011. But none the those letters or information obtain through RTI Act were in force at the relevant time when the vocational/upasastri candidates acquired the qualifications. Further all those letters or informations now relied upon by them giving the statement that one cannot have both +2 Arts/Science and +2 vocational qualification from the CHSE, Odisha. Besides that as it may once the vocational/upasastri candidates acquired the qualification much prior to issuance of those letters or instructions, those letters or instructions could not have any retrospective operation or effect. Hence it is incorrect to allege that the vocational/upasastri candidates have practiced fraud in the matter of engagement as Sikshaya Sahayak. He also stated that in pursuance of the order of the Hon'ble High Court in W.P(c) No. 6452 of 2011 the candidates having vocational qualification were treated at par and the students having +2 Arts/Science. As such said candidates were allowed to apply for the post of SS. From the aforesaid facts it is crystal clear that there is no illegality or irregularity committed by those candidates having both +2 Arts/Science and +2 vocational qualifications from the CHSE. The objectors are put to strict proof. In this matter he also

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*Ranjana Kumari Giri*

District Project Co-ordinator  
S. S. A., BHADRAK





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cited the order of the Hon'ble High Court in the case of Dr. Pranaya Ballari Mohanty -Vrs.- Utkal University and others reported in 2014 (I) OLR-226. He also submitted that in the case of Guru Nanak Dev University -Vrs.- Sanjaya Kumar Katwal and other reported in 2009 (I) SCC 610 it has been settled by the Hon'ble Apex Court that only the examining body, i.e the University has the right to withdraw or cancel a certificate. In the instant case till date the certificates issued in favour of the vocational/upasastri candidates by the appropriate authorities have not yet been cancelled or recalled by the examining body i.e the CHSE.

Ranjan Kumar Gire  
District Project Co-ordinator  
S. S.A., BHADRAK

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12. That, it is further argued that the claim of the vocational/upasastri candidates have been crystallised and the certificates so issued in their favour cannot be cancelled or recalled in view of the settled position of law laid down in the case of Dr. Pranaya Ballari Mohanty (supra). The judgment of Dr. Pranaya Ballari Mohanty was challenged in W.A No. 30 of 2014 before the Division Bench of the Hon'ble High Court but it was dismissed. So the judgment reached its finality. He also submits that the clause-2(i) of CHSE regulation never prohibits second +2 qualification for that this Hon'ble Forum in the case of Smt. Abanti Panda in Misc. case No 01/2011 has held a candidate having +2 vocational and +2 Arts qualification prior to 2011 cannot be debarred for selection to the post of GRS and an another order passed by this Forum vide order No. 534 dated



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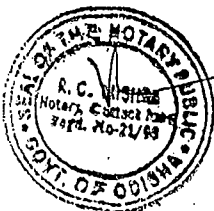
04.04.2015 pursuant to the order passed in O.A No. 179 (c) of 2015- Ratikanta Das -Versus- Collector, Bhadrak and others regarding the engagement in the post of Amin, because there was no bar at the relevant time when the candidates acquired the qualification and this Hon'ble Forum or the Hon'ble Collector has no authority to cancel any certificate issued by the competent authority.

13. That, it is humbly submitted that the Collector-cum-CEO, Zilla Parishad, Bhadrak arrived at such a decision on the ground that since the certificate issued by the Council of Higher Secondary Education, Odisha, Bhubaneswar or Sri Jagannath Sanskrit University, Puri of vocational and other Upasastri qualifications has not been cancelled till date by the competent authority and in view of that the selection committee cannot ignore the same on the basis of allegations of the same that they have been acquired in violation of the regulations of the Council of Higher Secondary Education, Odisha, Bhubaneswar, unless those certificates are cancelled by the issuing authority i.e Council of Higher Secondary Education, Odisha or Sri Jagannath Sanskrit University, Puri.

14. That, it is humbly submitted that the selection committee has no authority to cancel the certificates of vocational and upasastri courses issued by the Council of Higher Secondary Education, Odisha/Sri Jagannath Sanskrit University, Puri and the

*Ranjan Kumar Geta*  
District Project Co-ordinator  
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only competent authority to cancel the same, if the same has been obtained without the following or in violation of the regulations of Council of Higher Secondary Education, Odisha, Bhubaneswar.

15. That, in view of the above said facts and circumstances, it is humbly submitted that there is no illegality in the impugned order dtd. 21.08.2015 and accordingly the writ petition deserve to be dismissed.

16. That, the facts stated in this counter are all true to the best of my knowledge based on official records.

Identified by

*Dr. Babodhu Mohapatra*  
Asst. A.G's Office

*Ranjan Kumar Gani*  
Deponent.

District Project Co-ordinator  
S. S.A., BHADRAK

### CERTIFICATE

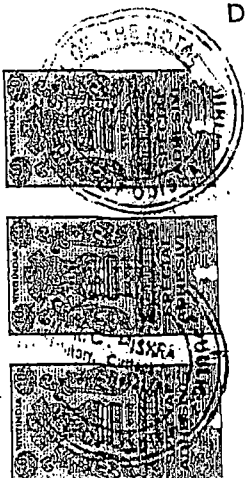
Certified that due to non availability of cartridge papers plain papers have been used.

Cuttack,

Date:- 17.12.15

*B.Ra*

Standing Counsel,  
School & Mass Education.



Solemnly affirm on in oath by the Deponent  
at Cuttack on 17.12.15 being identified  
by *[Signature]*  
Advocate/Adv's Clerk/Asst. AG's Office/Notary  
Personally, that the facts stated above are  
true to the best of *[Signature]* knowledge.

*[Signature]*  
H.C. MISHRA, Notary, Cuttack Town (ODISHA)  
Regd. No-21/05

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IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) No.18706/2015

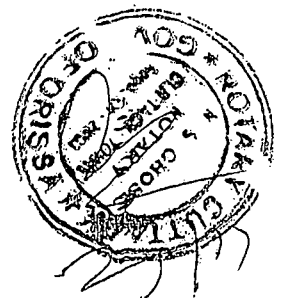
Surekha Samal & Others ..... Petitioners  
-Vrs-  
State of Odisha and others ..... Opp. Parties

Rejoinder Affidavit filed by the Petitioners to the counter of Opp. Party No. 2 & 3.

I, Surekha Samal, aged about 32 years, D/o. Biswanath Samal, At-Bimbal Bar, P.O.-Patuli, Dist-Bhadrak, do hereby solemnly affirm and state as follows:-

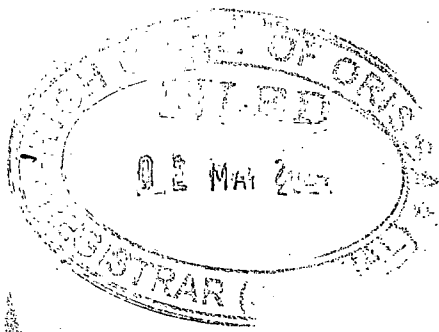
1. That I am the Petitioner in the aforesaid writ application and I have gone through the counter affidavit filed by the Opp. Party No.2 & 3, I filed this rejoinder in reply to the counter of Opp. Party No.2 & 3 as follows.

2. That the counter filed by the Opp. Party No.2 & 3 in nutshell deserves no consideration for the simple reason that the very said counter is contrary to their own earlier counter which was filed before this Hon'ble High Court by way of affidavit in W.P. (C) No.32025/2011, which is available at Annexure-7 to the writ petition. It is made clear that in the counter under Annexure-7, the very same authority (DPC, Bhadrak, SSA) at Paragraph-10 & 16 has categorically stated that they have not only suppressed the material fact in acquiring Vocational Course certificate by suppressing the fact of earlier



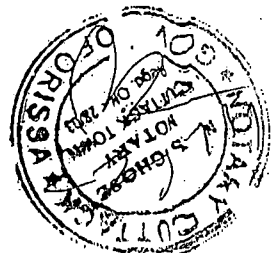
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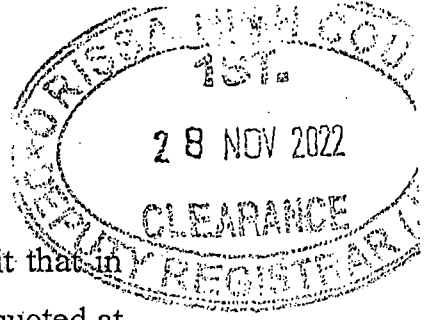
passing +2 Arts or +2 Science but also by suppressing the material facts thereby committed forgery in acquiring such second Vocational certificate, which is not permissible in the eye of law. Whereas, in the present counter, they have supported indirectly taking the stand that since the Vocational certificate has not been cancelled, they deserves for consideration and for continuance in their posts till cancellation of the certificates. Therefore, the entire counter bearing the contentions in support of private Opp. Parties No.4 to 6 are not only devoid of merits but also being contrary to the provisions of law are not sustainable and tenable.

Be that as it may, the petitioners humbly beg to submit that once this Hon'ble High Court vide order dtd.5.5.2015 passed in a batch of cases (one set of writ petition filed by Vocational candidates, Upasastri candidates challenged the disengaged notice and another filed by the petitioners and similar others), has categorically directed for completion of enquiry with due opportunity of hearing to all and further directed that in the event, the petitioners have committed fraud by submitting vocational certificate contrary to the CHSE Act and Regulations, they shall be disengaged and consequently the merit list shall be re-casted. The aforesaid Direction of this Hon'ble High Court stands to be violated by the stand taken in their counter.

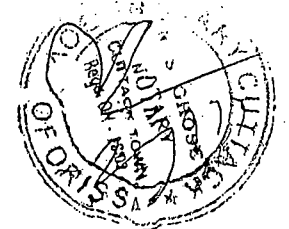


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③ - 122 -



3. That the petitioners humble beg to submit that in pursuant to the aforesaid direction dtd.5.5.2015, quoted at Page-13 of the writ petition, enquiry was completed by the Opp. Party No.2 with a finding that they have committed fraud in procuring vocational certificates. For appreciation, the findings of the Collector at the cost of repetition is reproduced here " it is a fact that the successful candidates have given an undertaking that they have not pass the +2 Arts / Science / Commerce streams prior to the vocational course but subsequent arguments and production of documents show that this is not correct and there is suppression of fact. But this is not enough to disqualify the successful candidates and declare their requirement as void ". In view of the aforesaid finding of the Collector, there was no occasion at all to conclude in their favour not to terminate from the services, which is contrary is contrary to the principle of law as settled by series of judgment of the Hon'ble Apex Court, pertaining to fraud. It has been settled that fraud and justice never dwell together. In other words, person even if received certain benefits or got engagement out of suppression of material facts, thereby committing fraud, then also he has no right to continue in the post. In the present case, the Collector, Bhadrak, has categorically come to a finding that they have committed fraud, in such event of finding, they have committed fraud then the Collector ought to have re-casted the merit list afresh, but not doing so, the



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- 165 -

impugned order stands violative of the directions dtd.5.5.2015 of this Hon'ble High Court passed in W.P. (C) No.5077/2014 and a batch of cases. Hence, in view of the aforesaid ground, all the contentions stated in their counter are liable to be rejected.

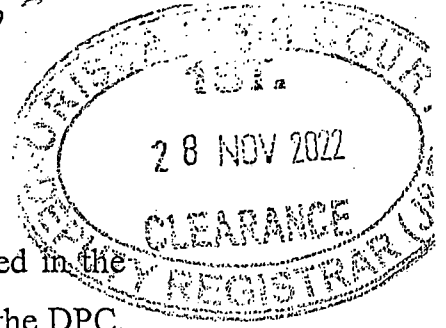
4. That it is respectfully submitted that on the same question of procuring double certificate at the level of +2, this Hon'ble High Court had an occasion to deal with the +2 Upasastir certificate acquired by suppressing the earlier facts of passing +2 Arts from SBM College, Jagatsinghpur and finally vide its judgment dtd.12.5.2016 categorically held that if this attitude of the petitioner will be taken in a positive way then everybody will get inducement for getting +2 Upasastri in case a candidate has secured lesser mark in +2 Arts / Science / Commerce in order to get engagement and in that situation the selection process will be mockery. For appreciation, a copy of the judgment dtd.12.5.2016 passed in W.P. (C) No.7031/2016 is filed herewith as Annexure-15.

5. That the petitioners humbly beg to submit that the Opp. Party No.2 & 3, in their entire counter, nowhere disputed / denied specifically on Para-wise averments made in the writ application from Para-1 to Para-26. In other words, on application of the principle of non-traverse, the Opp. Parties No.2 & 3 deemed to have admitted the grounds and the documents more



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particularly, the statements and contentions stated in the writ petition. Besides that the earlier counter of the DPC, Bhadrak under Annexure-7 to the writ petition is the answer to the contentions of the present counter. The Govt authorities are not supposed to take self contradictory stand & maintain double Standard, that to against law and against their earlier Counter.

6. That it is further humbly submitted that the Opp. Party No.4 to 6 and many others, those have been issued with conditional engagement as Sikshyashayak with an undertaking that in the event, the facts stated in the undertaking found to be false, then they shall be disengaged from their respective post of Sikshyashayak. In the present case, the private Opp. Parties have suppressed the fact deliberately and willfully and in each stage, from the date resorting to vocational courses to till the date of making application for the post of Sikshyashayak and filing undertaking to have not passed the earlier Arts or Science courses, they have suppressed material fact [ produced fake SLC & Not surrendered earlier registration of Arts or Science Courses, before taking admission to Vocational Courses, not given discloser at the time making application for the post of Sikshyashayak and further obtained engagement of Sikshyashayak by giving false undertaking to have not passed +2Arts / Science /commerce course from the very same CHSE], thereby they have committed fraud





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8. That the facts stated above are all true and correct to the best of my knowledge and belief.

Sarekha Samat

Deponent

28/11/22

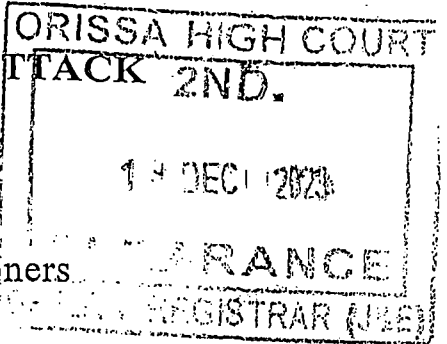
The above named deponent D. M. ...  
by Mr./Ms. ...  
appear before me at ...  
on this the ...  
solemnly affirms that ...  
are true to his, her ...

~~NOT A K~~

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IN THE HIGH COURT OF ORISSA: CUTTACK



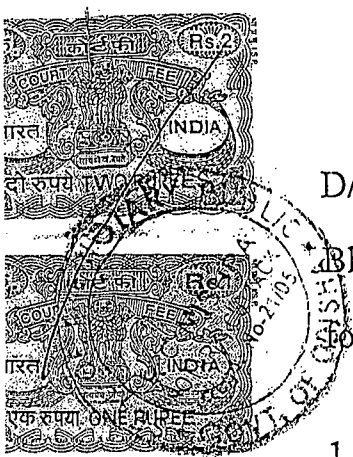
W.P.(C) No. 18706 of 2015

Surekha Samal and others ... Petitioners

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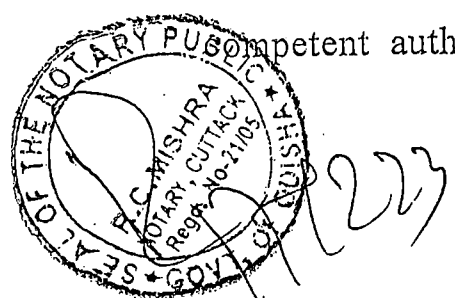
State of Odisha and others ... Opposite Parties

**COUNTER AFFIDAVIT FILED BY**  
**OPPOSITE PARTY No. 4**



I, Tapaswini Jena, aged about 33 years,  
D/o-Narayan Ch. Jena, At-Padi, P.o-Adia, Dist-  
Bhadrak, do hereby solemnly affirm and state as  
follows:-

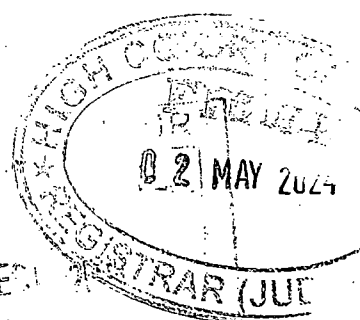
1. That I am the opposite party no.4 in this writ application. I have gone through the writ petition and understood the contents made therein.
2. That the petitioners in the above writ application has challenged the order under Annexure-12 passed by the Collector-cum-Chief Executive Magistrate, opposite party no.2 rejecting the claim of the petitioners on the ground that since the certificate which was issued by the competent authority in favour of opposite party



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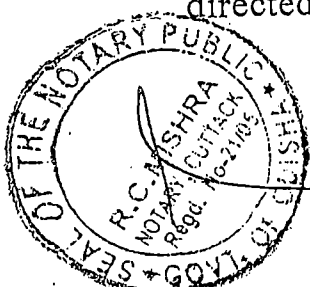
-169-



No. 4 has not been cancelled and is valid till to date, at that circumstances, no decision can be taken with regard to illegal selection of opposite party no. 4 for the post of Sikshya Sahayak.

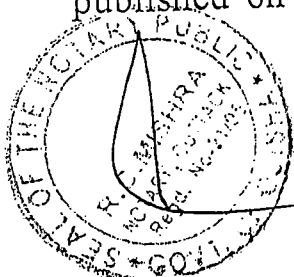
3. That it is respectfully submitted that the deponent has gone through the writ application filed by the petitioners. As it is understood by the deponent, the entire case of the present petitioners is that present opposite party no. 4, who was appointed as Sikshya Sahayaks by giving certificate +2 vocational, even though she had passed +2 CHSE Examination, therefore, since he was selected on the basis of the marks secured in +2 vocational, when she has already passed +2 CHSE examination, therefore, appearing in +2 vocational is illegal and by giving the said certificate, since she was selected, her selection is to be declared as illegal. Earlier they had approached before this Hon'ble Court and this Hon'ble Court clubbed all the writ petitions together along with W.P.(C) No. 5077 of 2014 and directed opposite party no.2 to take a decision and

*Awad*



party no.2 has taken a

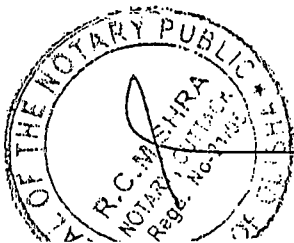
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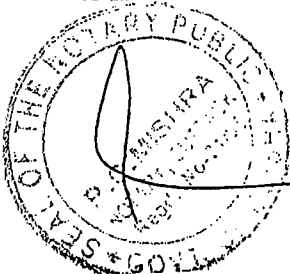
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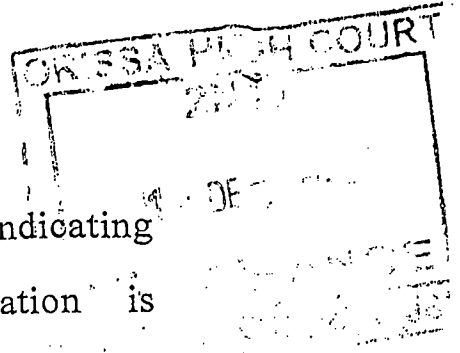
advertisement provided that the candidates having +2 and equivalent will be eligible for consideration for the post of Sikshya Sahayak. The CHSE passed an order on 15.02.2011 indicating therein clarification regarding equivalency of Higher Secondary Education by the CHSE Orissa, Bhubaneswar stating inter alia that as per the proceeding of the academic committee counsel held on 11.01.2010 and duly approved general body council in its meeting dated 13.01.2010 the followings are the criteria for deciding equivalent to different stream of higher secondary education. Higher Secondary vocational education having the subject as mentioned below, i.e. History, Political Science are equivalent to Arts Stream of the Higher Secondary Education. For better appreciation of the case, a copy of the letter dated 15.02.2011 is annexed to the counter affidavit as Annexure-B/4.

6. That it is respectfully submitted that the Secretary, Council of Higher Secondary Education wrote a letter to the District Project Coordinator, Bhadrak regarding clarification related to



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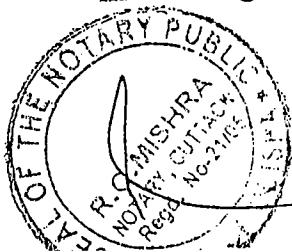
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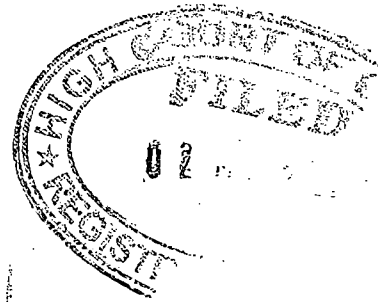
vocational and upasastri examination indicating therein that the vocational examination is equivalent to +2 Arts and Commerce stream of the Council and the Upasastri Examination conducted by the Jagannath Sanskrit Viswa Vidyalaya Puri is also equivalent to the council. A copy of the letter dated 12.02.2010 is annexed to the counter affidavit as Annexure-C/4.

7. That it is respectfully submitted that since the Council has declared that +2 examination under vocational course is equivalent to CHSE examination and the opposite party no.4 submitted the vocational qualification certificate at the time of selection, her case was considered and engagement orders were issued in favour of the opposite party no. 4 vide engagement order dated 30.04.2011. From that date the opposite party no.4 is continuing in the said post. Subsequently she was made regularized as regular primary school teacher with effect from 2017. For better appreciation of the case, copy of the order indicating therein that the opposite party no.4 has

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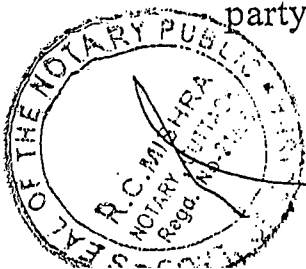


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already been made regularized as regular primary school teachers after completing six years as Junior Teacher and Sikhya Sahayak taken together is annexed to Counter affidavit as Annexure-D/4.

