

[O. H. C.-97-A]

Sri Buddhadev Routray
DURGESH NARAYAN RATH
A.K.SAA, S.DAS,

In the High Court of Orissa
ORDER SHEET

MA
BLAPL/W. P. (C) NWA No. 1215/2024 of 20

m/e Mahendra Ku Sahoo
Aurobinda Sahoo

LIZASMITA NAYAK

Petitioner m/c Nikmal

Versus

STATE OF ODISHA

Opposite-Party

(R-13)
Chandra Das
Mis Dipti Rekha Nanda
Anura Mishra
(Intervenor)

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order



FC200355

SCANNED

PRESENTED ON
14/05/2024
Register and Put up for
Orders

Registrar (Judicial)

WAC-720/2016 tagged
below.

13/5/24



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1215 of 2024

Lizasmita Nayak

....

Appellant

Mr.Budhadev Routray, Sr. Advocate
alongwith Mr.Durgesh Narayan Rath, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr.Saswat Das, AGA
(for Respondents No.1, 2 & 3)
Mr.Mahendra Kumar Sahoo, Advocate
(for Respondents No.4 & 5)

CORAM:

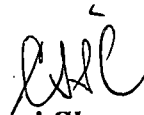
**HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE SAVITRI RATHO**


ORDER

03.07.2024

Order No.

01. This matter is taken up through Hybrid mode.
2. Issue notice.
3. Mr. Saswat Das, learned Addl. Government Advocate accepts notice on behalf of Respondents No.1 to 3. Mr. Mahendra Kumar Sahoo, learned counsel accepts notice on behalf of Respondents No.4 & 5.
4. Let required number of copies of the memo of appeal be served upon the learned counsel for the above noted Respondents within a week.
5. List this matter on 24.07.2024 with W.A. No.1157 of 2024 and connected Writ Appeals.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

D-WA-18436/24

IN THE HIGH COURT OF ORISSA

MA Case No. 1215/24

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>S.R made MR 26.4.24</p> <p>Defect-4(a), 5(d), 5(e) Ph 26.4.24.</p> <p>Defect-4(a) is removed vide Authentication Fee Defect-5(d) is removed vide S & ME Copy</p> <p>Defect-5(e) is removed vide Hologram (Advocate welfare) No Defect.</p> <p>Ph 14.5.24</p> <p>Sri Budhadev Routray entered appearance for the Appellant.</p> <p>675024</p>

IN THE HIGH COURT OF ORISSA

Case No. 1NA-1215/2024

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>For Fresh Admission</p> <p>(i) D.A No-2264/2024 is at flag 'A' for stay.</p> <p>Alongwith WRO-720/2016 (adsp-norm) D.B nirman mobile 18/8/24 2/7/24</p> <p>Rey on 1NA-1211/24.</p> <p>Order No-01.</p> <p>For Admission</p> <p>(i) D.A No-2264/2024 is at flag 'A' for stay.</p> <p>(ii) D.A No-5154/2024 is at flag 'B' for stay of the order dttd- 05.07.2024 passed in Misc Case No-24/2024.</p> <p>(iii) Receipt showing service of copy of a set of extra copies of writ Appeal on SME filed.</p> <p>Alongwith WRO-720/2016 (adsp-norm) D.B nirman mobile 22.7.24</p> <p>dttd 24.7.24</p>

01

03.07.2024

22/7

Rey on 1NA-1211/24.

IN THE HIGH COURT OF ORISSA

Case No. WA-1215/2024

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><u>Order No - 01</u></p> <p>for Admission</p> <p>(i) I.A No - 2264/2024 is at flag 'A' for stay.</p> <p>(ii) I.A No - 5154/24 is at flag 'B' for stay of the order dated 05.07.2024 passed in Misc Cas No - 24/2024.</p> <p>(iii) Receipt showing service copy of 3 set of extra copies of writ appeal of SMC filed.</p> <p>(iv) I.A No - 813 8131/2024 is at flag 'C' for intermentem.</p> <p>(v) I.A No - 8132/2024 is at flag 'D' for intermentem.</p> <p>Alongwith (MPC) - 720/2016 (dis. of Cau)</p> <p>Neelgagan Medile</p> <p>4.12.2024</p> <p>D.B</p> <p><u>Adm. Cau</u></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