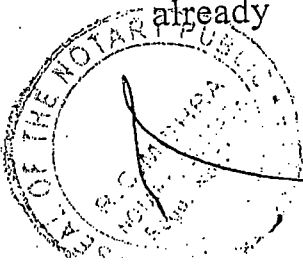
8. That it is respectfully submitted that some persons, those who are not selected as Sikshya Sahayaks made objection that when the persons have already passed +2 CHSE examination, they cannot appear in +2 Vocational Course, therefore, subsequent appearance in the examination is illegal in view of the regulation of the council. Therefore, their selection are to be declared illegal. The petitioners relied that as per Clause 2 (i) of the CHSE regulation, a person cannot appear in the vocational course after completing the course in annual CHSE examination and accordingly the writ petition was filed by some of the persons bearing W.P.(C) No. 5077 of 2014, 10872 of 2013, 11112 of 2011 and 21461 of 2013. All the writ petitions were taken up by this Hon'ble Court and disposed of on 05.05.2015 directing the opposite party no.2 to take a decision with regard to the





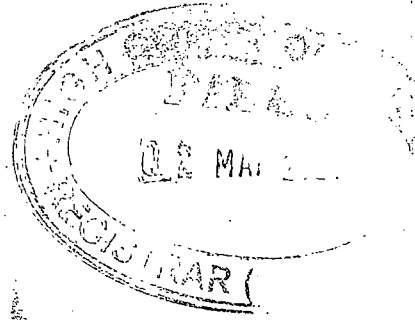
grievance of the present petitioners. Accordingly, the opposite party no.2 allowed the petitioners as well as the present opposite party no.4 to participate in the hearing process. Accordingly, the present opposite party no.4 submitted their statement. The entire stand of the present opposite party no.4 before the opposite party no.2 that since the allegation was made with regard to fraud, as per the Black Law Dictionary, fraud means a knowing concealment of the material facts made to induce another to act to his or her detriment. It was also stated before the opposite party no.2, that the allegation made against the opposite party no.4 that vocational Upasastri candidates have to be considered in the light of the aforesaid dictum and law. They submitted that there is no such provision to have both +2 Arts/ Science and +2 Vocational qualification from CHSE. The documents which were relied on by the petitioners by obtaining under RTI Act are of the year 2011. So since by the time if any restriction is given by the council in the year 2011, the opposite party no.4 has already completed their course since 2008.

ALSO



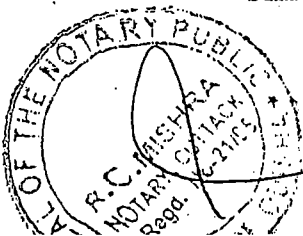
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Therefore, the document and or the order in 2011 cannot have any retrospective applicability to give any restriction for appearing in the examination. It was also stated that none of the documents of 2011 was there at the relevant point of time when the opposite parties appeared in the vocational/upasastri examination in order to acquire the qualification. It is the case of the opposite party no.4 that in view of the judgment of this Hon'ble Court in W.P.(C) No. 6452 of 2011 the +2 Arts/Science was treated at par with the qualification of the vocational. This Hon'ble Court in W.P.(C) No. 6452 of 2011 observed that the cases of the candidates, who have completed +2 Vocational course with C.T. training shall be considered by the Collector-cum-CEOs, Zilla Parishad as per the instruction given by the Department of School & Mass Education Department and the provisional list of selected candidates already published shall be revised accordingly after considering the case of the opposite party no.4 and other candidates situated similarly. For better appreciation of the case, the

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order dated 18.03.2011 passed by this Hon'ble Court in W.P.(C) No. 6452 of 2011 is quoted hereunder.

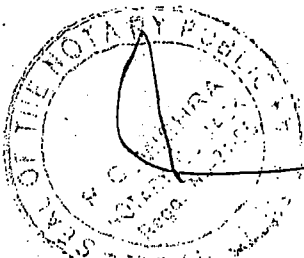
***W.P.(C) No. 6452 of 2011***

18.03.2011      *Heard*

*The sole grievance of the petitioners in this writ application is that they made applications pursuant to an advertisement for being appointed as Sikshya Sahayak for which the eligibility qualification is Arts/Science/Commerce with Certified Teachers Training. The petitioners have completed 2 Vocational Courses from the Council of Higher Secondary Education, which is not being treated equivalent to Arts/Science/Commerce in the District of Bhadrak though the CHSE has treated the same to be equivalent to +2.*

*Mr. KK. Rath, learned counsel appearing for the School und Mass Education Department submits that he has obtained instruction that the +2 Vocational Course be treated as equivalent to +2 Arts/Science/Commerce and there was no impediment for considering the*

*AKR*



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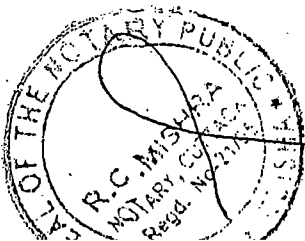
~~11-2-2011~~

11-2-2011  
HIGH COURT  
15 DEC 2011  
H.A.S.F.  
3-11-2011

cases of the petitioners for appointment as Sikshya Sahayuk. He also produces a written instruction received by him that the Government in its Department of School and Mass Education has issued a letter dated 09.04.2011 as well as 17.03.2011 to all Collectors-cum-CEOs. Zilla Parishad in respect of equivalence of +2 Vocational courses. In spite of this the case of the Vocational C.T. pass candidates have not been taken into consideration while preparing the draft merit list as well as many candidates have filed writ petitions before this Court and in the present writ petition, this Court has directed to consider the case of the petitioners, The Collector- Cum-CEOs of different Districts have therefore been requested to revise the draft merit list immediately after taking into account the candidates, who have passed +2 Vocational course with CT under intimation to the Department.

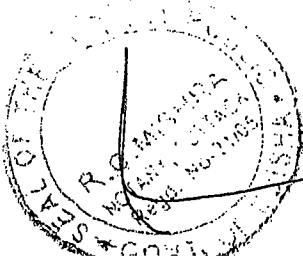
Mr. Das. learned counsel for the petitioners submits that in the meantime a provisional list of selected candidates have been published without considering the cases of the petitioners. In this view of the

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matter all the pending Misc. Cases as well as the writ petition is disposed of directing that the Cases of the petitioners/candidates, who have completed +2 Vocational course with CT. Training shall be considered by the Collectors-cum-CEOs, Zilla Parishad as per the instruction given by the Department of School and Mass Education Department and the provisional list of selected candidates already published shall be revised accordingly after considering the cases of the petitioners and other candidates situated similarly. Fresh provisional merit lists of selected candidates shall be published. Since there are many similar matters pending and all the Collectors-cum-CEOs have been directed to revise such provisional list of selected candidates, this order shall apply to the entire process of selection in the State. The interim order passed earlier stands Vacated.

*ABRO*  
A copy of this order be handed over to Mr. K.K.Rath, learned Counsel for the school and Mass Education Department.



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13 ~~158~~ -

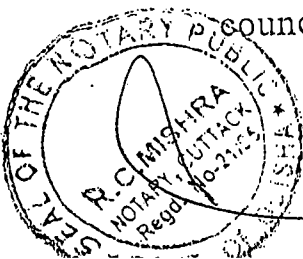
*Urgent certified copy of this order  
be granted on proper application.*

*Sd/- M.M. Das, J."*

9. That it is respectfully submitted that the ground of the opposite party no. 4 before the opposite party no.2 at the time of hearing that the certificate which was issued by the competent authority, i.e. CHSE has not been disputed till to date. Therefore, the certificate which was issued and not yet been cancelled or recalled by the examining body, the Hon'ble forum, i.e. the opposite party no. 2 cannot declare the certificate issued to the vocational and upasastri candidates as illegal and void one. It is also submitted that if the certificates have been wrongly issued in favour of such category of candidates, then also it cannot be recalled/ cancelled by the CHSE after about 10 years, when all candidates have changed their position by virtue of such certificates and settled in their life.

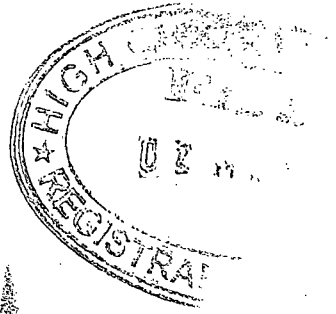
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10. That it is respectfully submitted that since council regulation does not have any restriction or



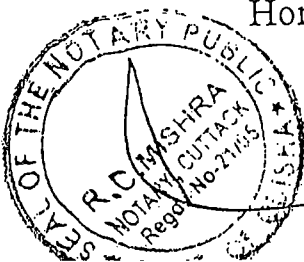
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any prohibition to appear in the 2<sup>nd</sup> +2 qualification, therefore, there is no illegality or irregularities committed by the opposite party no.4 by appearing the +2 Vocational Examination after completing +2 CHSE Examination. Therefore, by considering all the grounds of the opposite party no. 4, the opposite party no.2 had taken a right decision that since the opposite party no. 4 appeared in the examination before any restriction was there by the authority in the year 2011 and more so, there was no restriction in the Council Regulation at the time when the opposite party no. 4 appeared in the +2 Vocational examination, and lastly when the certificate has not yet been cancelled/ recalled by the CHSE, therefore, by taking into consideration all these aspects, the opposite party no.2 came to a conclusion that the selection made in favour of the opposite party no.4 cannot be declared illegal and accordingly rejected the case of the petitioners, which is challenged in the present writ petition.

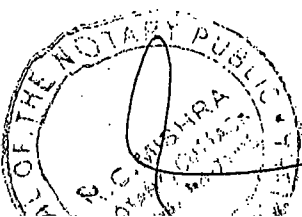
11. That it is respectfully submitted that this Hon'ble Court has also decided in the case of one



*Basudev Guru v. State of Odisha and others*  
(W.P.(C) No. 16810 of 2016 disposed of on  
18.12.2018), where the similar questions had come  
up for consideration, such as

- (i) After passing +2 H.S. examinations in any stream one cannot pursue +2 H.S. studies in an other stream including vocational stream. The student passed in vocational stream cannot appear at the +2 H.S. examinations again;
- (ii) if a candidate fails in +2 H.S. examinations, she/he can pursue +2 H.S. course in any other stream and can appear at the +2 H.S. examinations after completion of the said course in that stream; and
- (iii) since a student can pass the +2 H.S. course only once, if anybody has pursued and passed the 2nd +2 H.S. course fraudulently, the 2nd course certificate is to be rejected."

While dealing with these three questions,  
this Hon'ble Court decided at paragraph-15 that a

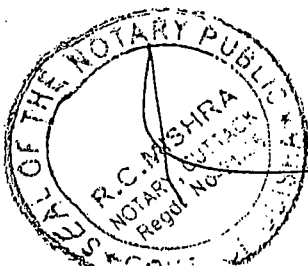




bare reading of the above clause would go to show that a student can pass the +2 H.S examination only once, if he/she has pursued and passed the 2<sup>nd</sup> +2 H.S. course fraudulently, the second course certificate is to be rejected. What constituted "fraud" has not been clarified. More so, acquisition of subsequent +2 H.S. qualification in vocational stream cannot be construed to be fraudulent acquisition of qualification. It does not confine any meaning whether acquisition of vocational qualification after +2 Arts/ Science/ Commerce is construed to be a second +2 H.S. course obtained fraudulently. Therefore, the question of acquisition of vocational qualification, after +2 H.S. course, cannot be construed to be fraudulent one. Thereby, the Council has misconstrued this fact and issued such letter, which cannot sustain in the eye of law.

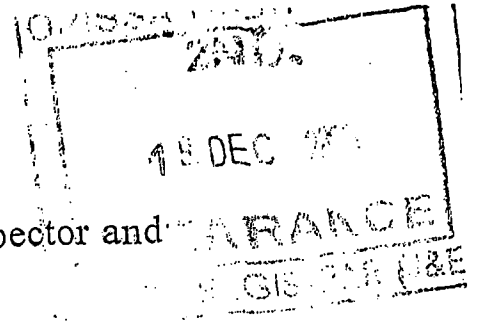
This Hon'ble Court finally decided that the petitioners, who have acquired vocational qualification, shall be treated as genuine and on that basis they shall be eligible to be considered

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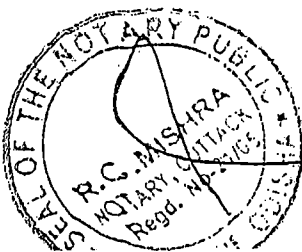
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for selection to the post of Livestock Inspector and other future service prospects.

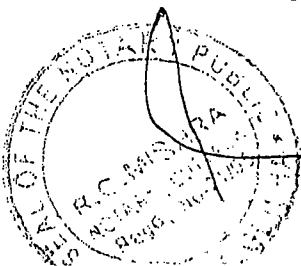
12. That it is respectfully submitted that the above judgment was passed by this Hon'ble Court relying on the decision in the case of *Dr. (Smt.) Pranaya Ballari Mohanty v. Utkal University and others*, where this Hon'ble Court had taken into consideration the principles of promissory estoppels. This Hon'ble Court relied on paragraphs-13, 14 and 15 of the said judgment, wherein it has been indicated that once a student is admitted after satisfying all the qualifications, subsequent cancellation of admission cannot be made since he would be deprived of pursuing his studies in any other institution. Similarly, the principle of promissory estoppel has been considered by the apex Court in *Union of India and others v. M/s. Anglo Afghan Agencies etc.*, AIR 1968 SC 718, *Chowgule & Company (Hind) Pvt. Ltd. v. Union of India and others*, AIR 1971 SC 2021, *M/s. Motilal Padampat Sugar Mills Co. Ltd. v. The State of Uttar Pradesh and others*, AIR

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1979 SC 621, Union of India and others v. Godfrey Philips India Ltd., AIR 1986 SC 806, Delhi Cloth & General Mills Ltd. v. Union of India and others, AIR 1987 SC 2414, Bharat Singh and others v. State of Haryana and others, AIR 1988 SC 2181 and many other subsequent decisions also. In view of the aforesaid authoritative pronouncement, applying the same principle in the present case, the authorities after lapse of 20 years cannot unsettle the settled position by arbitrary and unreasonable exercise of power and alter the position.

13. Therefore, when the opposite party no.4 had completed her course in the year 2008, after completing more than 7 year, objection was raised by some outsiders that the certificates obtained by the opposite party no.4 are by way of fraudulent means. In view of the judgment of this Hon'ble Court in the case of Basudev Guru, it cannot be said that the opposite party no.4 obtained the certificate by fraudulent means. Rather the opposite party no.4 applied for the vocational



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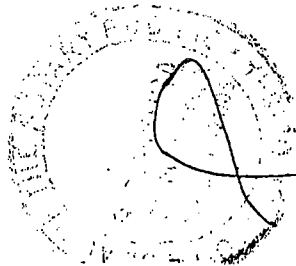


course and took admission in the vocational course, completed the vocational course and appeared in the examination conducted by the CHSE and after being successfully passed out, certificates were issued by the CHSE. The certificates and the mark sheet which were issued by the CHSE have not been tampered or manufactured. These certificates have been issued by the Council. The only objection the petitioners are raising that they cannot appear in the vocational course, after appearing in the +2 CHSE examination. That cannot be accepted, because there was no restriction by the Council.

14. That it is respectfully submitted that as it reliable learnt that the aforesaid judgment in the case of Basudev Guru has been carried before the Division Bench in W.A. No. 115 of 2019 and the matter was remanded for re-consideration where the same is pending sub judice.

15. That it is respectfully submitted that the law has already been settled by this Hon'ble Court in the case of *Puspanjali Mishra v. State of*

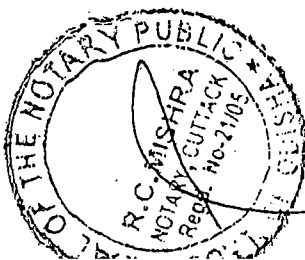
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*Orissa*, 2015 (II) ILR-CUT 982 that once a person has completed the course and by taking the same course has already entered into the service, after long gap the settled position cannot be unsettled by the authorities because of their mistake. Therefore, when the opposite party no.4 had already completed the course and basing upon such course, they have already selected and after completing six years of service, they have already taken as regular primary school teachers, at this juncture, disputing the selection of the year 2011 by the petitioners cannot be sustained. It is also further submitted that since the petitioners were not selected, they have challenged the selection of opposite party no.4 with a view that if the present opposite party no.4 will be oust from the service and the merit list of the year 2011 will be recast, their cases will be considered, which is not permissible as per the law decided by this Hon'ble Court in series of cases, that once the thing has been settled that cannot be unsettled after long lapse of years.



16. That it is respectfully submitted that the statements made in the writ petition, which have not been specifically replied by the opposite party no.4 and contrary to the above statement made in this counter are deemed to have been denied by the opposite party no.4 to be true, reserving her right to file additional affidavit, if necessary, for a just and proper adjudication of the case.

17. That the facts stated above are true to the best of my knowledge.

Identified by

— Tapaswini Jena —

A. U. Saa

Advocate

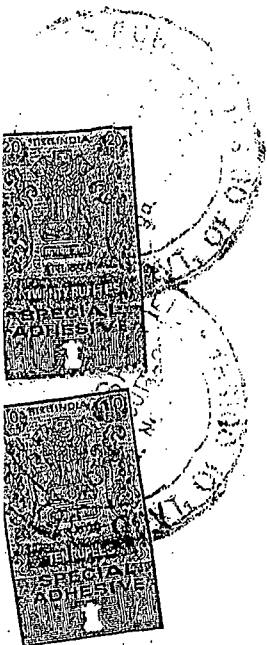
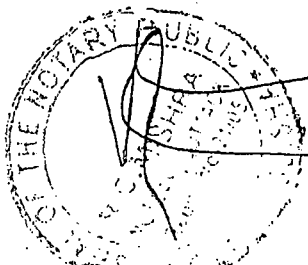
DEPONENT

### CERTIFICATE

Certified that due to want of cartridge paper, thick white papers have been used.

Solemnly affirm on in Oath by the Deponent  
at Cuttack on 17/12/2023 being identified  
by A. U. Saa  
Dt. 17-12-2023 Advocate/Advocate & S.O., A.G.S. Office/Notary  
Personally, that the facts stated above are  
true to the best of his/her knowledge.

RAMA CHANDRA MISHRA, NOTARY  
CUTTACK TOWN, REGD. No-21/05



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COUNCIL OF HIGHER SECONDARY EDUCATION: ORISSA  
PRANGYAPITHA: SAMANTAPUR: BHUBANESWAR-13

No. 1895 / CHSE(O).dt. 15/2/11  
From: - Secy P 223/09

Dr J.K. Mahapatra,  
Secretary.

To:

Additional Secretary to Government,  
Govt. of Orissa, School & Mass  
Education Department, Bhubaneswar.

Sub: - Clarification regarding equivalence of the H.S.  
Vocational Examinations conducted by the CHSE  
Orissa, Bhubaneswar.

Ref: - Letter No. 2562 /SME dt: 04.02.2011  
II-SME(B)-41/09 (Pt. II)

Sir,

With reference to the letter on the subject cited above, I am directed to inform you that as per the proceedings of the Academic Committee of the Council held on 11.01.2010 and duly approved by the General Body of the Council in its meeting held on 13.01.2010, the followings are the criteria for deciding equivalence to different streams of H.S. Examinations.

H.S. Vocational Examination  
having subjects as mentioned  
below as Basic Foundation  
Course.

Equivalent to Higher  
Secondary Examination in

History, Pol. Science and  
Economics

Arts Stream

Accounting, Cost Management  
etc.,

Commerce Stream

Physics, Chemistry, Mathematics  
or Biology.

Science Stream

This is for your kind information and necessary action.

Yours faithfully,

Secretary

Public Information Officer,  
C. H. S. E. Orissa,  
Bhubaneswar.

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SECRETARY,  
CHS(O), BBSR.

To  
The Project Director,  
BRDA, Bhadrak.

Subj:- Clarification related to Vocational and Upasastri  
Examination.

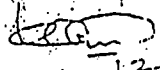
Sir,

With reference to your letter No. 514 dt. 6.2.08 I am directed  
to inform you that the Vocational Examination is equivalent to  
+2 Arts and Commerce stream of the Council and the Upasastri  
Examination which is conducted by Sri Jagannath Sanskrit  
Vishwavidyalaya puri, is also equivalent with Council.

Secondly a candidate can <sup>appear</sup> ~~appear~~ +2 Arts/SC/Comm/Voc. Exam. after <sup>Completion</sup>  
2 years duration of the Matriculation examination.

This is for your information.

Yours faithfully,

  
12-2-08  
Secretary

copy attached  
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**DISTRICT PROJECT OFFICE,  
SARVA SIKSHYA ABHIYAN, BHADRAK**

Order No. 2318 /Date. 03-05-18

In pursuance of Resolution No. 15107/SME/ dated.01.08.2011 of the Govt. in School & Mass Education Department, Odisha, the following Trained Junior Teachers under Bonth Block who have completed six years of continuous satisfactory engagement as Sikshya Sahayaks and Junior Teachers taken together are hereby appointed as Regular Primary School Teachers (Level-V) in schools mentioned against their names. The scale of pay and other allowances shall be at par with the Primary School Teachers of Elementary Cadre (Level-V) under School & Mass Education Department, Odisha with effect from the date(s) mentioned against their names.

Sl. No.	Name of the Junior Teacher	Father's/ Husband's name	Name of the School	Date of appointment as Regular Teacher (Level-V)
1	GAYADHAR DASH	F- DHARANIDHAR DASH	TALAPADA PRO.PS	02.07.15
2	AMAR CHARAN SWAIN	F- MOHAN CHARAN SWAIN	NIRANJAN UP(ME) SCHOOL, SRIBANTAPUR	22.03.17
3	BALARAM SETHI	F- HAREKRUSHNA SETHI	NEHERU NODAL UCHHAVIDYAPITHA, GANIJANGA	22.03.17
4	BISWANATH BARIK	F- KAILASH CHANDRA BARIK	TARAGO NODAL U.P. SCHOOL	22.03.17
5	BISWANATH JENA	F- BHAGABAN JENA	CHAKARAPADI II NODAL UPS	22.03.17
6	DEBIDUTTA DEO	F- KRUSHNA CHANDRA DEO	BERHMPUR PRO.U.P.SCHOOL	22.03.17
7	GOPAL CHARAN SAHOO	F- NABA SAHOO	SAHUPADA PRO.UPS	22.03.17
8	HARAPRIYA PARIDA	H- RAMESH CHANDRA DHAL	BASANTIA UPMES	22.03.17
9	HIMANSHU SHEKHAR BARIK	F- RAMA CHANDRA BARIK	BALIPUR PRO. U.P. SCHOOL	22.03.17
10	JAYANTI MOHANTY	H- ARTA BANDHU JENA	DHANIOJHA PRO.UPS	22.03.17
11	JITENDRA KUMAR JENA	F- BABAJI CHARAN JENA	BANAPINJARA PRO.UPS	22.03.17
12	KANHU CHARAN NAYAK	F- ABHIMANYU NAYAK	JUDHISTHIR NODAL UPS, RAJANAGAR MANGALPUR	22.03.17
13	KAUSALYA SETHY	F- GARUDA SETHY	PANAPADI PRO.PS	22.03.17
14	KULAPRAVA SUAR	F- BISWANATH SUAR	PODAPATANA UGMES	22.03.17
15	MANASI LATA SAHOO	F- MANORANJAN SAHOO	ADIA NODAL UPS	22.03.17
16	NARAYAN SAHOO	F- BUDHADEV SAHOO	KATINA PRO.PS	22.03.17
17	NIRAD NIRBISANK SANKHUA	F- PURNA CHANDRA SANKHUA	APANDA UP(ME) SCHOOL	22.03.17
18	NIRANJAN PATI	F- BHABAGRAHI PATI	SATYA NARAYAN NODAL U.P. SCHOOL, DANDO	22.03.17
19	NIRANJAN ROUT	F- KRUSHNA CHANDRA ROUT	NEHERU NODAL UCHHAVIDYAPITHA, GANIJANGA	22.03.17
20	NIRUPAMA DASH	H- KAILASH CHANDRA PANIGRAHI	CHAKARAPADHI NODAL UPS	22.03.17

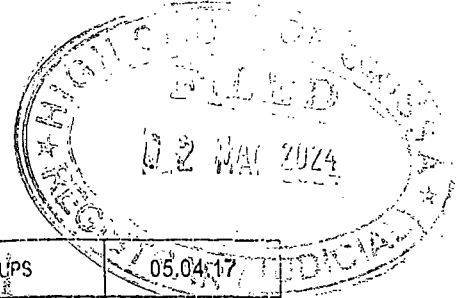
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21	PARESH CHARAN PARIDA	F- JAIRAM PARIDA	G.P. M.E SCHOOL, ERENDEI	22.03.17
22	PRAVAT KUMAR NAYAK	F- KHETRABASI NAYAK	APTIRA UGME SCHOOL	22.03.17
23	PRIYARANJAN BEHERA	F- FAKIR MOHAN BEHERA	BARAMUNDA PRO.PS	22.03.17
24	PUSPANJALI PATI	F- BHABAGRAHI PATI	DANDO JENASAH PRO.PS	22.03.17
25	RACHITA SAHU	H- BHASKAR CHANDRA SAHU	CHARITIRA KAJIPOKHARI PRO. UPS	22.03.17
26	RAMAKANTA PARIDA	F- BAIKUNTHA PARIDA	KANDABA NODAL UPS	22.03.17
27	RASHMITA RANA	H- PRAKASH CH. BISWAL	TIKIRA UGMES	22.03.17
28	SANJAY KUMAR DAS	F- GOPAL CHANDRA DAS	K.D. NODAL UPS, TRIKONA	22.03.17
29	SHASHIKANTA NAYAK	F- LAXMAN KUMAR NAYAK	SANDADO NODAL UPS	22.03.17
30	SOUMYARANJAN JENA	F- BHASKAR CHANDRA JENA	SANDADO NODAL UPS	22.03.17
31	SRIDHAR PANDA	F- JAYAKRUSHNA PANDA	GOPALPUR UGMES	22.03.17
32	SUDHANSU SEKHAR SETHY	F- LAXMIDHAR SETHY	SILANDI NODAL UPS	22.03.17
33	SUDHIR KUMAR BARIK	F- RAMA CHANDRA BARIK	PODAPATANA UGMES	22.03.17
34	SURESH CHANDRA SETHY	F- BANSHIDHAR SETHY	SAHADAGADIA PRO.PS	22.03.17
35	TAPAS KUMAR ROUT	F- SASHI BHUSAN ROUT	PAOHANAPADA ADIVASISAH PRO.PS	22.03.17
36	JAGATJEEBAN JENA	F- PRADEEP KUMAR JENA	SENDHATIRA NODAL UPS	30.03.17
37	MONALISHA DALAI	H- RAJIB LOCHAN MOHAPATRA	BEGANA PRO. UPS	04.04.17
38	SUKANTI KISKU	H- NABAKISHORE MAJHI	RAINTIRA NODAL UPS	04.04.17
39	SUSANTA KUMAR JENA	F- MAHENDRA JENA	SATYA NARAYAN NODAL U.P. SCHOOL, DANDO	04.04.17
40	ANASUYA JENA	F- KIRTAN BIHARI JENA	MANGULI UP(ME)S	05.04.17
41	ANNAPURNA DAS	F- MADANMOHAN DAS	PAHADPUR P.S	05.04.17
42	BHAGYASHREE GHADAI	F- GANESH PRASAD GHADAI	KANTIA NODAL UPS	05.04.17
43	BIKRAM KESHARI PAL	F- SATRUGHANA PAL	KUSUN NAGAR UGMES	05.04.17
44	DEVAPRIYA JENA	F- KIRTAN BIHARI JENA	GADACHANDI UGME SCHOOL, TILLO	31.01.18
45	GOUTAM DEHURI	F- SASADEV DEHURI	ANDHIA NODAL UPS	05.04.17
46	HRUSIKESHA DEHURI	F- KRUSHNA CHANDRA DEHURI	CHHAYALSINGH HARIHAT PRO.PS	05.04.17
47	MAHAMAYA JENA	F- KIRTAN BIHARI JENA	ICHHAPUR PRY. SCHOOL	05.04.17
48	PADMABATI SETHY	F- DAMODAR SETHY	HASINPUR PS	05.04.17
49	PRAJNA PRAVA JENA	F- HALADHAR JENA	RAGHUNATHPUR PS	05.04.17
50	PRAKASH CHANDRA JENA	F- SURENDRA JENA	NAHOO PRIMARY SCHOOL	05.04.17
51	SUKUMAR DAS	F- SUDARSAN DAS	OLAM NODAL UPS	05.04.17
52	SUMATILATA JENA	F- PITABAS JENA	ALAUTI NODAL UPS	05.04.17
53	TAPASWINI PEDA	F- KIRTAN CHANDRA PEDA	CHARITIRA KAJIPOKHARI PRO. UPS	05.04.17

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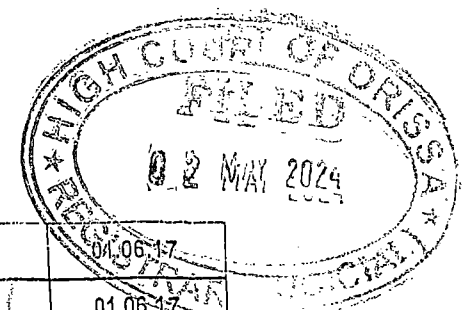
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54	URMILA PEDA	F- DOLAGOBINDA PEDA	CHARITIRA KAJIPOKHARI PRO. UPS	05.04.17
55	YOGADIPTA NAYAK	H- SAROJ KUMAR PRADHAN	NEHERU NODAL UCHHAVIDYAPITHA, GANIJANGA	05.04.17
56	PREETIRASHMI BISWAL	F- GIRIDHARI BISWAL	BANKATIRA UGMES	13.04.17
57	MINAKSHI CHATTAR	H- JAGABANDHU GADSARA	RAMA CHANDRA NODAL U.P. SCHOOL, SANABARCHIKAYAN	16.04.17
58	KATHIKA SWAIN	F- KISHORE KUMAR SWAIN	SATYA NARAYAN NODAL U.P. SCHOOL, DANDO	30.04.17
59	TAPASWINI SAHU	H- SAGAR CHANDRA BISWAL	ERENDEI J.B. SCHOOL	30.04.17
60	NIRANJAN MAJHI	F- GOURANGA CHARAN MAJHI	MANOHARPUR PRO. UPS	01.05.17
61	AKSHAYA KUMAR SETHY	F- DAITARI CHARAN SETHY	BASANTIA UPMES	02.05.17
62	ANITA BHUYAN	F- BRAHMANANDA BHUYAN	PURUSANDHA NODAL UPS	02.05.17
63	BIKASH KUMAR SETHI	F- BRUNDABAN SETHI	TODANGA NODAL UPS	02.05.17
64	BISHNUSANTI RATNAMAYEE BARIK	F- BISHNUPADA BARIK	JOGENDRA PS, ADALAPANKA	02.05.17
65	DIPTIMAYEE ROUT	F- GOLAK BIHARI ROUT	PADAKANA PRY. SCHOOL	02.05.17
66	GAYADHAR SAMAL	F- PURUSOTTAM SAMAL	BANTALA NODAL UPS	02.05.17
67	GAYATRI JENA	H- KAMALAKANTA JENA	KADABARANGA NODAL HIGH SCHOOL	02.05.17
68	GITANJALI SAHOO	F- RABINDRA KUMAR SAHOO	TRISALIA PRO. UPS	02.05.17
69	KANAK LATA NAYAK	F- GOLAK NAYAK	TELANATI NODAL UPS	02.05.17
70	KUMUDINI BARIK	F- GOPINATH BARIK	KANDABA NODAL UPS	02.05.17
71	MADHUSMITA DAS	F- KAMALAKANTA DAS	TARAPUR URDU PS	02.05.17
72	MADHUSMITA ROUT	H- BALARAM BHUYAN	TILLO PRIMARY SCHOOL	02.05.17
73	MAMATA ROUT	H- BIJAYA KUMAR BEHURIA	S.B.N.K NODAL UP(ME). SCHOOL, KUNDALA	02.05.17
74	MANASI NAYAK	F- NILAMANI NAYAK	TARAGO NODAL U.P. SCHOOL	02.05.17
75	MITANJALI DHAL	F- PURUSOTTAM DHAL	HALADIPAHANI ADIVASISAH PRO.PS	02.05.17
76	PRAJNYA PARAMITA JENA	F- HAREKRUSHNA JENA	SIALIA NODAL UPS	02.05.17
77	PRAKASH RANJAN PARIDA	F- BHAGIRATHI PARIDA	NEHERU NODAL UCHHAVIDYAPITHA, GANIJANGA	02.05.17
78	PRAVATI BEHERA	H- ASHOK KUMAR DAS	RAINTIRA NODAL UPS	02.05.17
79	RANJEETABALA JENA	F- HRUSHIKESH JENA	ANDHIA NODAL UPS	02.05.17
80	SUBHASMITA JENA	F- UPENDRA NATH JENA	RAMACHANDRAPUR PS	02.05.17
81	SUJATA JENA	H- RATNAKAR JENA	KANDAPOKHARI PRO.PS, SILANDI	02.05.17
82	SUNANDA SAHOO	H- SATYABRAT SAHU	SILANDI NODAL UPS	02.05.17
83	SWARNAPRAVA NAYAK	F- BAMADEV NAYAK	KANDAPOKHARI PRO.PS, SILANDI	02.05.17
84	TAPASWINI JENA	F- NARAYAN CHANDRA JENA	TARAGO NODAL U.P. SCHOOL	02.05.17
85	TILOTTAMA MALIK	F- PITABASH MALIK	TIKARAPADA PRO.PS	02.05.17
86	USHARANI JENA	H- SUDHIR KUMAR MOHAPATRA	MUGAGADIA UGMES	02.05.17

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87	HARAPRIYA DEHURI	F. KARTIK CH. DEHURI	NAHOO PRIMARY SCHOOL	01.06.17
88	JIPI DEHURI	F. NANDAKISHORE DEHURI	BARAGADHIA PROJECT PS	01.06.17
89	SUCHITRA KISKU	H- RAMA HEMBRAM	KENDUAPADA UPMES	01.06.17
90	SURENDRA PRASAD NAYAK	F- GANESH PRASAD NAYAK	BUDHI JAGULAI NODAL UPS, BIRIDIHI	05.07.17
91	SOUMENDRA KUMAR SAHOO	F- RAGHUNATH SAHOO	R.N.BARAPADA NODAL UPS	06.07.17
92	LILIMA PRIYADARSINI MALLICK	F- RAMESH CHANDRA MALLICK	SKAJO UPMES	20.07.17
93	PANKAJ KUMAR.DAS	F- SURENDRANATH DAS	PURUSOTTAMPUR PRO.PS	21.07.17
94	MANAS KUMAR DAS	F- GAYADHAR DAS	PANTALA NODAL UPS	25.08.17
95	SARAT CHANDRA DAS	F- MANORANJAN DAS	CHARIGAON UGMES	26.08.17
96	AKSHAY KUMAR SAHU	F- SUDARSHAN SAHU	SINDHUKESWAR NODAL HIGH SCHOOL	29.08.17
97	ALIVA PANDA	F- ARJUN CHARAN PANDA	TILLO NODAL HIGH SCHOOL	29.08.17
98	DEBABRAT DAS	F- ANANDA CH. DAS	DHANAGHAR PRO.PS	24.11.17
99	BASANTILATA TUDU	F- CHHUTUKU TUDU	KANTIA NODAL UPS	19.12.17
100	ARCHANA BEHERA	F- GANGADHAR BEHERA	SIALIA NODAL UPS	22.12.17
101	SHYAMASUNDAR GIRI	F- LATE SANKARSAN GIRI	ALAMANGA PRO.UPS	23.12.17
102	MRUTYUNJAYA BHOL	F- GANESH PR. BHOL	TELANATI NODAL UPS	03.03.18
103	SANTOSH KUMAR MALLICK	F- PURUSOTTAM MALLICK	SENDHATIRA NODAL UPS	07.03.18
104	SNEHALATA KAR	H- BALARAM DASH	JOGENDRA PC, ADALAPANKA	07.03.18
105	SUDEEP KUMAR KHATUA	F- RABI NARAYAN KHATUA	APANDA BARAKONA PS	12.03.18
106	DAMODAR SOREN	F- SURENDRA SOREN	BARAMUNDA PRO.PS	17.03.18

Collector-cum-Chairman,  
SSA, Bhadrak

Memo No. 2319 /Date. 03-05-18  
Copy to persons concerned for information and necessary action.

Copy forwarded to the Headmasters concerned for information and necessary action.

District Project Co-ordinator,  
SSA, Bhadrak

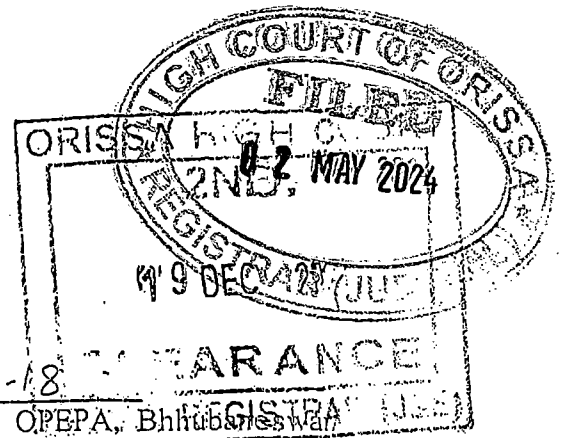
Memo No. 2320 /Date. 03-05-18  
Copy forwarded to the Block Education Officer, Bonth/ D.E.O., Bhadrak

For information and necessary action.

District Project Co-ordinator,  
SSA, Bhadrak

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15/5/18  
4/5/18



Memo No. 2321 /Date. 03.05.18  
Copy submitted to the State Project Director, OPEPA, Bhubaneswar

Director, Elementary Education Odisha, Bhubaneswar/ Addl. Secretary to Govt., S & M.E. Deptt., Odisha, Bhubaneswar for favour of kind information and necessary action.

*2.5.18*  
District Project Co-ordinator,  
SSA, Bhiadrak

*Xerox copy  
Attested  
J. J. J.*

*copy attested  
J. J. J.*

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ANNEXURE-8

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.P. (C) NO. 18706 / 2015

CODE NO. 310701

In the matter of

An application under Article 226 & 227 of the  
Constitution of India;

A n d

In the matter of:

Presented in Court

28/10/15  
B.O.

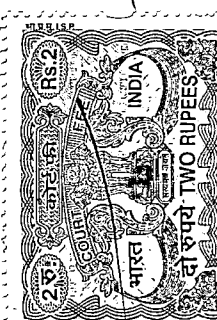
An application challenging the illegal and arbitrary order  
dtd.21.8.2015 of the Opp. Party No.2 in connection with the  
matters of appointment as Sikshya Sahayak.

A n d

In the matter of :

1. Surekha Samal, aged about 25 years,  
D/o. Biswanath Samal, At. Bimbalbar, P.O. Patuli,  
Dist. Bhadrak.
2. Kalpana Panigrahi, aged about 27 years,  
D/o. Gourahari Panigrahi, At. Haripur, P.O. Sahar  
Via-Sabaranga, Block/Dist. Bhadrak.
3. Jyotsnarani Giri, aged about 32 years,  
D/o. Kamalakanta Giri, At. Gopalpur, P.O. Ganijanga  
Dist. Bhadrak.

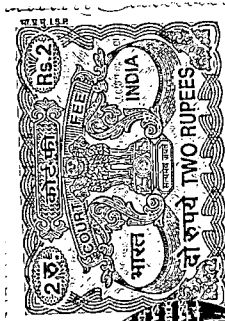
89/15



Petitioner

- Versus -

1. State of Orissa, represented through it's  
Commissioner-cum-Secretary, School and Mass Education  
Department, Orissa, At-Secretariat Building, Bhubaneswar,  
P.O. Bhubaneswar. District. Khurda.
2. Collector-cum-Chief Executive Officer, Zilla Parishad,  
Bhadrak, At/P.O/Dist. Bhadrak.
3. District Project Coordinator of Bhadrak S.S.A.  
Bhadrak, At/P.O/Dist. Bhadrak.
4. Tapaswini Jena, aged about 29 years,  
D/o. Narayan Ch. Jena, At- Padi, P.O. Adia, Dist. Bhadrak.  
At present working as Sikshya Sahayak,  
Under Bhadrak District.



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02 Nov 2015

5. Banajini Mishra, aged about 29 years,  
W/o. Jitendra Kumar Padhi, Vill- Chakabental,  
P.O. Keshpur, Via-Gujidarda, Dist. Bhadrak.  
At present working as Sikshya Sahayak,  
Under Bhadrak District.
6. Pratima Manjari Kar, aged about 33 years,  
W/o. Rajib Kumar Dash, At/P.O.- Mamohadapur,  
Via-Similia, Dist. Balasore.  
At present working as Sikshya Sahayak,  
Under Bhadrak District.
7. Council of Higher Secondary Education, Orissa  
Represented, through its Secretary, At- Prajnapitha,  
Samantapur, Bhubaneswar-13 Dist- Khorda.

Opposite Parties



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**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 18706 of 2015**

Application under Articles 226 & 227 of Constitution of India.

**AFR**

**Surekha Samal & Ors.**

.....

**Petitioners**

**- Versus -**

**State of Orissa & others**

.....

**Opp. Parties**

Advocate(s) appeared in this case:-

**For Petitioners** : M/s. Mahendra Kumar Sahu,  
& Mr. S.K. Rath, Advocates.

**For Opp. Parties** : Mr. S.N. Pattnaik,  
Addl. Government Advocate

M/s. D.N. Rath & P.K. Rout.  
(O.P. No.4)

Mr. P.K. Behera, Advocate  
(O.P. Nos. 5 & 6)

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**JUDGMENT**

**28<sup>th</sup> March, 2024**

**SASHIKANTA MISHRA, J.**

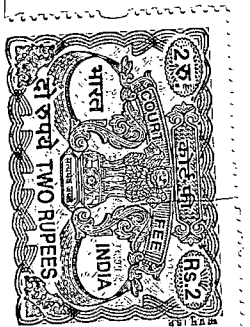
The order dated 21.08.2015 passed by the  
Collector-cum- Chief Executive Officer, Zilla Parishad,  
Bhadrak in Misc. Case No. 03/2014 pursuant to direction of



this Court in W.P.(C) No. 5077 of 2014 and batch is under challenge in the present writ application.