ODHC010308352024

D- WA/0018436/2024

23/04/2024-14:51:48

WA/1215/2024

14/05/2024

2264/2024

LIZASMITA NAYAK

DURGESH NARAYAN RATH

STATE OF ODISHA



Tuesday 14th of May 2024 02:53:57 PM



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR	ODHC010308352024
Filing No	D- WA/0018436/2024
Date and Time	23/04/2024-15:29:32
Case No	-----
Registration Date and Time	-----
Misc Case/IA	2264/2024
Petitioner Name	LIZASMITA NAYAK
Petitioner Advocate Name	DURGESH NARAYAN RATH
Respondents Name	STATE OF ODISHA
Respondents Advocate	
Amount	
Police Station	
FIR	



Tuesday 23rd of April 2024 03:32:24 PM

D-WA-18436/2024

Mob. 9668227956

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 / insurance Ref/ Cont. Cas (c) /Coutd . App (c) MFA(name of the Act) MSA/ SP.JC (name of the Act)Crl A / Crl .Rev / CKL.M.C / BLAPL / Cal .MAPPI /WP (crl) CUSREF STREV

Case Type W.A. No 1215 / 2024 Date of Regn

2. if 'state' is party , Name of the Deptt : (pet , Res) [put Mark]

if public Undertakings (Specify Name) : (Pet) (Res) [put Mark]

3. (a) Number of Category under Which the matter Fails :

3 1

0 7

0 1

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]

Art. 10 of the Letter Patents Act 1889
Chapter VIII Rule 2 of the Orissa High Court Rules.

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/ Judgment ?

if So, give the Number of matter :

9. Whether the Matter is covered by any Judgment of the supreme Court , this Court or any other high Court, if so, give the details of the Judgment

10. point of law involved in the matter

Service

Date

14/04/2024

Signature of the Advocate

[Signature]

IN THE HIGH COURT OF ORISSA: CUTTACK
(CIVIL APPELLATE JURISDICTION)

Writ Appeal (Civil) No. 1215 of 2024

(Arising out of W.P.(C) No. 720 of 2016
decided on 28.03.2024)

Code No. 310701

Lizasmita Nayak

.....

Appellant

Vrs.

State of Odisha and others

Respondents

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By the appellant through

Cuttack

Dt. 14.04.2024

ADVOCATE

SHRI DURGESH NARAYAN RATH

ENROLMENT No. O-1650/2000, MOB:-9861041020

[A]

SYNOPSIS

That the appellant by means of this writ appeal has assailed the legality and propriety of the judgment dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 720 of 2016 since the same has been passed affecting the right and livelihood of the appellant and in clear non-application of mind. It is also alleged by the appellant that the writ petitioners by misrepresentation of facts mislead this Hon'ble Court and accordingly the order dated 28.03.2024 has been passed by the Hon'ble Single Judge.

Pursuant to an advertisement made in the year 2011, the appellant along with others applied for the post of Sikhya Sahayaks. The appellant was selected and engaged in the year 2011. Some unsuccessful candidate challenged the same before this Hon'ble Court in different writ petitions on the ground that the appellant and similarly placed other employees got vocational qualification after +2 pass and basing on the vocational qualification, they were engaged. Ultimately direction was issued to the Collector-cum-CEO to examine the same. The Collector opined that since there were no restriction to prosecute vocational course after +2 course, therefore, such acquisition of vocational

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qualification cannot be termed as fraud and as such since such qualification has not yet been cancelled by the competent authority, therefore, the appointment of appellant is not illegal.

The said order of the Collector was challenged by the private respondents before this Hon'ble Court, wherein the impugned order has been passed. The appellant brought to the notice of the Hon'ble Single Judge that the in the meantime 12 years have been passed and the appellant had already been regularized as Level-V (A) Primary School Teacher, and that apart till date such certificates have not been cancelled by the competent authority, therefore, on the behest of unsuccessful candidates, the appellant should not have been ousted from her job affecting her livelihood and the livelihood of her family members.

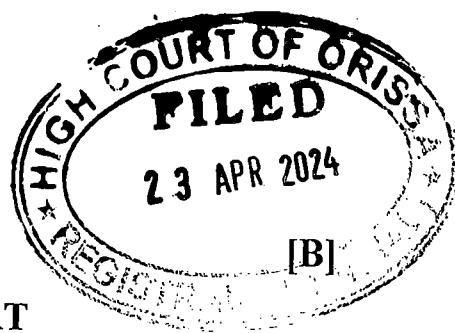
By the appellant through

Cuttack

Dt. May 2024



ADVOCATE



DATE CHART

DATE	EVENTS
22.01.2011	: An advertisement was floated for engagement Sikhya Sahayaks.
30.04.2011	: The appellant was selected and engaged as Sikhya Sahayak
05.05.2015	: Number of writ petitions filed challenging such engagement were disposed of vide order dated 05.05.2015 directing the respondent no.2 to examine and take a decision
21.08.2015	: The respondent no.2 passed the order in favour of the appellant by holding that there were no restriction on that date to acquire qualification and that too such certificates have not been cancelled by the competent authority.
28.03.2024	: The Hon'ble Single Judge passed the judgment allowing the writ petition filed challenging the order dated 21.08.2015 passed by the respondent no.2.