### **FACTS**

2. An advertisement was issued by the Collector, Bhadrak on 08.12.2011 inviting applications from eligible candidates for engagement as Sikshya Sahayaks. The educational qualification required was, the candidate must have passed +2 examination in Science/Arts/Commerce or its equivalent examination declared by appropriate authority and C.T. training. Pursuant to such advertisement, the petitioners submitted their applications. A merit list was prepared for all categories of candidates. Petitioner No.1 was placed at serial No. 11 of the merit list, Petitioner No.2 at serial No.4 of UR merit list and petitioner No.3 at serial No. 1 of SEBC female list. In the initial provisional merit list of different categories, vocational course qualified candidates were not included, for which some of them approached this Court in W.P.(C) No. 6438 of 2011 and 6458 of 2011. By order dated 18.03.2011, a coordinate Bench of this Court disposed of the writ applications directing that the cases of



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the candidates (petitioners therein), who have completed +2 Vocational course with C.T. training shall be considered by the Collector-cum-CEO, Zilla Parishad and the provisional list of selected candidates already published shall be revised accordingly. Pursuant to such order, a fresh merit list was prepared including the candidates with Vocational qualification. At this stage some of the candidates similarly situated as the petitioners submitted grievance before the authorities (opposite party Nos. 2 and 3) that the Vocational candidates and Upasastri candidates had obtained those certificates by suppressing the fact of their passing +2 Arts/Commerce/Science examination earlier, which amounts to fraud. Further, some bonafide candidates having Vocational qualification approached this Court in W.P.(C) No. 7478 of 2011, which was disposed of by order dated 24.03.2011 directing the District Project Coordinator, SSA, Bhadrak to consider and dispose of the representation submitted by those petitioners within three weeks. Accordingly, opposite party Nos. 2 and 3 conducted enquiry into the allegations regarding submission of fake certificates but without completing the same, published a second merit



list including their names with the remark that enquiry is pending against the Vocational and Upasastri candidates. Being aggrieved, some similarly situated persons including the petitioners approached this Court in W.P.(C) No. 18256 of 2011, which was disposed of by order dated 15.07.2011 with direction to the authorities to complete the enquiry and thereafter consider the representation of the petitioners in the light of the enquiry report. It was however, made clear that the authorities shall not appoint the candidates against whom the enquiry is pending till it is complete. Notwithstanding such order, the opposite party Nos. 2 and 3 asked the Vocational/ Upasastri candidates to furnish an undertaking that they had not passed +2 Arts/Commerce/Science before obtaining Vocational/ Upasastri certificates. The concerned candidates submitted individual undertakings that they had not passed any other +2 course examination other than Vocational/ Upasastri examination and if such undertaking is found to be incorrect they shall be disengaged from the post of Sikshya Sahayak. As such, opposite party Nos. 2 and 3 issued conditional engagement orders in favour of those candidates making it



subject to the order of this Court in W.P.(C) No. 7478 of 2011 with further stipulation that if any irregularity is detected in future, the engagement would be terminated. The enquiry proceeded thereafter and on its completion it was established that all those candidates had passed +2 examination earlier but had suppressed such fact to further prosecute Vocational/ Upasastri courses in contravention of the CHSE Act and Regulations and Sanskrit University Regulations. Accordingly, all six candidates including the private opposite party Nos. 4, 5 and 6 were issued with second show cause notices for disengagement. Said private opposite parties approached this Court in W.P.(C) No.32024 of 2011, in which an interim order of protection was granted. At this stage, the petitioners and similarly placed candidates, who had been deprived of appointment because of the inclusion of the Vocational/Upasastri candidates filed independent writ applications challenging the engagement of the so called fake candidates. Several such writ applications having been filed, all were clubbed together and finally disposed of by a common order passed by this Court on 05.05.2014 in W.P.(C) No. 5077 of 2014 and batch. After taking note of the



relevant facts, a coordinate Bench of this Court, inter alia, held as follows:

*"In view of the above, the Collector-cum-C.E.O. S.S.A. Bhadrak is directed to take a decision by taking into consideration the show cause reply along with the enquiry report after supplying copy of the enquiry report to the petitioners and affording reasonable opportunity of hearing to them.*

*It is needless to mention that if the petitioners have committed fraud by submitting the +2 Vocational course certificates contrary to the C.H.S.E. Act and the Regulations then they shall be disengaged and consequently the merit list shall be recast. The entire exercise shall be completed within a period of three months from the date of receipt of the certified copy of this order.*

*However this Court has not expressed any opinion on the merit of the case." [Emphasis added]*

Pursuant to such order, the petitioners and the Vocational/ Upasastri candidates including the private opposite parties appeared before the Collector and participated in the hearing. After considering the contentions raised by the parties, the Collector vide order dated 21.08.2015, copy of which is enclosed as Annexure-12, refused to interfere in the matter by holding that even though there is evidence of suppression of facts by the Vocational/ Upasastri candidates but the examination conducting authority had not cancelled or withdrawn the certificates issued in their favour. Furthermore, those persons had put in around four to five

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years of service. Assailing the order of the Collector, the petitioners have approached this Court seeking the following relief:

*"Under the above facts and circumstances of the case, it is humbly prayed that this Hon'ble High Court be pleased to allow the writ application by granting following reliefs-*

A. An appropriate writ/writs be issued quashing the impugned order under Annexure-12 and in consequence thereof the conditional engagement orders be declared illegal and arbitrary.

B. An appropriate writ / writs be issued to recast the merit list by excluding the fake Vocational and Upasastri candidates those have obtained engagement by suppressing the material facts as described above and thereafter necessary direction be made to engage the petitioners as Sikshya Sahayak with all benefits at par with others notionally.

(C) Or in alternative, any other writ(s), direction(s), order(s) be issued as this Hon'ble court may deem fit and proper"

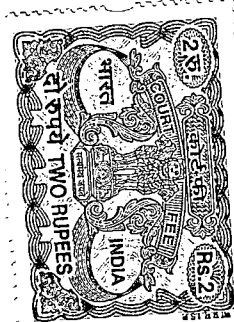
3. Counter affidavit has been filed by the opposite party Nos. 2 and 3 seeking to justify the impugned order. It was reiterated that the certificates issued by the Council of Higher Secondary Education, Odisha or Shri Jagannath Sanskrit University, Puri in favour of the Vocational/Upasastri candidates had not been cancelled and that the selection committee cannot ignore the certificates nor has authority to cancel the same.



4. Counter affidavit has also been filed on behalf of private opposite party No.4. It is stated that the certificate issuing authority not having cancelled the certificate issued in her favour, the opposite party No.3 cannot declare the same as illegal and void. Moreover, the restriction regarding appearing of candidate in Vocational examination after passing +2 examination came in the year 2011 whereas she had obtained such qualification in the year 2008. In any case, having already issued a certificate it would not be permissible for the authority to cancel/withdraw the certificate as the law of estoppel would apply.

5. In the rejoinder filed by the petitioners it has been stated that the candidates in question are guilty of wilful suppression of fact, which was accepted by the Collector and therefore, it was not proper for him to not interfere in the matter. It was clearly proved that the private opposite parties had submitted false undertakings, which amounts to fraud.

6. Heard Mr. M.K. Sahoo, learned counsel for the petitioners; Mr. S.N. Pattnaik, learned Addl. Government



Advocate for the State and Mr. D.N. Rath, learned counsel appearing for the private opposite party No.4.

7. Mr. Sahoo forcefully argues that having accepted that Vocational/Upasastri candidates had suppressed material facts and had submitted false undertakings only for the purpose of getting engagement as Sikshya Sahayak, it was not open to the Collector to not interfere in the matter. Referring to the reasoning adopted by the Collector for his disinclination to interfere in the matter, Mr. Sahoo would argue that wilful suppression of facts and submission of false undertakings amounts to playing fraud on the authorities, which can never be countenanced in law. As such, the engagement orders issued in favour of these candidates are null and void. It is for these illegal appointments that bonafide candidates like the petitioners were deprived of their legitimate right of being engaged as Sikshya Sahayaks at the relevant time.

8. Mr. S.N. Pattnaik, learned Addl. Government Advocate would argue that the Collector only found that the candidates had submitted false undertakings but the





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concerned authorities had not cancelled/withdrawn the certificates issued in their favour. Whether the certificates were required to be cancelled/withdrawn is a matter to be decided by the certificate issuing authority but not the authority conducting selection of candidates for Sikshya Sahayaks. According to Mr. Pattnaik therefore, the Collector on equitable considerations rightly refused to interfere in the matter as the candidates in question have in the meantime rendered five to six years of service.

9. Mr. D.N. Rath, learned counsel for opposite party No.4 submits that there was no restriction at the relevant time for a candidate to obtain Vocational course after having passed +2 examination. Such restriction came only in the year 2011. Mr. Rath further submits that even assuming that the candidates (private opposite parties) had submitted any wrong undertaking, the same cannot nullify their certificates as long as the same have not been withdrawn/cancelled by the appropriate authority.

10. The basic facts of the case as narrated in the writ application are not disputed. The enquiry was conducted by

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the Collector in pursuance of direction of this Court in W.P.(C) No.18256 of 2011. Further, the Collector was directed to consider the matter by hearing all the concerned parties and on consideration of the enquiry report. The enquiry report as such, has not been brought on record by any of the parties but attention of this Court has been drawn to the undertakings given by the private opposite parties, copies of which are enclosed as Annexure-4 series. In each of these undertakings the executants have solemnly affirmed that they have not passed +2 examination before appearing at the Vocational/ Upasastri examination. This undertaking was found to be false as would be evident from a perusal of the impugned order passed by the Collector. In this regard, the finding of the Collector is as follows:

*"(i) The students obtaining the Vocational certificates after completing +2 ARTS/Science/Commerce or concurrently having two courses and obtaining certificates. But their certificates have not been withdrawn or cancelled by the competent authorities."*

The Collector further held as follows:

*"It is a fact that, the successful candidates have given an undertaking that they have not passed the +2 ARTS/Science/Commerce stream prior to the Vocational Course. But subsequent arguments and production of documents show that this is not correct*

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and there is suppression of facts. But this is not  
enough to disqualify the successful candidates and  
declare their recruitment as void.

(emphasis supplied)

It is therefore, clear that the Collector had accepted the factual position that the private opposite parties had suppressed the fact of passing +2 examination prior to the Vocational course. At this stage, it would apposite to consider whether it was permissible under the relevant Rules/Regulations for the private opposite parties to have acquired Vocational qualification after completing +2 course.

11. Mr. Rath, learned counsel appearing for the private opposite party No.4 has referred to the CHSE Regulations to argue that the prohibition came in the year 2011, whereas the private opposite parties had acquired such qualification prior to that. Mr. Sahoo, learned counsel for the petitioner on the other hand with reference to the Odisha Higher Secondary Education Act, 1982 submits that a Higher Secondary course covering a period of two years can be obtained immediately following the High School Certificate course. This also includes Vocational course. This implies, both Higher Secondary course (+2)/Vocational course can

only be acquired after High School Certificate course, and therefore, are of the same level. In such view of the matter, Vocational course, which itself is a Higher Secondary course cannot be obtained after passing the +2 examination, which is also a Higher Secondary course. In this regard it would be profitable to refer to Section 2(i) and 2(j) of the Orissa Higher Secondary Education Act, 1982, which are quoted hereinbelow:



*"2(i) - 'Higher Secondary Course' means course 'immediately' following the High School Certificate Course and covering a period of two academic years which is provided for either in a College or a Higher Secondary School and includes Arts, Science, Commerce and Vocational Courses".*

*2(j)- 'Higher Secondary Education' means such general and Vocational Education forming in itself a complete purposive whole, which immediately follows Secondary Education as has been defined in the Orissa Secondary Education Act 1952 and immediately 'precedes' a stage of education controlled by any university."*

2. Further, Regulation, 107 of the Odisha Higher Secondary Education Regulation, 1982 provides that only a registered student is allowed to appear in one of the examinations for not less than completion of two academic years after passing HSC Examination. Regulation 109 provides that no student shall be admitted to an institution

beyond six weeks from the date of publication of the HSC result.

13. In the case of **Somasnata Rath vs. State of Odisha and others**<sup>1</sup> a coordinate Bench of this Court had the occasion to deal with a similar matter with reference to the Regulations of Shree Jagannath Sanskrit Viswa Vidyalaya and held that a candidate after qualifying +2 Arts/Science/Commerce cannot take admission into Upasastri course and that Upasastri course is equivalent to +2 Arts. Another Coordinate Bench, in the case of **Basudev Guru & Ors. vs. State of Odisha & Ors.**<sup>2</sup> held that as the petitioners therein had acquired +2 Vocational course after passing the +2 Arts course cannot use such qualification to their benefit. Thus, there seems to be no dispute with regard to the legal position that under the Regulations of the CHSE, +2 course is equivalent to Vocational/ Upasastri course and therefore, a candidate having passed in one cannot acquire the qualification in the other. Both are mutually exclusive. Of course a candidate, who fails in the +2 examination can

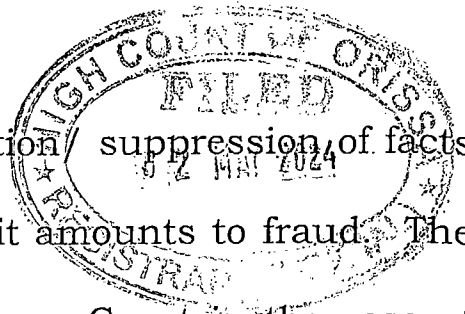
<sup>1</sup> W.P.(C) No. 7031 of 2016, decided on 12.05.2016

<sup>2</sup> W.P.(C) No. 16810 of 2016, decided on 21.02.2024

acquire Vocational qualification but a pass candidate cannot. Thus, the certificates issued to the Vocational/ Upasastri candidates including the private opposite parties in the present writ application being contrary to law have no legal force and cannot therefore enure to their benefit. It is well settled that a certificate obtained in contravention of the Regulations/ Rules can have no legal sanctity.

14. It has been argued at length that the private opposite parties could manage to obtain the Vocational certificates by suppressing the fact of their passing +2 examination and by obtaining duplicate transfer certificates from the institutions where they had appeared for the High School Certificate examination. This Court need not enter into this controversy or render any factual finding thereon as it has already been held that irrespective of the manner in which the private opposite parties managed to obtain the Vocational/ Upasastri certificates, the same can have no legal sanctity.

15. Added to the above is the question of submission of false undertaking, which according to the petitioners is an act of fraud. What amounts to fraud is no longer a matter of



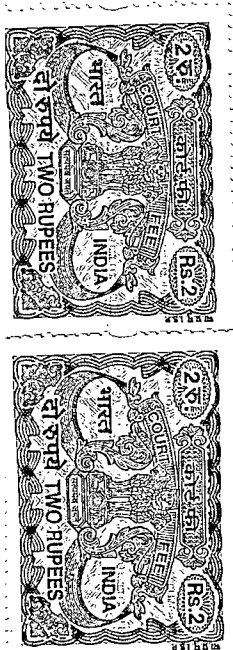
debate. A deliberate misrepresentation/ suppression of facts resorted to for obtaining any benefit amounts to fraud. The oft-quoted observation of the Supreme Court in the case of **S.P. Chengalvaraya Naidu v. Jagannath**<sup>3</sup>, are noteworthy.

"6. The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage. Jagannath was working as a clerk with Chunilal Sowcar. He purchased the property in the court auction on behalf of Chunilal Sowcar. He had, on his own volition, executed the registered release deed (Ex. B-15) in favour of Chunilal Sowcar regarding the property in dispute. He knew that the appellants had paid the total decretal amount to his master Chunilal Sowcar. Without disclosing all these facts, he filed the suit for the partition of the property on the ground that he had purchased the property on his own behalf and not on behalf of Chunilal Sowcar. Non-production and even non-mentioning of the release deed at the trial is tantamount to playing fraud on the court. We do not agree with the observations of the High Court that the appellants-defendants could have easily produced the certified registered copy of Ex. B-15 and non-suited the plaintiff. A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party."

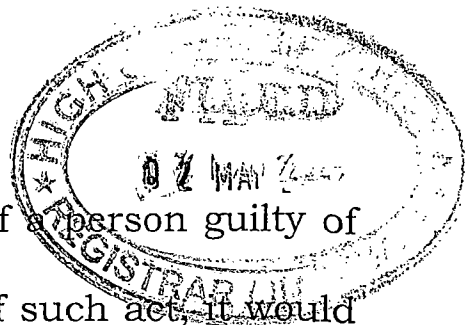
[Emphasis added]

16. The ratio of **S.P. Chengalvaraya Naidu** (supra) has been relied upon in several decisions. Further, the maxim "*fraus et jus nunquam cohabitant*"- fraud and justice never

<sup>3</sup> (1994) 1 SCC 1



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dwell together - cannot be lost sight of. If a person guilty of committing fraud is granted the benefit of such act, it would tantamount to perpetuating the illegality.

17. Coming to the impugned order, this Court observes that the Collector has accepted that the candidates in question had suppressed material facts and had submitted false undertakings but then by adopting a strange reasoning laced with highly misplaced sympathy for the wrongdoers, the Collector withdrew his hands off the matter. As a quasi-judicial authority it was incumbent upon the Collector to exercise the lawful authority conferred upon him to set right the wrong. Sadly the Collector chose to reward the wrongdoers apparently on equitable considerations.

18. It is well settled that once a fraud is proved, it will deprive the person of all advantages or benefits obtained thereby. This Court has already held that the Vocational/Upasastri certificates obtained by the private opposite parties can have no force of law and therefore, notwithstanding the fact that they have not been withdrawn/cancelled by the



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concerned authority, the same cannot be taken into consideration.

19. In the case of **Ram Preeti Yadav v. U.P. Board of High School and Intermediate Education**<sup>4</sup>, the Supreme Court held that non-cancellation/withdrawal of the certificates by the concerned authority will not raise any equity in favour of the certificate holders in this case and therefore, no relief can be granted to them in equitable grounds. This Court further finds that the Collector has gone on to refer to the human nature to justify the production of one of the two certificates possessed by the private opposite parties in order to take the benefit of employment. The Collector held as follows:

*"Every Govt. Servant/Employee/Job Holder of this country is considered to be a privileged person. If one gets a Govt. Job/Service and thereby secures his daily bread it is like enjoying the early dawn after coming out of the perpetual groom. When he/she comes so nearer to get a Govt. job/service, it is very natural that he/she has not smart enough to declare the true facts"*

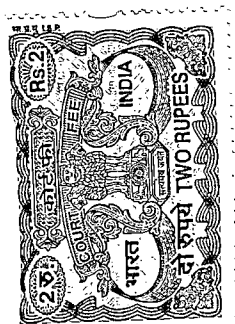
20. Having himself held that the concerned candidates were guilty of suppression of facts, the Collector still

<sup>4</sup> (2003) 8 SCC 311

proceeded to applaud them as 'smart enough' for doing so. This Court refrains from saying anything more in this aspect. It would suffice to say that such absurd reasoning cannot ever be countenanced in law.

21. Thus, from a conspectus of the analysis of facts and law and the discussion made hereinbefore, this Court finds that the private opposite parties having suppressed material facts before the appropriate authority at the relevant time could not have been selected for appointment and actually appointed. In the process, the fate of the bonafide candidates like the petitioners was sealed. This Court therefore, has no hesitation in holding that the impugned order cannot be sustained in the eye of law.

22. In the result, the writ petition is allowed. The impugned order under Annexure-12 is hereby quashed. The opposite party Nos. 2 and 3 are directed to recast the merit list by excluding the Vocational/ Upasastri candidates (opposite party Nos. 4, 5 and 6) and by issuing appropriate order of engagement in favour of the petitioners either as



Sikshya Sahayaks or in any equivalent post without any further delay and in any case, not later than four months.

**Orissa High Court, Cuttack.**  
**The 28<sup>th</sup> March, 2024/A.K. Rana, P.A.**



Comp. by S. Sahoo  
05-04-24

Date of Application :- 05  
 Date of Notification :- 00  
 Date of Supply :- 05  
 Date of Ready :- 05  
 Date of Delivery :- 05

4-24

C.A. No- 31/96 /2024		
MEMO OF COSTS		
	Rs.	P.
Application Fee.....	10	00
Searching Fee.....		
Folios / No. Pages..22..x 2	44	00
Hologram Fees.....22...x 1	22	00
Photo Copier Fee..22...x 1	22	00
For Typed Copies.....x 5		
Total	98	00

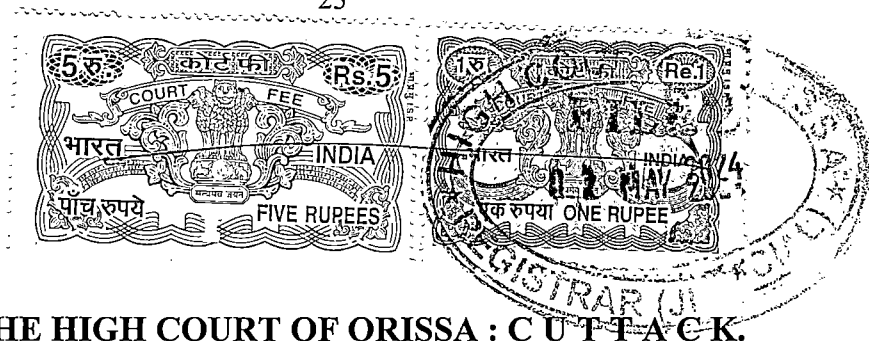
(Rupees. *Ninety Eight*  
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EXAMINER OF COPIES  
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CERTIFIED TO BE A TRUE COPY  
*SO*  
 Assistant Registrar (Estt.)  
 ORISSA HIGH COURT  
 Authorised Under Section-76, Act-I of 1872



**IN THE HIGH COURT OF ORISSA : C U T T A C K.**

I.A. NO. 2737 OF 2024  
(ARISING OUT OF W.A.No. 115 of 2024)

Pr. W.A. - 19953/24

In the matter of:

An application for stay under Rule 27(A) of  
Chapter VI of the Orissa High Court Rules.

And

In the matter of:

Pratima Manjari Kar ..... Petitioner

Versus

Surekha Samal & others..... Opp.parties.

To

The Hon'ble the Chief Justice and His Lordship's  
Companion Justices of the Hon'ble High Court  
of Orissa.

The humble petition of the  
Above named petitioner

Most respectfully sheweth:

1. That the petitioner has filed the accompanying Writ Appeal challenging the judgment and order dated 28.03.2024 passed in W.P.(C) No. 18706 of 2015.
2. That the averment made in the writ appeal may be treated and form a part of this application.

*Dr. Adh.*

Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

*9/25/2024*

3. That by the impugned judgment the Hon'ble Single Judge has quashed the order dated 21.08.2015 passed by the Collector and directed the opposite party nos. 2 and 3 to recast the merit list by excluding the appellant and two others and issue engagement order in favour of the writ petitioners.

4. That it is respectfully submitted that having been selected, the petitioner was engaged as Sikshya Sahayak on 30.4.2011 and in course of time she has been regularized as Assistant Teacher and has changed her position.

5. That the petitioner has a prima facie case to succeed and the balance of convenience lies in her favour.

6. That unless the operation of the order under Annexure-8 is stayed pending disposal of the writ appeal, the petitioner will lose her service after 13 years and will sustain irreparable loss and injury.

### **P R A Y E R**

Under the aforesaid circumstances, the petitioner most humbly prays that this Hon'ble Court may graciously be pleased to stay operation of the order dated 28.03.2024 in W.P.(C) No. 18706 of 2015 (Annexure-8) pending disposal of the accompanying writ appeal;

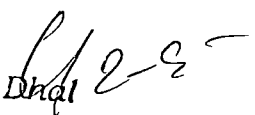
And for this act of kindness, the petitioner shall as in duty bound ever pray.

Cuttack

Date: .05.2024.

By the petitioner through

  
Advocate.

  
**Surendra Prasad Dhol**  
Advocate  
**NOTARY, CUTTACK**

IN THE HIGH COURT OF ORISSA, CUTTACK.

I.A.No. 2737 of 2024

(Arising out of Writ Appeal No. 1157 OF 2024)

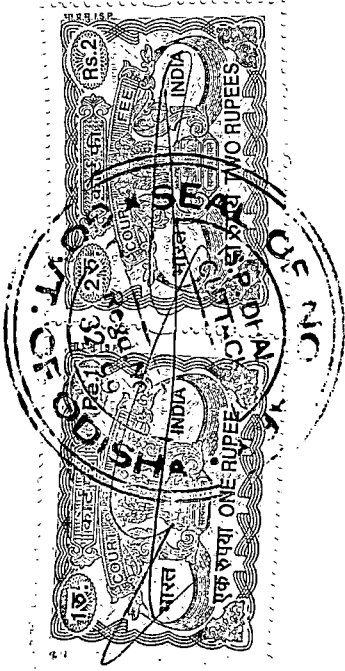
In the matter of:

Pratima Manjari Kar ..... Appellant

Versus

Surekha Samal. & others ..... Respondents.

AFFIDAVIT



1. Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At. Palli, P.O. Atto, P.S. Sabarang, Dist. Bhadrak, I am the appellant in this writ appeal.
2. Father's name: Sankarsan Kar.
3. Occupation: Govt. service.
4. Number of proceedings pending in the High Court or would be instituted (Caveat): No.
5. Statement of facts – As per averments in the writ appeal.
6. That the facts stated above are true to the best of my knowledge and belief.

U2-5  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

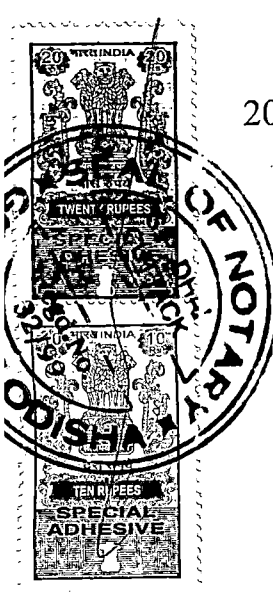
### DECLARATION


I, Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At. Palli, P.O. Atto, P.S. Sabarang, Dist. Bhadrak, do hereby solemnly affirm that the facts stated in paragraphs 1 to of the I.A. are true to my own knowledge and are true to the best of my information which I obtained from the personal source.

I believe the information to be true for the following reasons:  
Basing upon official records and information.

Solemnly declare at the above said this the 14 day of May, 2024.

IDENTIFIED BY

  
ADVOCATE Sarat Chandra Dash  
20/05/2024  
9434265118


  
Pratima Manjari Kar  
DEPONENT.

Solemnly affirmed before me by Pratima Manjari Kar who is identified before me by Sarat Chandra Dash, Advocate, whom I personally know.

The above named Deponent

Solemnly affirm on 20/05/2024  
Being Identified  
by S. C. Dash (Adv)

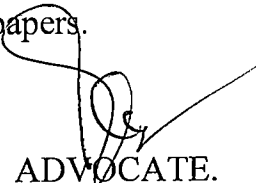
Oath Commissioner/Notary Public.

  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

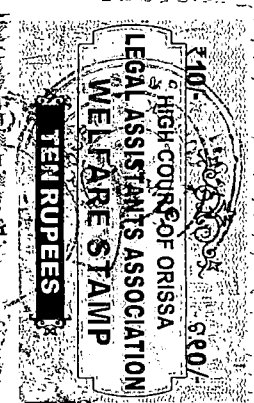
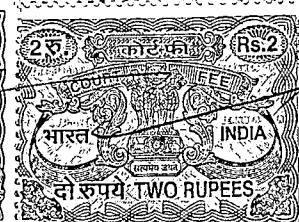
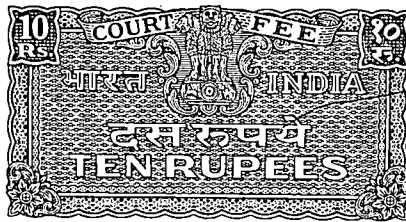


CERTIFICATE.

Certified that due to non-availability of cartridge papers, this petition is being typed in thick white papers.



ADVOCATE.



# VAKALATNAMA IN THE HIGH COURT OF ORISSA : CUTTACK

WRIT APPEAL

W.P.(C)-NO. 1157 2024

8915

Between

Pratima Manjari Kar ...

Applicant

-Versus-

Surekha Samal & others...

Respondents

Know all men by these presents. That by this Vakalatnama

I/We Pratima Manjari Kar aged-43 yrs W/o Rajeeb Kumar Dash, AT/P.O-Mohammadpur, vda-Simolia, Dist-Balasore, at present working as Asst Teacher Govt U.P. School, Palle, AT-Palle, P.O-Atto, P.S-Sabanga Dist-Bhadrak.

Plaintiff/ Defendant/Appellant/Respondent/Petitioner/Opposite Parties in the

aforesaid Suit/ Appeal/Case do hereby appoint and Retain. Sri Sarab Chandra Dash, E.No-88/2013, Ph-9439065118, S.N.Jena, E.No-511/96, 9861306772, R.B.Dash E.No-0-482/89, Ph-9937157059, R.K.Muduli E.No-455/2024, Ph-9937157059, R.K.Muduli E.No-455/2024, Ph-9937157059.

Advocate(s) to appear for me/us, In the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same, or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court order and applications for leave to appeal to Supreme Court. I/We authorize my/our Advocate (s) to admit any compromise lawfully entered in the said case.

Dated 2nd May 2024

Through certify that. I hold no brief

For the other side.

Satisfied and accepted

Received from the Executant (s)

Advocate

Accepted as above

Advocate

Accepted as above

Advocate

Accepted as above

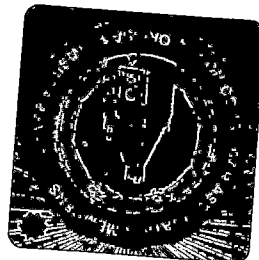
R.K. Muduli  
Advocate

Accepted as above



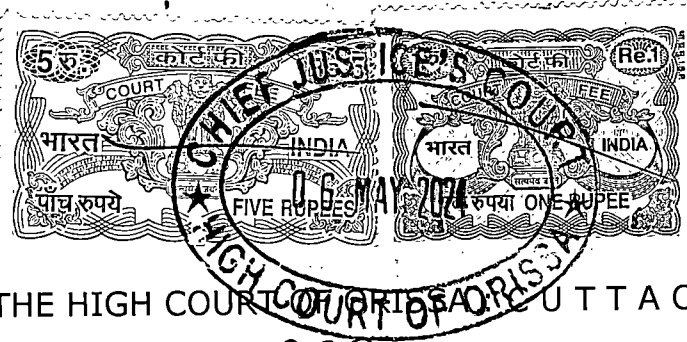
Pratima Manjari Kar

Signature of the Executant



SCANNED

1st copy



IN THE HIGH COURT OF ORISSA, CUTTACK.

I.A. NO. 2868 OF 2024

D. W. A. - 19953 / 2024

(ARISING OUT OF WRIT APPEAL NO. 1157 OF 2024)

IN THE MATTER OF :

An application under Section 5 read with  
read with Rule 27(A), Chapter-VI of the  
Orissa High Court Rules for condonation  
of delay in filing the writ appeal;

A N D

IN THE MATTER OF :

PRATIMA MANJARI KAR ... PETITIONER

VERSUS

SUREKHA SAMAL &  
others ...

OPP. PARTIES


TO

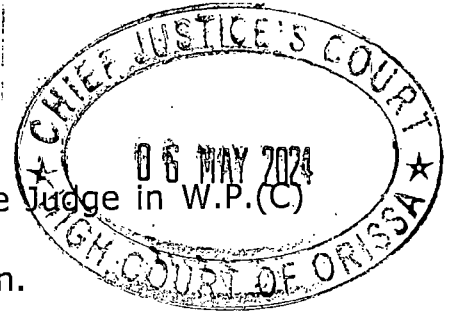
THE HON'BLE THE CHIEF JUSTICE OF THE HIGH  
COURT OF ORISSA AND HIS LORDSHIP'S  
COMPANION JUSTICES OF THE SAID HON'BLE  
COURT.

THE HUMBLE PETITION OF THE  
PETITIONER NAMED ABOVE:

MOST RESPECTFULLY SHEWETH;

1. That the petitioner has filed the aforesaid Writ Appeal ( bearing Diary No.19953/2024) seeking quashing of the order

  
*Surendra Prasad Dhal*  
Advocate  
NOTARY, CUTTACK



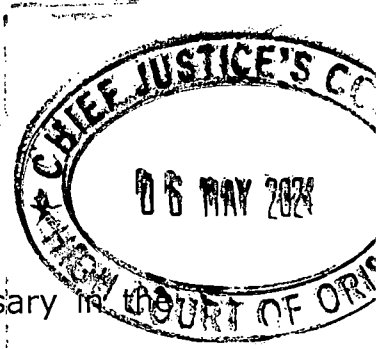
dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 18706 of 2015 on the grounds stated therein.

2. That the impugned judgment was pronounced by this Hon'ble Court on 28.03.2024. The writ appeal was to be filed within thirty days from the date of judgment after taking into consideration the copy period available to the petitioner for obtaining the certified copy which time was to expire on 27.04.2024. Since 27.04.2024 was a 4<sup>th</sup> Saturday and 28<sup>th</sup> was Sunday, it was to be filed on 29.04.2024.

3. That the petitioner met her advocate with all records and as per the instruction, the petitioner collected some other connected papers for the purpose of drafting the memorandum of appeal and though the writ appeal was made ready, it could not be filed due to the illness of the counsel and therefore it was presented on 02.05.2024. Hence, there was delay of four days in filing the writ appeal.

4. That the delay in filing the writ appeals is neither deliberate nor intentional, but due to the bonafide reasons as narrated above.

Surendra Prasad D.  
Advocate  
NOTARY, CUTTACK



5. That under this circumstances, it is necessary in the interest of justice to condone the delay caused in filing the writ appeal, otherwise, the petitioner will be put to irreparable injury.

P R A Y E R.

It is therefore, humbly prayed that this Hon'ble Court may be pleased to pass appropriate order by condoning the delay caused in filing the writ appeal.

And pass such other orders or directions as this Hon'ble Court may deem just and proper;

And for this act of kindness, the petitioner shall as in duty bound ever pray.

BY THE PETITIONER THROUGH


CUTTACK.  
DATE : 06.05.2024.

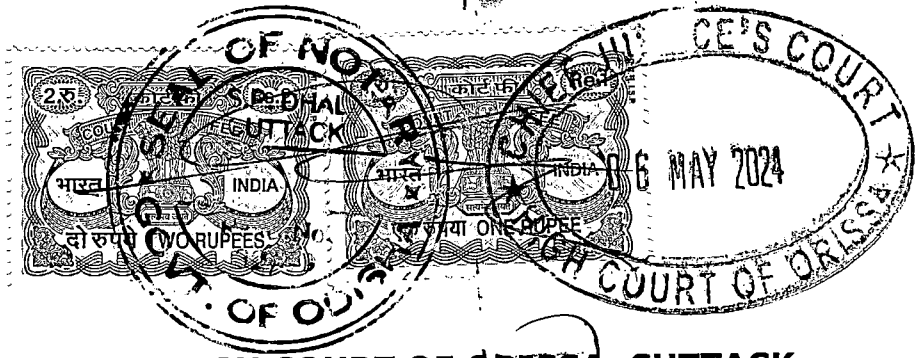
  
ADVOCATE

C E R T I F I C A T E .

Certified that due to non-availability of cartridge papers, this petition is being typed in thick white papers.

  
ADVOCATE.

  
Surendra Prasad Dha  
Advocate  
NOTARY, CUTTACK



**IN THE HIGH COURT OF ORISSA, CUTTACK.**

**I.A.No. 2868 of 2024**

(Arising out of Writ Appeal No. OF 2024)

In the matter of:

Pratima Manjari Kar ..... Petitioner

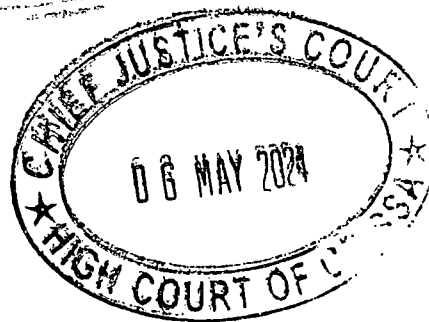
Versus

Surekha Samal. & others..... Opp.parties

**AFFIDAVIT**

1. Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At. Palli, P.O.Atto, P.S. Sabarang, Dist. Bhadrak, I am the appellant in this writ appeal.
2. Father's name: Sankarsan Kar.
3. Occupation: Govt. service.
4. Number of proceedings pending in the High Court or would be instituted (Caveat): No.
5. Statement of facts – As per averments in the writ appeal.
6. That the facts stated above are true to the best of my knowledge and belief.

*Surendra Prasad Dha*  
Advocate  
NOTARY, CUTTACK



DECLARATION

I, Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At. Palli, P.O. Atto, P.S. Sabarang, Dist. Bhadrak, do hereby solemnly affirm that the facts stated in paragraphs 1 to of the I.A. are true to my own knowledge and are true to the best of my information which I obtained from the personal source.

I believe the information to be true for the following reasons: Basing upon official records and information.

Solemnly declare at the above said this the 06<sup>th</sup> day of May, 2024.

IDENTIFIED BY

ADVOCATE.

DEPONENT.

Solemnly affirmed before me by Pratima Manjari Kar who is identified before me by Sarat Chandra Dash, Advocate, whom I personally know.

Oath Commissioner/Notary Public.

CERTIFICATE.

Certified that due to non-availability of cartridge papers, this petition is being typed in thick white papers.

The above named Deponent

Solemnly affirm on.....

..... Being Identified

by.....

ADVOCATE.

Surendra Prasad Dhal

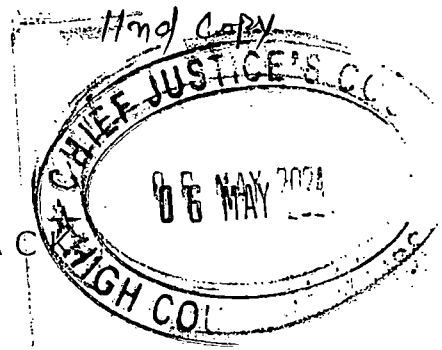
Advocate

NOTARY PUBLIC

IN THE HIGH COURT OF ORISSA : C U T T A C

I.A. NO. 2868 OF 2024

D.W.A - 19953/24  
(ARISING OUT OF WRIT APPEAL NO. 1154 OF 2024) -



IN THE MATTER OF :

An application under Section 5 read with  
read with Rule 27(A), Chapter-VI of the  
Orissa High Court Rules for condonation  
of delay in filing the writ appeal;

A N D

IN THE MATTER OF :

PRATIMA MANJARI KAR ... PETITIONER

VERSUS

SUREKHA SAMAL &  
others ...

OPP.PARTIES

TO

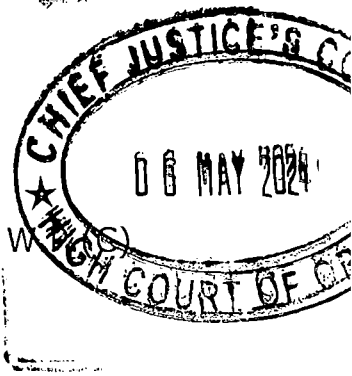
THE HON'BLE THE CHIEF JUSTICE OF THE HIGH  
COURT OF ORISSA AND HIS LORDSHIP'S  
COMPANION JUSTICES OF THE SAID HON'BLE  
COURT.

THE HUMBLE PETITION OF THE  
PETITIONER NAMED ABOVE:

MOST RESPECTFULLY SHEWETH;

1. That the petitioner has filed the aforesaid Writ Appeal ( bearing Diary No.19953/2024) seeking quashing of the order





dated 28.03.2024 passed by the Hon'ble Single Judge in Writ No. 18706 of 2015 on the grounds stated therein.

2. That the impugned judgment was pronounced by this Hon'ble Court on 28.03.2024. The writ appeal was to be filed within thirty days from the date of judgment after taking into consideration the copy period available to the petitioner for obtaining the certified copy which time was to expire on 27.04.2024. Since 27.04.2024 was a 4<sup>th</sup> Saturday and 28<sup>th</sup> was Sunday, it was to be filed on 29.04.2024.

3. That the petitioner met her advocate with all records and as per the instruction, the petitioner collected some other connected papers for the purpose of drafting the memorandum of appeal and though the writ appeal was made ready, it could not be filed due to the illness of the counsel and therefore it was presented on 02.05.2024. Hence, there was delay of four days in filing the writ appeal.

4. That the delay in filing the writ appeals is neither deliberate nor intentional, but due to the bonafide reasons as narrated above.

5. That under this circumstances, it is necessary in the interest of justice to condone the delay caused in filing the writ appeal, otherwise, the petitioner will be put to irreparable injury.

P R A Y E R.

It is therefore, humbly prayed that this Hon'ble Court may be pleased to pass appropriate order by condoning the delay caused in filing the writ appeal.

And pass such other orders or directions as this Hon'ble Court may deem just and proper;

And for this act of kindness, the petitioner shall as in duty bound ever pray.

BY THE PETITIONER THROUGH

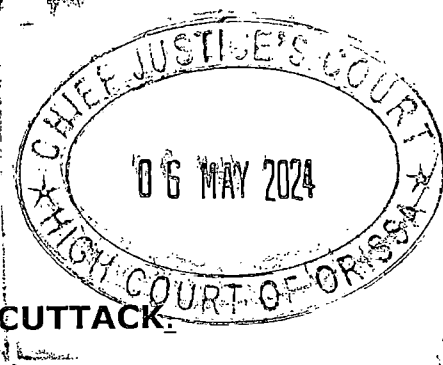
CUTTACK.  
DATE : 03.05.2024.

  
ADVOCATE

C E R T I F I C A T E.

Certified that due to non-availability of cartridge papers, this petition is being typed in thick white papers.

  
ADVOCATE.



**IN THE HIGH COURT OF ORISSA, CUTTACK.**

**I.A.No. 2868 of 2024**

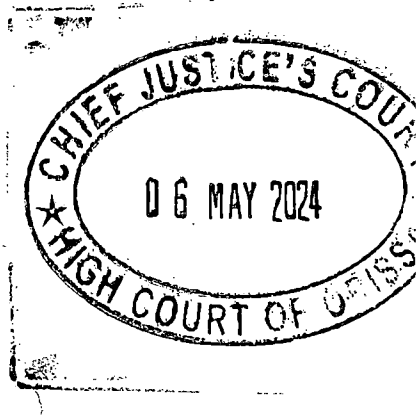
(Arising out of Writ Appeal No. OF 2024)

In the matter of:

Pratima Manjari Kar	.....	Petitioner
Versus		
Surekha Samal. & others.....		Opp.parties

**A F F I D A V I T**

1. Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At. Palli, P.O.Atto, P.S. Sabarang, Dist. Bhadrak, I am the appellant in this writ appeal.
2. Father's name: Sankarsan Kar.
3. Occupation: Govt. service.
4. Number of proceedings pending in the High Court or would be instituted (Caveat): No.
5. Statement of facts – As per averments in the writ appeal.
6. That the facts stated above are true to the best of my knowledge and belief.