Cuttack
Dt. 24.04.2024

By the appellant through


ADVOCATE



6624

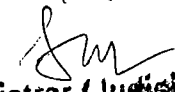
IN THE HIGH COURT OF ORISSA: CUTTACK
(CIVIL APPELLATE JURISDICTION)

Writ Appeal (Civil) No. 1215 of 2024
(Arising out of W.P.(C) No.720 of 2016
decided on 28.03.2024)

Case No:

IN THE MATTER OF :

Presented on 14/5/2024


Registrar (Judicial)

An application under Clause-10 of
the Letter Patent's Act read with
Chapter-VIII Rule-2 of the Orissa
High Court Rules.


AND

IN THE MATTER OF :

An Appeal against the judgment
passed by the Hon'ble Single Judge
dated 28.03.2024 passed in W.P.(C)
No.720 of 2016.

AND

IN THE MATTER OF :


~~Lizasmita~~ Nayak, aged about 37
years; D/o-Kartik Ch. Nayak, At-
Bachhada, P.O-Jagannathpur,
Bachhada, Dist-Bhadrak, at present
working as Level-V (A) Teacher in

, P.S- Bont, Dist-Bhadrak.

..... Appellant

LIMITATION

Date of Judgement/Awards

28-3-24
23-4-24

Date of Valid Presentation

Total Period Occupied 27 day

Limitation 30 day

Certified Copy Period / day

Delay in filing

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.G.

(e) Vakalatnama properly stamped

Executed and accepted

(f) (a) Cause Title

(b) Provision of Law

7. Code

8. Single Judge/Division Bench Case

9. Other Defects

Rs 225 not let

C copy of order 28-3-24
key

not let

but Rs 51 - 175 logram and
key

interceder
bushy
advocate

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STAMP REPORTER

26424

-VERSUS-

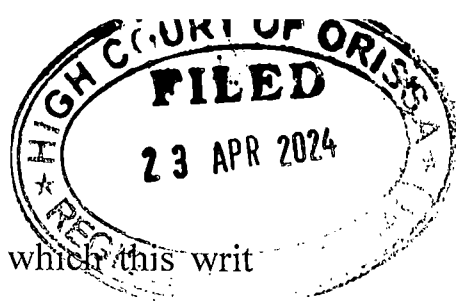
1. State of Orissa, represented through its Commissioner-cum- Secretary, School, & Mass Education Department, At-Lok Seva Bhawan, Bhubaneswar, Dist-Khurdha, Odisha.
2. Collector-cum-Chief Executive Officer, Zilla Parishad, Bhadrak, At/P.O/P.S/Dist-Bhadrak.
3. District Project Coordinator of Bhadrak S.S.A., Bhadrak, At/P.O/Dist-Bhadrak.
4. Jayantilata Sahoo, aged about 41 years W/o-Abhaya Kumar Behera, At/P.O-Alabaga, Via-Ertal, Dist-Bhadrak.
5. Jyotirmayee Nayak, aged about 45 years, W/o-Sukanta Kishore Nayak, At-Chinol, P.O-Guagadia, Via-Ertal, Dist-Bhadrak.

..... Respondents.

6. Sanju Rana, aged about 38 years, D/o-Lambodhar Rana, At/P.O-Binayakpur, P.S-Basudevpur, Dist-Bhadrak.

..... Proforma Respondent.

A. Selu



The matter out of which this writ appeal arises was before this Hon'ble Court in W.P.(C) No. 720 of 2016 decided on 28.03.2024.

To

The Hon'ble the Chief Justice of Orissa High Court and His Lordship's Companion Justices of the said Hon'ble Court.

The Humble petition of the
Appellant named above.

MOST RESPECTFULLY SHEWETH:

1. That the appellant by means of this writ appeal has assailed the legality and propriety of the judgment dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 720 of 2016 since the same has been passed affecting the right and livelihood of the appellant and in clear non-application of mind. The present appellant was the opposite party no.4 in the said writ petition. It is also alleged by the appellant that the writ petitioners by misrepresentation of facts mislead this Hon'ble Court and accordingly the order dated 28.03.2024 has been passed by the Hon'ble Single Judge.