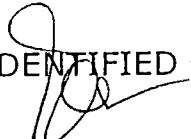


DECLARATION

I, Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via Similia, Dist. Balasore, at present working as Assistant Teacher, Govt. U.P.School, Palli, At. Palli, P.O.Atto, P.S. Sabarang, Dist. Bhadrak, do hereby solemnly affirm that the facts stated in paragraphs 1 to of the I.A. are true to my own knowledge and are true to the best of my information which I obtained from the personal source.

I believe the information to be true for the following reasons: Basing upon official records and information.

Solemnly declare at the above said this the day of May, 2024.

IDENTIFIED BY  
  
ADVOCATE.


Pratimamanjari Kar  
DEPONENT.

Solemnly affirmed before me by Pratima Manjari Kar who is identified before me by Sarat Chandra Dash, Advocate, whom I personally know.

Oath Commissioner/Notary Public.

CERTIFICATE.

Certified that due to non-availability of cartridge papers, this petition is being typed in thick white papers.

  
ADVOCATE.

SCANNED

②

**COMPUTERISED FILING COUNTER  
ORISSA HIGH COURT,CUTTACK  
ACKNOWLEDGEMENT SLIP**

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**Branch No :**

Receipt No : 60637/2024

Date Of Receiving : 07/05/2024

Time : 12:07:41 PM

Filing No : D- **WA 19953/2024**

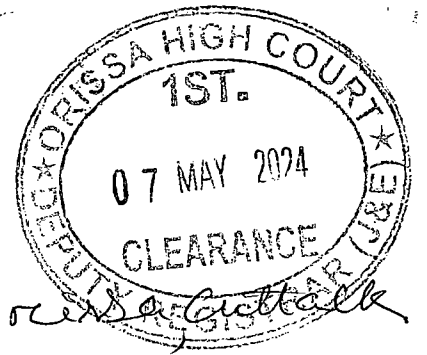
Case No : **WA /0**

Received From : Petitioner

Filed By: ADVOCATE FOR PETITIONER

Document(s) Filed :

2- Legible Copy (PAGE NO- 133)



In the High Court of Orissa, Cuttack

D. W.A - 19953/2024.


Pratima Manjari Kar ... Appellant  
vs

Surekha Samal & others ... Respondent

MEMO

As per Enrolment of Stampbook  
the legible copy of Page No-133  
filed here with for Removal of  
defect

By the Appellant  
through

  
Advocate

Cuttack  
7.5.2024

-133-

ROLL NO. 302AB050  
REGN.NO. 025545/2005

SERIAL NO. 261451

CER. SNO: 20071002258

**COUNCIL OF HIGHER SECONDARY EDUCATION, BHUBANESWAR**



SA HIGH COURT  
1ST.  
7 MAY 2024  
CLEARANCE  
REGISTRAR (J&F)

**HIGHER SECONDARY EXAMINATION CERTIFICATE**

I Certify that **TAPASWINI JENA**  
Son/Daughter of Smt. **DIMALA JENA**  
& Sri. **NARAYAN CHANDRA JENA**  
of **AGARPARA COLLEGE, AGARPARA**  
has passed the Higher Secondary Examination in **SCIENCE**  
held in the month of **MARCH, 2007** and was placed in the **SECOND Division**.

**SUBJECTS OF EXAMINATION**

COMPULSORY: ENGLISH  
MIL ORIYA

OPTIONALS: PHYSICS  
CHEMISTRY  
MATHS

EXTRA OPTIONAL: BIOLOGY

WORK EXPERIENCE: P



DATE  
30-05-07

COMPARER

*K. P. Singh*  
HEAD OF THE  
INSTITUTION

*R. K. Mishra*  
SECRETARY

*True copy  
of the  
original  
on*

*Tapaswini Jena*

D

IN THE HIGH COURT OF ORISSA, CUTTACK  
RVWPET/FAO/WA/WD/C/CONTG/IA NO-  
D-RVWPET/ D-FAO/ D-WA/ D-CONTG/ D-WP(C)-

19953/24

.....*poatima majari kar*.....PETITIONER

VRS

STATE OF ORISSA .....*20th May*.....OPP.PARTY

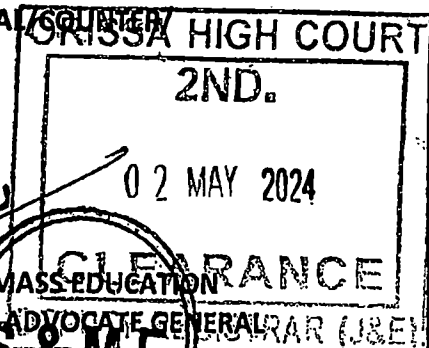
RECEIPT MEMO

RECEIVED THE WRIT PETITION/CONTEMPT/FAO/WA/IA/ADDITIONAL/.....  
REJOINDER AFFIDEVIT/ EXTRA COPIES \_\_\_\_\_ SET WITH ANNEXURE.

CUTTACK  
DATE

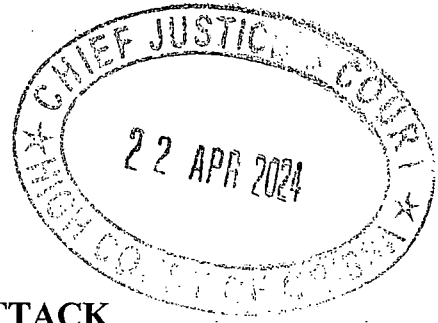
*21/5/2024*

*[Signature]*  
SCHOOL AND MASS EDUCATION  
OFFICE OF THE ADVOCATE GENERAL





(R)



**IN THE HIGH COURT OF ORISSA: CUTTACK**

**CAVEAT PETITION No. 51 /2024**

(Arising out of W.A. No. 1157/2024)

Surekha Samal and others

... Caveat-Petitioner

-Vrs-

State of Orissa & others

....

Opp. Parties

**I N D E X**

<u>Sl. No.</u>	<u>Description of documents.</u>	<u>Pages</u>
1.	Caveat Petition.	01- 7
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3.	VAKALATNAMA	

Cuttack.

By the Caveat-Petitioner through

Date : 19/4/24

  
Advocate

RO1437295591IN IVR:827914372955  
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Counter No:1,27/04/2024,11:4  
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**IN THE HIGH COURT OF ORISSA: CUTTACK**

**CAVEAT PETITION No. 51 /2024**

(Arising out of W.A. No. 1157 /2024)

In the matter of :

An application u/s.148-A of Code of Civil Procedure read with Rule-5, Chapter-VI of Orissa High Court Rules, 1948;

A n d

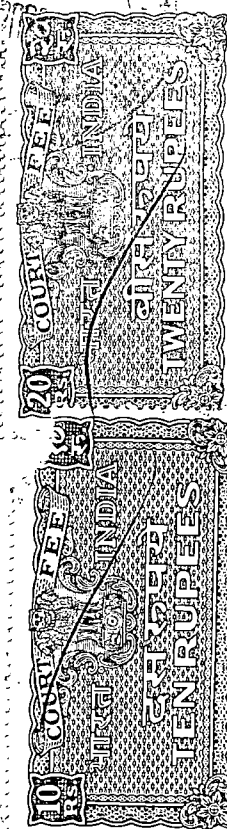
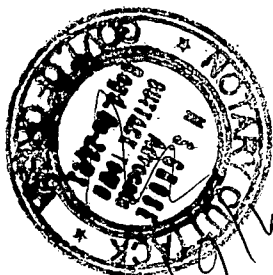
In the matter of :

1. Surekha Samal, agd about 34 years,  
D/o. Biswanath Samal, At: Bhimalbar,  
PO. Patuli, Dist. Bhadrak.
2. Kalpana Panigrahi, aged about 34 years,  
D/o. Gourahari Panigrahi, At. Haripur,  
PO. Sahar, Via; Sabaranga, Block / Dist.  
Bhadrak
3. Jyotsnarani Giri, aged about 41 years,  
D/o. Gourahari Giri, at. Gopalpur, PO.  
Ganijanga, Dist. Bhadrak.

**Caveators/ Petitioners**

-Versus -

1. State of Orissa, represented through it's  
Commissioner-cum-Secretary, School and  
Mass Education Department, Orissa, At-  
Secretariat Building, Bhubaneswar, Po.  
Bhubaneswar, District- Khurda.
2. Collector-cum-Chief Executive Officer, Zilla  
Parishad, Bhadrak, At/PO/Dist. Bhadrak.



5275

3. Tapaswini Jena, aged about 38 years, D/o. Narayan Ch. Jena, At Padi, PO. Adia, Dist. Bhadrak, At present working as Sikshya Sahayat Under Bhadrak District.
4. Banajini Mishra, aged about 38 years, W/o. jitendra Kuamr Padhi, ill. Chakabental, PO. Keshapur, Via- Gujidarda, Dist. Bhadrak, At present working as Sikshya Sahayat, Under Bhadrak Dist.
5. Pratima Manjari Kar, aged about 42 years, W/o. Rajib Kuamr Dash, At/PO: Mamohadapur, Via. Similia, Dist. Balasore, At present working as Sikshya Sahayak, Under Bhadrak District.

.. ..Opp. Parties

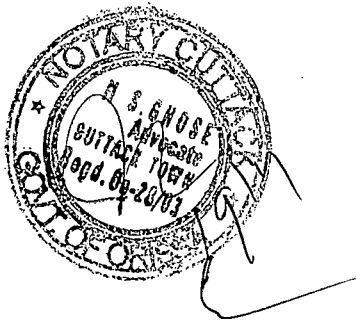
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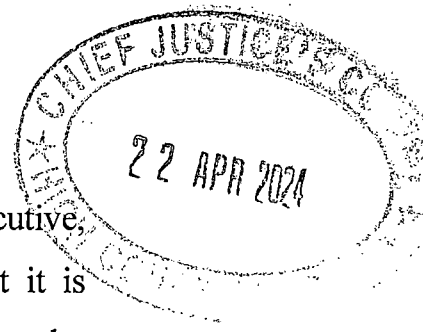
The Hon'ble the Chief Justice of Orissa High Court and His Lordship's other Companion Justices of the said Hon'ble Court ;

The humble petition of the petitioner named above ;

**Most Respectfully Sheweth:-**

1. That the Caveat petitioners whose name find place in the merit list published in the District of Bhadrak being aggrieved by the actions of the District Authorities ( in including subsequently the forgery and fake vocational and Upasastri Candidates to the merit list and appointed on conditional basis by taking undertaking from them that they have not suppressed any material facts of passing previously either any one of Higher Secondary Course ) have filed writ application and ultimately all those writ applications were disposed of



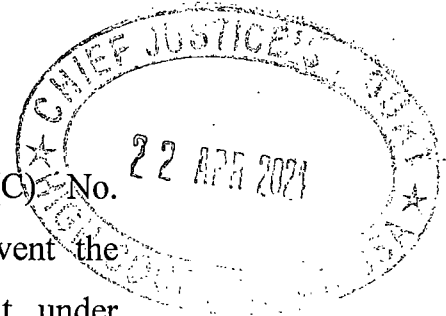


with a direction to the Collector-cum-Chief Executive, Zillaparisad to make an enquiry and in the event it is found the forgery candidates have got engagement by suppressing the facts then in that event merit list recasted and accordingly appointment be given. But unfortunately, the them Collector while holding from the evidences produced before him category held that they have committed forgery but did not recast the merit list. As a result of which the caveat petitions being aggrieved have approached this Hon'ble High Court in W.P.(C) No. 18706 / 2015, challenging the decision of the Collector. Accordingly, the Hon'ble High Court after hearing the oppo.parties and others was pleased the deliver a judgement on 28.03.2024 . A copy of the said jdgement dt. 28.03.2024 passed in W.P.(C ) No. 18706 /2015 is filed herewith as Annexure-1.



2. That it is respectfully submitted that the Hon'ble high Court in the aforesaid judgement has been pleased to direct to recast the merit list by excluding vocational and Upasastri Candidates including opp. parties those have got engagement by suppressing material facts and by giving false undertaking. Thereby , further directed to engage the petitioners within a stipulated time of 4 months.

3. That it is relevant to mention here that the Caveat petitioners in the aforesaid circumstances apprehends genuinely that the opp.parties may challenge the aforesaid

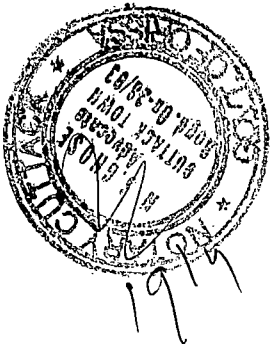


judgement dt. 28.03.2024 passed in W.P.(C) No. 18706/2015 in filing a writ appeal. In the event the opp.parties challenge the aforesaid judgement under Annexure-A and in the event any adverse order is passed in prejudice to the present caveat petitioners who are the petitioners in the aforesaid case shall be highly prejudiced., notwithstanding their name initially found in the merit list and were ousted from the zone of engagement as Sikshya Sahayak by then at the instance of the forgery and fake vocational and Upsastri candidate including the private opp.paarties.

4. Therefore, in the interest of justice and equity the caveat petitioners humbly pray that before passing any interim order in favour of such forgery and fake vocational and Upasastri candidates including opp.parties then the petitioners shall suffer irreparable loss, for which the caveat petitioners have filed this petition to be registered

#### P R A Y E R

Under the above facts and circumstances of the case, the Caveat Petitioners humbly pray that this Hon'ble Court may graciously be pleased to direct for registration of this Caveat Petition and further be pleased to notify the Caveat petitioners or his Advocate in advance to provide an opportunity of hearing before any adverse order, as an interim measure, is passed in the event of any Writ Appeal is filed by the opp.parties in



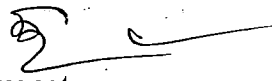
assailing order / judgment dtd.28.3.02024 passed in 22 APR 2024  
W.P.(C) No. 18706/2015 under Annexure-A.

And for which act of kindness, the Caveat  
Petitioners shall, as in duty bound, ever pray.

Cuttack.

By the Caveat Petitioners, through

Date : 19/4/24

  
Advocate



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IN THE HIGH COURT OF ORISSA: CUTTACK

CAVEAT PETITION No.

22 APR 2024  
/2024

(Arising out of W.A. No. /2024)

Surekha Samal & others ... Petitioners

-Vrs-

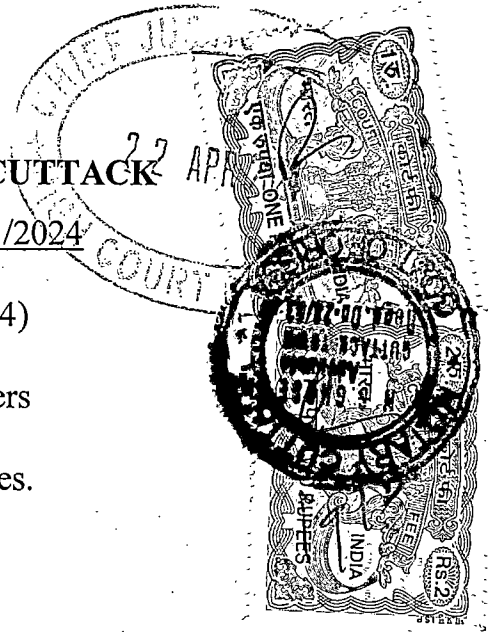
State of Orissa and others ... Opp. Parties.

**AFFIDAVIT.**

1. I, Surekha Samal, agd about 34 years, At: Bhimalbar, PO. Patuli, Dist. Bhadrak on being authorized by other caveat petitioners do hereby solemnly affirm and state as follows :-
2. Father's Name;- Biswanath Samal,
3. Number of proceedings pending in the High Court or would be instituted (Caveat): No
4. Statement of facts: As per averments in the Caveat application.
5. The facts stated are true to the best of my knowledge and belief of the deponent.

**DECLARATION**

I am the Petitioner above named do hereby solemnly affirmation that the facts stated in Paragraphs 1 to 4 are true to my own knowledge and Paragraph 1 to 4 are true to the best of my information which I obtained from the official sources as well personal sources and I swear this affidavit for and on behalf of other caveat petitioners.

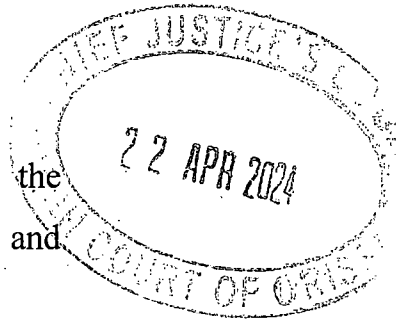


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- 7 -

I believe the information to be true for the following reasons:-Basing upon the official record and information.



Solemnly declare at the above said this 19<sup>th</sup> day of April, 2024.

Identified by

Ajay Kumar Panda  
Advocate's Clerk

Surekha Samal  
Deponent

Solemnly affirm before me by Surekha Samal who is identified before me by Ajay Kumar Panda, Advocate's Clerk, whom I personally known.

This is the 19<sup>th</sup> day of April, 2024.

Netaji Sabyasachi Ghose  
19/4/24  
NETAJI SBYASACHI GHOSE  
NOTARY ADVOCATE SE  
GOVT. OF ORISSA  
Regd. No-ON-28/09  
CUTTACK TOWN

NOTARY PUBLIC, CUTTACK.

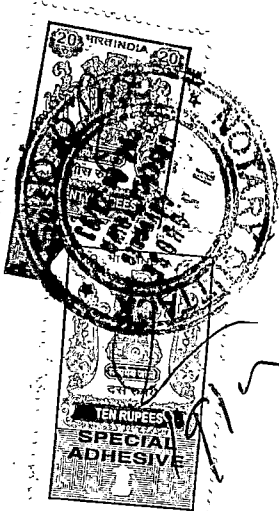
**CERTIFICATE**

Certified that due to non availability of catridge papers, white papers have been used.

Cuttack

Dtd.19.04.2024

[Signature]  
Advocate of the petitioner



- 8 - Annexure - A

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 18706 of 2015**

Application under Articles 226 & 227 of Constitution of India.

**AFR Surekha Samal & Ors. .... Petitioners**

**- Versus -**

**State of Orissa & others ..... Opp. Parties**

Advocate(s) appeared in this case:-

**For Petitioners** : M/s. Mahendra Kumar Sahu,  
& Mr. S.K. Rath, Advocates.

**For Opp. Parties** : Mr. S.N. Pattnaik,  
Addl. Government Advocate

M/s. D.N. Rath & P.K. Rout.  
(O.P. No.4)

Mr. P.K. Behera, Advocate  
(O.P. Nos. 5 & 6)

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**JUDGMENT**

**28<sup>th</sup> March, 2024**

**SASHIKANTA MISHRA, J.**

The order dated 21.08.2015 passed by the  
Collector-cum- Chief Executive Officer, Zilla Parishad,  
Bhadrak in Misc. Case No. 03/2014 pursuant to direction of

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this Court in W.P.(C) No. 5077 of 2014 and batch is under challenge in the present writ application.

**FACTS**

2. An advertisement was issued by the Collector, Bhadrak on 08.12.2011 inviting applications from eligible candidates for engagement as Sikshya Sahayaks. The educational qualification required was, the candidate must have passed +2 examination in Science/Arts/Commerce or its equivalent examination declared by appropriate authority and C.T. training. Pursuant to such advertisement, the petitioners submitted their applications. A merit list was prepared for all categories of candidates. Petitioner No.1 was placed at serial No. 11 of the merit list, Petitioner No.2 at serial No.4 of UR merit list and petitioner No.3 at serial No. 1 of SEBC female list. In the initial provisional merit list of different categories, vocational course qualified candidates were not included, for which some of them approached this Court in W.P.(C) No. 6438 of 2011 and 6458 of 2011. By order dated 18.03.2011, a coordinate Bench of this Court disposed of the writ applications directing that the cases of

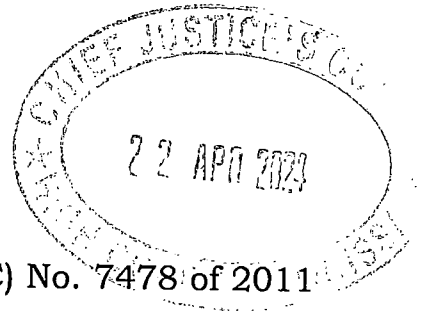
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22.03.11

the candidates (petitioners therein), who have completed +2 Vocational course with C.T. training shall be considered by the Collector-cum-CEO, Zilla Parishad and the provisional list of selected candidates already published shall be revised accordingly. Pursuant to such order, a fresh merit list was prepared including the candidates with Vocational qualification. At this stage some of the candidates similarly situated as the petitioners submitted grievance before the authorities (opposite party Nos. 2 and 3) that the Vocational candidates and Upasastri candidates had obtained those certificates by suppressing the fact of their passing +2 Arts/Commerce/Science examination earlier, which amounts to fraud. Further, some bonafide candidates having Vocational qualification approached this Court in W.P.(C) No. 7478 of 2011, which was disposed of by order dated 24.03.2011 directing the District Project Coordinator, SSA, Bhadrak to consider and dispose of the representation submitted by those petitioners within three weeks. Accordingly, opposite party Nos. 2 and 3 conducted enquiry into the allegations regarding submission of fake certificates but without completing the same, published a second merit

list including their names with the remark that enquiry is pending against the Vocational and Upasastri candidates. Being aggrieved, some similarly situated persons including the petitioners approached this Court in W.P.(C) No. 18256 of 2011, which was disposed of by order dated 15.07.2011 with direction to the authorities to complete the enquiry and thereafter consider the representation of the petitioners in the light of the enquiry report. It was however, made clear that the authorities shall not appoint the candidates against whom the enquiry is pending till it is complete. Notwithstanding such order, the opposite party Nos. 2 and 3 asked the Vocational/ Upasastri candidates to furnish an undertaking that they had not passed +2 Arts/Commerce/Science before obtaining Vocational/ Upasastri certificates. The concerned candidates submitted individual undertakings that they had not passed any other +2 course examination other than Vocational/ Upasastri examination and if such undertaking is found to be incorrect they shall be disengaged from the post of Sikshya Sahayak. As such, opposite party Nos. 2 and 3 issued conditional engagement orders in favour of those candidates making it

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subject to the order of this Court in W.P.(C) No. 7478 of 2011 with further stipulation that if any irregularity is detected in future, the engagement would be terminated. The enquiry proceeded thereafter and on its completion it was established that all those candidates had passed +2 examination earlier but had suppressed such fact to further prosecute Vocational/ Upasastri courses in contravention of the CHSE Act and Regulations and Sanskrit University Regulations. Accordingly, all six candidates including the private opposite party Nos. 4, 5 and 6 were issued with second show cause notices for disengagement. Said private opposite parties approached this Court in W.P.(C) No.32024 of 2011, in which an interim order of protection was granted. At this stage, the petitioners and similarly placed candidates, who had been deprived of appointment because of the inclusion of the Vocational/Upasastri candidates filed independent writ applications challenging the engagement of the so called fake candidates. Several such writ applications having been filed, all were clubbed together and finally disposed of by a common order passed by this Court on 05.05.2014 in W.P.(C) No. 5077 of 2014 and batch. After taking note of the

- 13 -

relevant facts, a coordinate Bench of this Court, inter alia, held as follows:

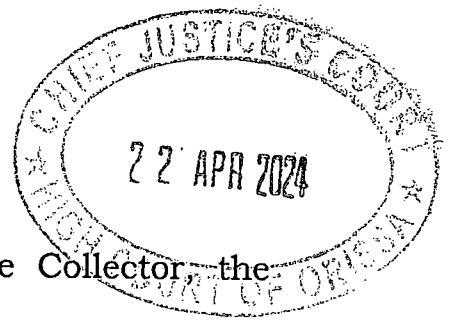
*"In view of the above, the Collector-cum-C.E.O. S.S.A. Bhadrak is directed to take a decision by taking into consideration the show cause reply along with the enquiry report after supplying copy of the enquiry report to the petitioners and affording reasonable opportunity of hearing to them.*

*It is needless to mention that if the petitioners have committed fraud by submitting the +2 Vocational course certificates contrary to the C.H.S.E. Act and the Regulations then they shall be disengaged and consequently the merit list shall be recast. The entire exercise shall be completed within a period of three months from the date of receipt of the certified copy of this order.*

*However this Court has not expressed any opinion on the merit of the case."* [Emphasis added]

Pursuant to such order, the petitioners and the Vocational/ Upasastri candidates including the private opposite parties appeared before the Collector and participated in the hearing. After considering the contentions raised by the parties, the Collector vide order dated 21.08.2015, copy of which is enclosed as Annexure-12, refused to interfere in the matter by holding that even though there is evidence of suppression of facts by the Vocational/ Upasastri candidates but the examination conducting authority had not cancelled or withdrawn the certificates issued in their favour. Furthermore, those persons had put in around four to five

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years of service. Assailing the order of the Collector, the petitioners have approached this Court seeking the following relief:

*"Under the above facts and circumstances of the case, it is humbly prayed that this Hon'ble High Court be pleased to allow the writ application by granting following reliefs-*

*A. An appropriate writ/writs be issued quashing the impugned order under Annexure-12 and in consequence thereof the conditional engagement orders be declared illegal and arbitrary.*

*B. An appropriate writ / writs be issued to recast the merit list by excluding the fake Vocational and Upasastri candidates those have obtained engagement by suppressing the material facts as described above and thereafter necessary direction be made to engage the petitioners as Sikshya Sahayak with all benefits at par with others notionally.*

*(C) Or in alternative, any other writ(s), direction(s), order(s) be issued as this Hon'ble court may deem fit and proper"*

3. Counter affidavit has been filed by the opposite party Nos. 2 and 3 seeking to justify the impugned order. It was reiterated that the certificates issued by the Council of Higher Secondary Education, Odisha or Shri Jagannath Sanskrit University, Puri in favour of the Vocational/Upasastri candidates had not been cancelled and that the selection committee cannot ignore the certificates nor has authority to cancel the same.



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4. Counter affidavit has also been filed on behalf of private opposite party No.4. It is stated that the certificate issuing authority not having cancelled the certificate issued in her favour, the opposite party No.3 cannot declare the same as illegal and void. Moreover, the restriction regarding appearing of candidate in Vocational examination after passing +2 examination came in the year 2011 whereas she had obtained such qualification in the year 2008. In any case, having already issued a certificate it would not be permissible for the authority to cancel/withdraw the certificate as the law of estoppel would apply.

5. In the rejoinder filed by the petitioners it has been stated that the candidates in question are guilty of wilful suppression of fact, which was accepted by the Collector and therefore, it was not proper for him to not interfere in the matter. It was clearly proved that the private opposite parties had submitted false undertakings, which amounts to fraud.

6. Heard Mr. M.K. Sahoo, learned counsel for the petitioners; Mr. S.N. Pattnaik, learned Addl. Government

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22 APR 2024  
JUDICIAL OFFICE

Advocate for the State and Mr. D.N. Rath, learned counsel appearing for the private opposite party No.4.

7. Mr. Sahoo forcefully argues that having accepted that Vocational/Upasastri candidates had suppressed material facts and had submitted false undertakings only for the purpose of getting engagement as Sikshya Sahayak, it was not open to the Collector to not interfere in the matter. Referring to the reasoning adopted by the Collector for his disinclination to interfere in the matter, Mr. Sahoo would argue that wilful suppression of facts and submission of false undertakings amounts to playing fraud on the authorities, which can never be countenanced in law. As such, the engagement orders issued in favour of these candidates are null and void. It is for these illegal appointments that bonafide candidates like the petitioners were deprived of their legitimate right of being engaged as Sikshya Sahayaks at the relevant time.

8. Mr. S.N. Pattnaik, learned Addl. Government Advocate would argue that the Collector only found that the candidates had submitted false undertakings but the

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concerned authorities had not cancelled/withdrawn the certificates issued in their favour. Whether the certificates were required to be cancelled/withdrawn is a matter to be decided by the certificate issuing authority but not the authority conducting selection of candidates for Sikshya Sahayaks. According to Mr. Pattnaik therefore, the Collector on equitable considerations rightly refused to interfere in the matter as the candidates in question have in the meantime rendered five to six years of service.

9. Mr. D.N. Rath, learned counsel for opposite party No.4 submits that there was no restriction at the relevant time for a candidate to obtain Vocational course after having passed +2 examination. Such restriction came only in the year 2011. Mr. Rath further submits that even assuming that the candidates (private opposite parties) had submitted any wrong undertaking, the same cannot nullify their certificates as long as the same have not been withdrawn/cancelled by the appropriate authority.

10. The basic facts of the case as narrated in the writ application are not disputed. The enquiry was conducted by

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22 APR 2017

the Collector in pursuance of direction of this Court in W.P.(C) No.18256 of 2011. Further, the Collector was directed to consider the matter by hearing all the concerned parties and on consideration of the enquiry report. The enquiry report as such, has not been brought on record by any of the parties but attention of this Court has been drawn to the undertakings given by the private opposite parties, copies of which are enclosed as Annexure-4 series. In each of these undertakings the executants have solemnly affirmed that they have not passed +2 examination before appearing at the Vocational/ Upasastri examination. This undertaking was found to be false as would be evident from a perusal of the impugned order passed by the Collector. In this regard, the finding of the Collector is as follows:

*"(i) The students obtaining the Vocational certificates after completing +2 ARTS/Science/Commerce or concurrently having two courses and obtaining certificates. But their certificates have not been withdrawn or cancelled by the competent authorities."*

The Collector further held as follows:

*"It is a fact that, the successful candidates have given an undertaking that they have not passed the +2 ARTS/Science/Commerce stream prior to the Vocational Course. But subsequent arguments and production of documents show that this is not correct*

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and there is suppression of facts. But this is not enough to disqualify the successful candidates and declare their recruitment as void.

(emphasis supplied)

It is therefore, clear that the Collector had accepted the factual position that the private opposite parties had suppressed the fact of passing +2 examination prior to the Vocational course. At this stage, it would apposite to consider whether it was permissible under the relevant Rules/Regulations for the private opposite parties to have acquired Vocational qualification after completing +2 course.

11. Mr. Rath, learned counsel appearing for the private opposite party No.4 has referred to the CHSE Regulations to argue that the prohibition came in the year 2011, whereas the private opposite parties had acquired such qualification prior to that. Mr. Sahoo, learned counsel for the petitioner on the other hand with reference to the Odisha Higher Secondary Education Act, 1982 submits that a Higher Secondary course covering a period of two years can be obtained immediately following the High School Certificate course. This also includes Vocational course. This implies, both Higher Secondary course (+2)/Vocational course can

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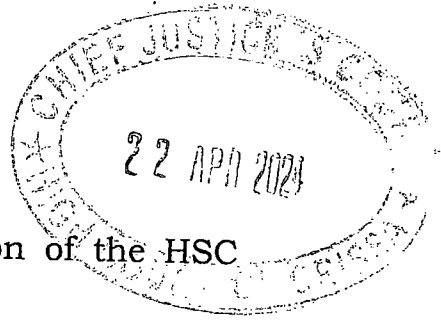
only be acquired after High School Certificate course, and therefore, are of the same level. In such view of the matter, Vocational course, which itself is a Higher Secondary course cannot be obtained after passing the +2 examination, which is also a Higher Secondary course. In this regard it would be profitable to refer to Section 2(i) and 2(j) of the Orissa Higher Secondary Education Act, 1982, which are quoted hereinbelow:

*"2(i) - "Higher Secondary Course" means course "immediately" following the High School Certificate Course and covering a period of two academic years which is provided for either in a College or a Higher Secondary School and includes Arts, Science, Commerce and Vocational Courses".*

*2(j)- "Higher Secondary Education" means such general and Vocational Education forming in itself a complete purposive whole, which immediately follows Secondary Education as has been defined in the Orissa Secondary Education Act 1952 and immediately "precedes" a stage of education controlled by any university."*

12. Further, Regulation, 107 of the Odisha Higher Secondary Education Regulation, 1982 provides that only a registered student is allowed to appear in one of the examinations for not less than completion of two academic years after passing HSC Examination. Regulation 109 provides that no student shall be admitted to an institution

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beyond six weeks from the date of publication of the HSC result.

13. In the case of **Somasnata Rath vs. State of Odisha and others**<sup>1</sup> a coordinate Bench of this Court had the occasion to deal with a similar matter with reference to the Regulations of Shree Jagannath Sanskrit Viswa Vidyalaya and held that a candidate after qualifying +2 Arts/Science/Commerce cannot take admission into Upasastri course and that Upasastri course is equivalent to +2 Arts. Another Coordinate Bench, in the case of **Basudev Guru & Ors. vs. State of Odisha & Ors.**<sup>2</sup> held that as the petitioners therein had acquired +2 Vocational course after passing the +2 Arts course cannot use such qualification to their benefit. Thus, there seems to be no dispute with regard to the legal position that under the Regulations of the CHSE, +2 course is equivalent to Vocational/ Upasastri course and therefore, a candidate having passed in one cannot acquire the qualification in the other. Both are mutually exclusive. Of course a candidate, who fails in the +2 examination can

<sup>1</sup> W.P.(C) No. 7031 of 2016, decided on 12.05.2016

<sup>2</sup> W.P.(C) No. 16810 of 2016, decided on 21.02.2024

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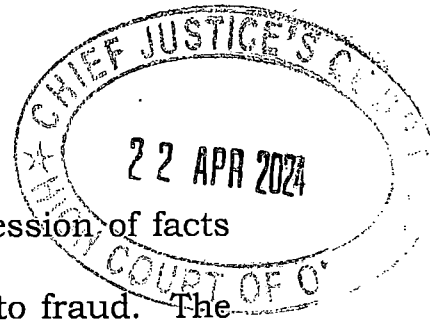
acquire Vocational qualification but a pass candidate cannot. Thus, the certificates issued to the Vocational/ Upasastri candidates including the private opposite parties in the present writ application being contrary to law have no legal force and cannot therefore enure to their benefit. It is well settled that a certificate obtained in contravention of the Regulations/ Rules can have no legal sanctity.

14. It has been argued at length that the private opposite parties could manage to obtain the Vocational certificates by suppressing the fact of their passing +2 examination and by obtaining duplicate transfer certificates from the institutions where they had appeared for the High School Certificate examination. This Court need not enter into this controversy or render any factual finding thereon as it has already been held that irrespective of the manner in which the private opposite parties managed to obtain the Vocational/ Upasastri certificates, the same can have no legal sanctity.

15. Added to the above is the question of submission of false undertaking, which according to the petitioners is an act of fraud. What amounts to fraud is no longer a matter of



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debate. A deliberate misrepresentation/ suppression of facts

resorted to for obtaining any benefit amounts to fraud. The

oft-quoted observation of the Supreme Court in the case of

**S.P. Chengalvaraya Naidu v. Jagannath**<sup>3</sup>, are noteworthy.

*"6. The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage. Jagannath was working as a clerk with Chunilal Sowcar. He purchased the property in the court auction on behalf of Chunilal Sowcar. He had, on his own volition, executed the registered release deed (Ex. B-15) in favour of Chunilal Sowcar regarding the property in dispute. He knew that the appellants had paid the total decretal amount to his master Chunilal Sowcar. Without disclosing all these facts, he filed the suit for the partition of the property on the ground that he had purchased the property on his own behalf and not on behalf of Chunilal Sowcar. Non-production and even non-mentioning of the release deed at the trial is tantamount to playing fraud on the court. We do not agree with the observations of the High Court that the appellants-defendants could have easily produced the certified registered copy of Ex. B-15 and non-suited the plaintiff. A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party."*

*[Emphasis added]*

16. The ratio of **S.P. Chengalvaraya Naidu** (supra) has been relied upon in several decisions. Further, the maxim "*fraus et jus nunquam cohabitant*"- fraud and justice never

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<sup>3</sup> (1994) 1 SCC 1

24 ✓

dwelt together - cannot be lost sight of. If a person guilty of committing fraud is granted the benefit of such act, it would tantamount to perpetuating the illegality.

17. Coming to the impugned order, this Court observes that the Collector has accepted that the candidates in question had suppressed material facts and had submitted false undertakings but then by adopting a strange reasoning laced with highly misplaced sympathy for the wrongdoers, the Collector withdrew his hands off the matter. As a quasi-judicial authority it was incumbent upon the Collector to exercise the lawful authority conferred upon him to set right the wrong. Sadly the Collector chose to reward the wrongdoers apparently on equitable considerations.

18. It is well settled that once a fraud is proved, it will deprive the person of all advantages or benefits obtained thereby. This Court has already held that the Vocational/Upasastri certificates obtained by the private opposite parties can have no force of law and therefore, notwithstanding the fact that they have not been withdrawn/cancelled by the

< 25 -

concerned authority, the same cannot be taken into consideration.

19. In the case of **Ram Preeti Yadav v. U.P. Board of High School and Intermediate Education**<sup>4</sup>, the Supreme Court held that non-cancellation/withdrawal of the certificates by the concerned authority will not raise any equity in favour of the certificate holders in this case and therefore, no relief can be granted to them in equitable grounds. This Court further finds that the Collector has gone on to refer to the human nature to justify the production of one of the two certificates possessed by the private opposite parties in order to take the benefit of employment. The Collector held as follows:

*"Every Govt. Servant/Employee/Job Holder of this country is considered to be a privileged person. If one gets a Govt. Job/Service and thereby secures his daily bread it is like enjoying the early dawn after coming out of the perpetual gloom. When he/she comes so nearer to get a Govt. job/service, it is very natural that he/she has not smart enough to declare the true facts"*

20. Having himself held that the concerned candidates were guilty of suppression of facts, the Collector still

---

<sup>4</sup> (2003) 8 SCC 311

\*HIG

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proceeded to applaud them as 'smart enough' for doing so. This Court refrains from saying anything more in this aspect. It would suffice to say that such absurd reasoning cannot ever be countenanced in law.

21. Thus, from a conspectus of the analysis of facts and law and the discussion made hereinbefore, this Court finds that the private opposite parties having suppressed material facts before the appropriate authority at the relevant time could not have been selected for appointment and actually appointed. In the process, the fate of the bonafide candidates like the petitioners was sealed. This Court therefore, has no hesitation in holding that the impugned order cannot be sustained in the eye of law.

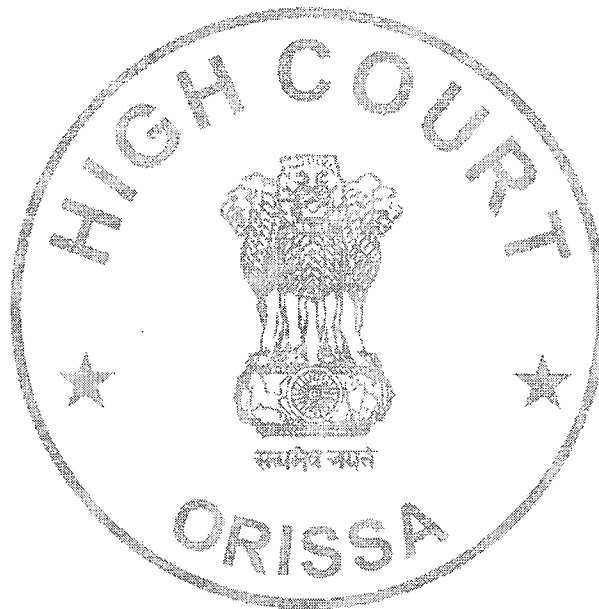
22. In the result, the writ petition is allowed. The impugned order under Annexure-12 is hereby quashed. The opposite party Nos. 2 and 3 are directed to recast the merit list by excluding the Vocational/ Upasastri candidates (opposite party Nos. 4, 5 and 6) and by issuing appropriate order of engagement in favour of the petitioners either as

27

Sikshya Sahayaks or in any equivalent post without any further delay and in any case, not later than four months.

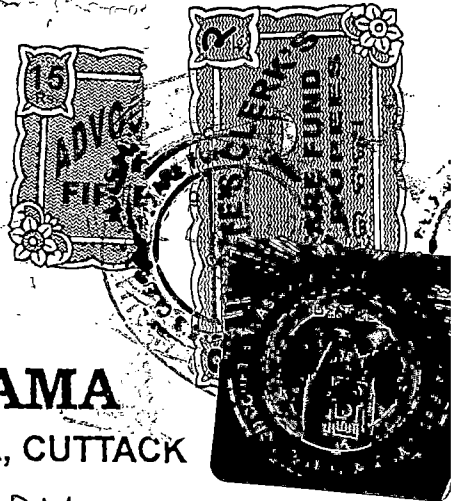
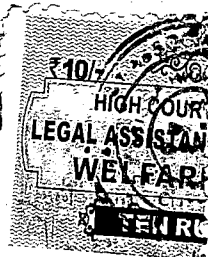
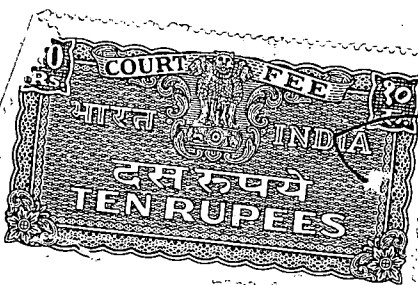
.....  
**Sashikanta Mishra,**  
**Judge**

**Orissa High Court, Cuttack.**  
**The 28<sup>th</sup> March, 2024/ A.K. Rana, P.A.**



T. C. A. T. W.  
Advocate

Signature Not Verified  
Digitally Signed  
Signed by: AJAYA KUMAR RANA  
Designation: Personal Assistant  
Reason: Authentication  
Location: HIGH COURT OF ORISSA, CUTTACK  
Date: 28-Mar-2024 17:43:45



# FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

CAVEAT No. 51 of 20 24

Between

Surekha Samal and Others  
Appellant / Petitioner / Plaintiff

Versus

State of Orissa and Others  
Respondent / Opp. Party / Defendant

Know all men by these presents, that by this Vakalatnama,

I/We Surekha Samal, aged about 31 years, D/O - Bhimadhar Samal  
At - Bhimadhar, P.O. - Patuli Dist. Bhubaneswar @ Kalpana Panigrahi At - Harip  
P.O. - Sahana, Dist. Subarnapur Dist. Bhubaneswar @ Jyotsnarani Giri aged about  
41 years, D/O - Gourabini Giri At - Gopalpur Dist. Bhubaneswar  
Appellant Respondent / Petitioner / Opposite party in the aforesaid Revision / Appeal

Case do hereby appoint and retain Sri

MAHENDRA KUMAR SAHOO, CN- 894/92  
mas- 9437222056

Advocate (s) to appear for me/us in the above case, and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court. I / We authorise me/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated the 22/4/2024

Received from the Executant (s)  
satisfied and accepted as hold  
no brief for the other side

Kalpana Panigrahi

Advocate  
Accepted as above

Advocate  
Accepted as above

Advocate  
Accepted as above

Advocate  
Accepted as above

Advocate  
Accepted as above

Advocate  
Accepted as above

Jyotsnarani Giri

Surekha Samal  
Signature of Executant

20/08  
CT

IN THE HIGH COURT OF ORISSA: CUTTACK  
MENTION MEMO

1. Number of the Case : W.A. 1157/2024.
2. Name of the Parties : Prafulla Manjari Kar  
Prafulla Manjari Kar  
Petitioner / Appellant

-: VERSUS :-

3. Party seeking position : ~~Sankh a Sand & others~~ Opp. Party / Respondent.  
Petitioner / Opp. Party /  
Respondent  
Intervener / Appellant
4. Name of the Advocate of the Party seeking position : S. C. Dash
5. Name of the Advocates appearing for the Opp. Party : State
6. Mention for : Fresh Admission, Order,  
Stay, Hearing.
7. Reason for Mention : Challenging the order of  
Single Judge
8. Date on which posting is sought : 20.5.2024,
9. Whether any caveat has been filed or not : No
10. Indicate whether the matter is in the list before any other Bench : No

Cuttack

Date 17/5/2024

S. C. Dash  
Signature of Advocate

C.T.  
21/05  
Fresh Adm

IN THE HIGH COURT OF ORISSA: CUTTACK  
MENTION MEMO

1. Number of the Case : W.A.-1157/2024  
2. Name of the Parties : Prateema Manjari Kar  
Prateema Manjari Kar.  
Petitioner / Appellant

:- VERSUS :-

3. Party seeking position : Surekha Samal & other  
Opp. Party / Respondent.  
Petitioner / Opp. Party /  
Respondent  
Intervener / Appellant

4. Name of the Advocate of the  
Party seeking position :

S.C. Dash Adv

5. Name of the Advocates  
appearing for the Opp. Party :

State

6. Mention for :

Fresh  
Admission, Order,  
Stay, Hearing.

7. Reason for Mention :

Challenging the order  
of Hon'ble Single Judge

8. Date on which posting is sought :

21.5.2024.

9. Whether any caveat has been  
filed or not :

No

10. Indicate whether the matter is  
in the list before any other Bench :

No

Cuttack

Date 20/5/2024.

S.C. Dash  
Signature of Advocate



SCANNED

IN THE HIGH COURT OF ORISSA, CUTTACK  
RVWPET/FAO/WA/WP(C)/CONTC/IA NO-  
D-RVWPET/ D-FAO/ D-WA/ D-CONTC/ D-WP(C)-

5108/24

W.A-1157/24

.....Pratima Manjari Kar.....PETITIONER

VRS

STATE OF ORISSA .....*I other*.....OPP.PARTY

RECEIPT MEMO

RECEIVED THE WRIT PETITION/CONTEMPT/FAO/WA/IA/ADDITIONAL/COUNTER/  
REJOINDER AFFIDEVIT/ EXTRA COPIES \_\_\_\_\_ SET WITH ANNEXURE.



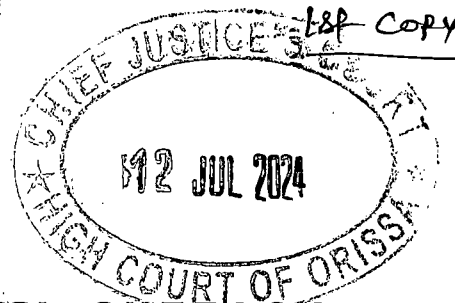
CUTTACK  
DATE

12/7/24

*Deputy*  
SCHOOL AND MASS EDUCATION  
OFFICE OF THE ADVOCATE GENERAL

S & M E

SCANNED



IN THE HIGH COURT OF ORISSA : C U T T A C K .

**I.A.No. 5702 OF 2024**  
**(Arising out of W.A.No.1157 of 2024)**

Pratima Manjari Kar

.....

APPELLANT

VERSUS

Surekha Samal and others

.....

RESPONDENTS

I N D E X

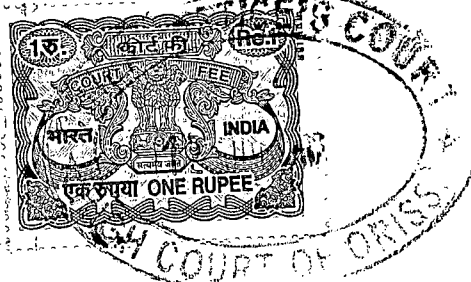
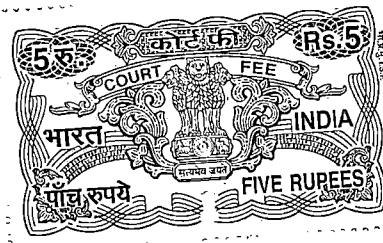
<u>Sl.No.</u>	<u>Annexure</u>	<u>Description of documents</u>	<u>Page No.</u>
1.		Interim Application	1-5
2.	<b>Annexure-A</b>	Order No.1 dated 05.07.2024 passed by the Collector, Bhadrak, respondent No.5.	6-9

CUTTACK

DATED : 12.07.2024

(S/C.Dash)

ADVOCATE FOR THE APPELLANT  
E.No. 88/2013: M.No. 9439065118



IN THE HIGH COURT OF ORISSA : C U T T A C K.

I.A. NO. \_\_\_\_\_ OF 2024

(ARISING OUT OF W.A.No. 1157 of 2024)

In the matter of:

An application under Rule 27(A) of  
Chapter VI of the Orissa High Court Rules  
for appropriate order.

And

In the matter of:

Pratima Manjari Kar ..... Petitioner

Versus

Surekha Samal & others..... Opp.parties.

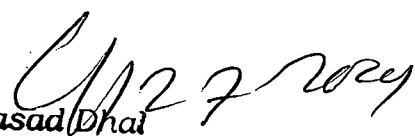
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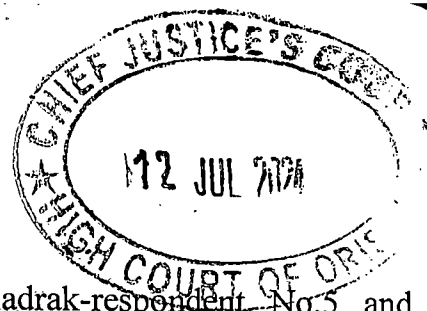
The Hon'ble the Chief Justice and His Lordship's  
Companion Justices of the Hon'ble High Court  
of Orissa.

The humble petition of the  
Above named petitioner

Most respectfully sheweth:

1. That the petitioner has filed the aforesaid Writ Appeal bearing W.A.No. 1157 of 2024 challenging the judgment and order dated 28.03.2024 passed in W.P.(C) No. 18706 of 2015 (Annexure-8) by which the Hon'ble Single Judge while allowing the writ application filed by respondents 1 to 3 quashed the order dated 21.08.2015 passed by the learned Collector-cum-

  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK



Chief Executive Officer, Zilla Parishad, Bhadrak-respondent No.5 and directed the recruiting authority to recast the merit list excluding the appellant and two others and issue engagement order accordingly. The consequence of the impugned order would be that the appellant will lose her job after putting in 13 years of service.

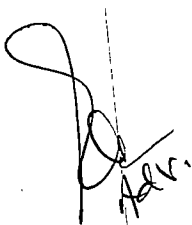
2. That the averment made in the writ appeal may be treated and form a part of this application.

3. That in the aforesaid writ appeal Hon'ble Court has been pleased to issue notice to the opposite parties and has directed the matter to be listed on 24.07.2024 along with connected writ appeals, i.e. W.A.No.1211 of 2024 and batch.

4. That while the matter stood thus, the learned Collector-respondent no.5 on 05.07.2024 has passed order directing the respondent no.6 to take immediate steps as per law to implement the judgment dated 28.03.2024 passed by the learned Single Judge in W.P.(C) No.18706 of 2015, the legality and validity of which order is the subject matter of challenge in the present writ appeal. The copy of the order dated 05.07.2024 passed by the learned Collector is annexed herewith as ANNEXURE-A to this I.A.

5. That it is humbly submitted that since the order dated 28.03.2024 is challenged in this Hon'ble Court and this Hon'ble Court has been pleased to issue notice in the matter, the authority competent would be slow in implementing the same since writ appeal is pending in this Hon'ble Court. Once the order is implemented the challenge to the same would be infructuous and there would be no scope for this Hon'ble Court to adjudicate the matter in this writ appeal.

6. That it is respectfully submitted that having been selected, the petitioner was engaged as Sikshya Sahayak on 30.4.2011 and in course of

  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

time she has been regularized as Assistant Teacher and has changed her position.

7. That the petitioner has a prima facie case to succeed and the balance of convenience lies in her favour.

8. That unless the operation of the order under Annexure-9 is stayed pending disposal of the writ appeal, the petitioner will lose her service after 13 years and will sustain irreparable loss and injury and the writ appeal would become infructuous. In the interest of justice, therefore, this Hon'ble Court may be pleased to stay operation of the order dated 05.07.2024 passed by the learned Collector during pendency of the writ appeal.

**P R A Y E R**

Under the aforesaid circumstances, the petitioner most humbly prays that this Hon'ble Court may graciously be pleased to stay operation of the impugned judgment of the learned Single Judge under Annexure-8 and also the order dated 05.07.2024 (Annexure-A) passed by respondent no.5 pending disposal of the writ appeal;

And for this act of kindness, the petitioner shall as in duty bound ever pray.

Cuttack

Date: 12.07.2024.

By the petitioner through

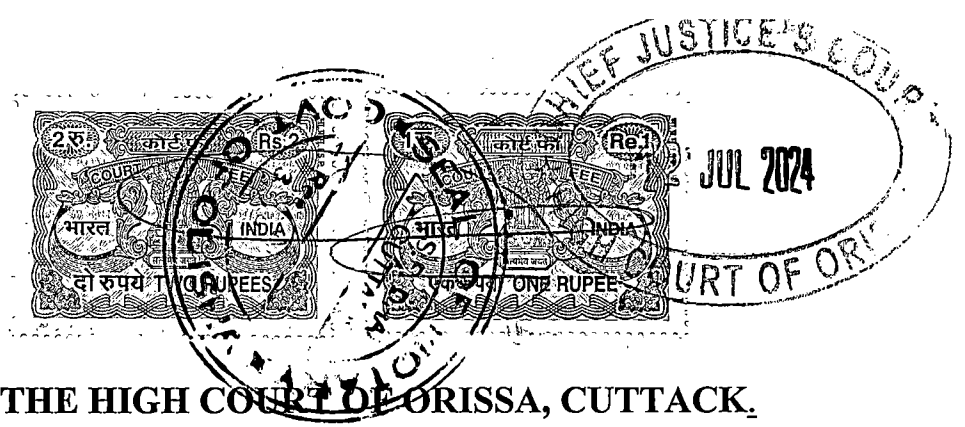
(SC.Dash)

Advocate.

E.No.88/2013/M.No.9439065118

Surenara Prasad Dha  
Advocate  
NOTARY, CUTTACK

1127



IN THE HIGH COURT OF ORISSA, CUTTACK.

I.A. No. \_\_\_\_\_ of 2024  
(Arising out of W.A.No.1157 of 2024)

In the matter of:

Pratima Manjari Kar ..... Appellant  
Versus

Surekha Samal & others..... Respondents.

AFFIDAVIT

1. Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via-Similia, Dist. Balasore, at present working as Assistant Teacher, Govt.U.P.School, Palli, At-Palli, P.O.Atto, P.S. Sabarang, Dist. Bhadrak, I am the petitioner in the present I.A.
2. Father's name: Sankarsan Kar.
3. Occupation: Govt. service.
4. Number of proceedings pending in the High Court or would be instituted (Caveat): No.
5. Statement of facts – As per averments in the I.A.
6. That the facts stated above are true to the best of my knowledge and belief.

*4127 ncy*  
Surendra Prasad Dha  
Advocate  
NOTARY, CUTTACK.

## DECLARATION

I, Pratima Manjari Kar, aged about 43 years, wife of Rajeeb Kumar Dash, At/P.O. Mohammadpur, Via-Similia, Dist. Balasore, at present working as Assistant Teacher, Govt.U.P.School, Palli, At-Palli, P.O.Atto, P.S. Sabarang, Dist. Bhadrak, do hereby solemnly affirm that the facts stated in paragraphs 1 to are true to my own knowledge and are true to the best of my information which I obtained from the personal source.

I believe the information to be true for the following reasons:  
Basing upon official records and information.

Solemnly declare at the above said this the 12th day of July, 2024.

IDENTIFIED BY

ADVOCATE.

DEPONENT.

Solemnly affirmed before me by Pratima Manjari Kar who is identified before me by Sarat Chandra Dash, Advocate, whom I personally know.

Oath Commissioner/Notary Public.

## CERTIFICATE.

Certified that due to non-availability of cartridge papers, this petition is being typed in thick white papers.

The above named Deponent

Solemnly affirm on.....

Being identified

by.....

ADVOCATE.

Surendra Prasad Dhas

Advocate

NOTARY, CUTTACK



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: BHADRAK  
(Judicial Section)

\*\*\*

Letter No. 4336/Judl.

Dated 10/07/2024

To

The Superintendent,  
High Court of Orissa, Cuttack.

Sub:-

WP(C) No.18706/2015 filed by Surekha Samal & Others-vrs-State of Odisha & Others(Misc Case No.23/2024).

Sir,

I am directed to enclose herewith the Order No.01 dated 05.07.2024 of the Collector, Bhadrak in compliance to the Judgement dated. 28.03.2024 of the Hon'ble High Court of Orissa passed in WP(C) No.18706/2015 filed by Surekha Samal & Others-Vrs-State of Odisha & Others.

Yours faithfully,

Deputy Collector (Judl)  
Collectorate, Bhadrak

Memo No. 4337/Judl.

Dated 10/07/2024

Copy along with enclosure submitted to the Advocate General, Odisha, Cuttack for favour of kind information.

Deputy Collector (Judl)  
Collectorate, Bhadrak

Memo No. 4338/Judl.

Dated 10/07/2024

Copy along with enclosure submitted to the Under Secretary to Govt., School and Mass Education Department, Odisha for favour of information.

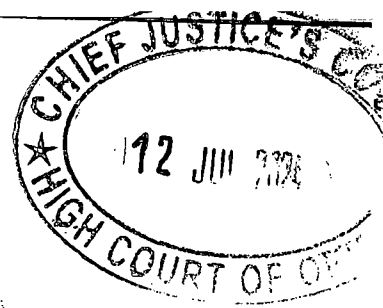
Deputy Collector (Judl)  
Collectorate, Bhadrak

Memo No. 4339/Judl.

Dated 10/07/2024

Copy along with enclosure forwarded to District Project Coordinator, Samagra Shiksha, Bhadrak for information and necessary action.

Deputy Collector (Judl)  
Collectorate, Bhadrak






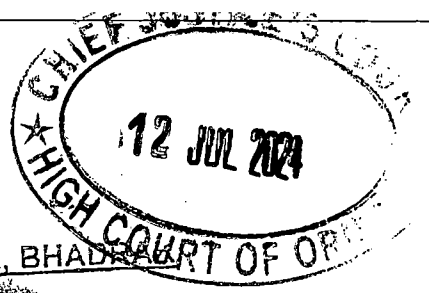
Memo No. 4340/Judl.

Dated 16/07/2024

Copy along with enclosure forwarded to all Petitioners and opposite Party No. 4.5 and 6.

*16/07/24*  
Deputy Collector (Judl)  
Collectorate, Bhadrak

*Xerox Copy attached*  




- 8 -

IN THE COURT OF COLLECTOR & DISTRICT MAGISTRATE, BHADRAKAL

MISC CASE No. 23 of 2024

(Arising out of Judgment Dated 28.03.2024 passed by the Hon'ble High Court of Orissa in WP(C) No.18706/2015)

In the matter of:-

Surekha Samal & others

.....Petitioner

-Vrs-

State of Odisha & others

.....Opposite Parties

Perused Judgement Dated. 28.03.2024 wherein the Hon'ble High Court in WP(C) No. 18706 of 2015 titled as Surekha Samal & others -vrs- State of Odisha & others has judgement which is reproduced as under;

*"Thus, from a conspectus of the analysis of facts and law and the discussion made hereinbefore, this Court finds that the private opposite parties having suppressed material facts before the appropriate authority at the relevant time could not have been selected for appointment and actually appointed. In the process, the fate of the bonafide candidates like the petitioners was sealed. This Court therefore, has no hesitation in holding that the impugned order cannot be sustained in the eye of law.*

*In the result, the writ petition is allowed. The impugned order under Annexure-12 is hereby quashed. The opposite party Nos. 2 and 3 are directed to recast the merit list by excluding the Vocational/ Upasastri candidates (opposite party Nos. 4, 5 and 6) and by issuing appropriate order of engagement in favour of the petitioner either as Sikshya Sahayaks or in any equivalent post without any further delay and in any case, not later than four months.*

ORDER

05.07.2024

Order No

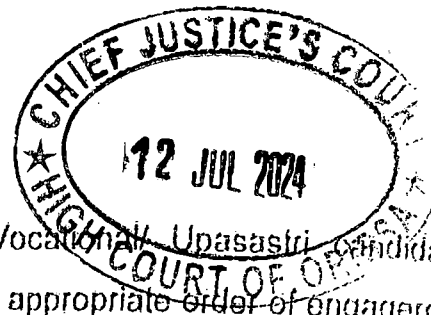
01.

This case is taken up today.

The petitioners and learned advocates for O.P No.4,5 &6 appears today and filed hazira. Heard them. Perused the Judgement Dated. 28.03.2024 of the Hon'ble High Court as well as documents annexed thereto and also gone through the report of DPC, SS, Bhadrak.

From the Judgement of Hon'ble High court, it is ascertained that, there is no need of hearing in this case as there is clear instruction to O.P No.02 & No.03

-9-



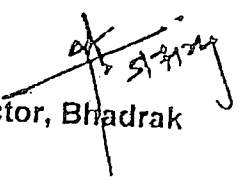
to recast the merit list by excluding the Vocational/ Upasastri candidates (opposite party Nos. 4, 5 and 6) and by issuing appropriate order of engagement in favour of the petitioner either as Sikshya Sahayaks or in any equivalent post without any further delay and in any case, not later than four months.

Hence, the District Project Co-ordinator, Samagra Sikshya, Bhadrak is hereby instructed to take immediate steps as per law to implement the Judgement Dated. 28.03.2024 of the Hon'ble High Court passed in W.P.(C) No. 18706 of 2015.

With the aforesaid observation, the misc case stands disposed of.

Send a free copy of the order to the petitioner as well as opposite parties for information.

Intimate to the Superintendent of Hon'ble High Court, Orissa /Advocate General; Odisha. Cuttack/ DPC, SS, Bhadrak for information and necessary action.

  
Collector, Bhadrak

Xerox copy attached  
  
AMN

**SCANNED**

**COMPUTERISED FILING COUNTER  
ORISSA HIGH COURT,CUTTACK  
ACKNOWLEDGEMENT SLIP**

**Seat No : 5**

**Branch No : WRIT APPEAL**

**Receipt No : 88626/2024**

**Date Of Receiving : 23/07/2024**

**Time : 11:25:33 AM**

**Filing No : D- WA 18426/2024**

**Case No : WA 1251/2024**

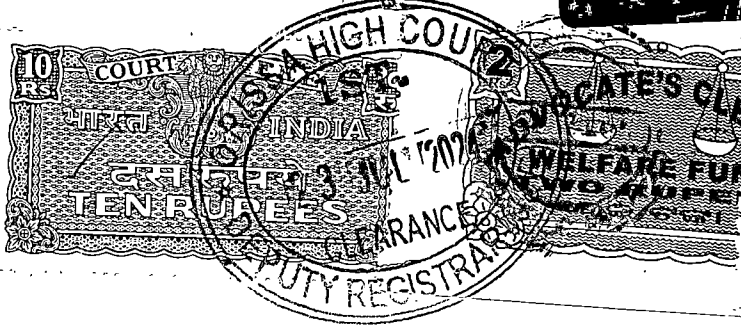
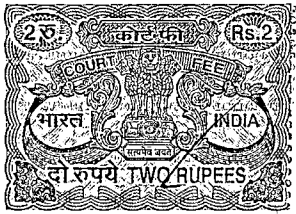
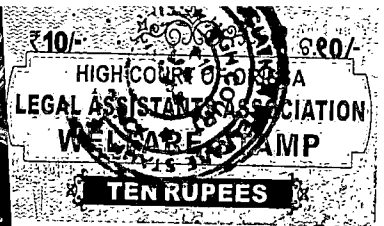
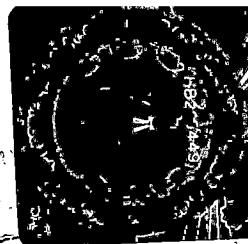
**Received From : Respondent**

**Filed By: M/S MAHENDRA KUMAR SAHOO**

**Document(s) Filed :**

**7- Vakalatnama --- Court Fee -Rs.12 (21286/2024).**

2/286



# FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA, CUTTACK

W.A No. 1251 of 20 24

Between Sonju Rana Appellant / Petitioner / Plaintiff  
Versus

State of Orissa Respondent / Opp. Party / Defendant  
Respondent No-5

Know all men by these presents, that by this Vakalatnama,

I / We Jyotirmayee Nayak, aged about 44 years  
W/O - Sudhanta Ishore Nayak, At - Chingal  
PO - Guagadia, via - Gatal, Dist - Bhubaneswar

Appellant Respondent / Petitioner / Opposite party in the aforesaid Revision / Appeal  
Case do hereby appoint and retain Sri MAHENDRA KUNAR SAHOO  
CN- 894/92, Mob- 9432227056. &  
AURORINDA SAHOO, En- No-1315/2006 (993716768)

Advocate (s) to appear for me/us in the above case, and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court. I / We authorise me/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated the 23/7 2024

Received from the Executant (s)  
satisfied and accepted as hold  
no brief for the other side

[Signature]  
Advocate  
Accepted as above

[Signature]  
Advocate  
Accepted as above

Jyotirmayee Nayak  
Advocate  
Accepted as above

[Signature]  
Advocate  
Accepted as above