Handwritten signature/initials

2. That it is respectfully submitted that the present respondents 4 and 5, being the petitioners have filed W.P.(C) No. 720 of 2016 challenging the order dated 21.08.2015 passed by the Collector-cum- Chief Executive Officer, Zilla Parishad, Bhadrak in Misc. Case No. 03/2015 pursuant to direction of this Court in W.P.(C) No. 5077 of 2014 and batch is under challenge in the present writ application.

3. That it is respectfully submitted that the present respondents 4 and 5, who are the petitioners in W.P.(C) No. 720 of 2016 have averred that an advertisement was issued by the Collector, Bhadrak on 22.01.2011 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

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Adv.

placed at serial No. 4 of the merit list, Petitioner No.2 at serial No.5 of SEBC Female merit list.

4. It has been also averred that 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 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 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.

Handwritten signature/initials

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 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

*Ar
B.W.*

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 and 5 were issued with second show cause notices for disengagement. Said private

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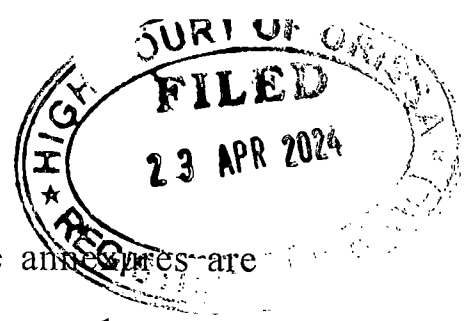
opposite parties approached this Court in W.P.(C) No.32024 of 2011, in which an interim order of protection was granted. At this stage, the petitioners and similarly placed candidates, who had been deprived of appointment because of the inclusion of the Vocational/Upasastri candidates filed independent 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*

Adw.

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." 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, 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 years of service.

A. K. S.

5. That it is respectfully submitted that assailing the order of the Collector, the present respondents 4 and 5 approached this Court by filing W.P.(C) No. 720 of 2016. For better appreciation of the case, a copy of the writ petition bearing W.P.(C)



No. 720 of 2016 along with all the annexures are appended to the writ appeal as Annexure-1.

6. The present appellant, who was the opposite party no.4 in the said writ petition appeared and filed the counter affidavit indicating therein that an advertisement was published on 22.01.2011 in pursuant to the State Government Resolution dated 10.01.2011, inviting applications for the post of Sikshya Sahayaks. The qualification required as per the advertisement at Clause-2 (a) is +2 qualification or its equivalent qualification. It was also required to pass C.T. qualification. Pursuant to the said advertisement, appellant applied for the post of Sikshya Sahayak and accordingly she was selected. By submitting the vocational certificate and mark sheet she applied for the post of Sikshya Sahayak as per the advertisement. But her case was not considered by the authority, even though the 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,

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Adv.

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.

7. 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 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.

8. That it is respectfully submitted that since the Council has declared that +2 examination under vocational course is equivalent to CHSE

examination and the appellant submitted the vocational qualification certificate at the time of selection, her case was considered and engagement order was issued in favour of the appellant vide engagement order dated 30.04.2011. From that date the appellant is continuing in the said post. Subsequently she was made regularized as regular primary school teacher with effect from 2017.

9. 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. Such persons 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

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05.05.2015 directing the opposite party no.2 to take a decision with regard to the grievance of such persons. Accordingly, the opposite party no.2 allowed such persons as well as the present appellant to participate in the hearing process. Accordingly, the present appellant submitted her written statement. The entire stand of the present appellant 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 appellant 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 such persons 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 appellant has already completed their course since 2006. Therefore, the document and or

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Adv.

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 appellant appeared in the vocational/upasastri examination in order to acquire the qualification. It is the case of the appellant 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 appellant and other candidates situated similarly.

10. That it is respectfully submitted that the ground of the appellant before the opposite party no.2 at the time of hearing that the certificate

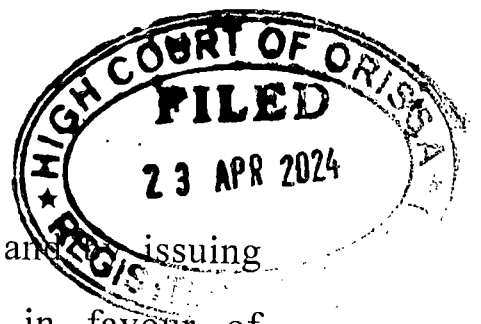
which was issued by the competent authority, i.e. CHSE has not been disputed till to date. Therefore, the certificate which was issued and not yet been cancelled or recalled by the examining body, the opposite party no. 2 cannot declare the certificate issued to the vocational and upasastri candidates 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.

11. That it is respectfully submitted that since council regulation does not have any restriction or any prohibition to appear in the vocational examination, therefore, there is no illegality or irregularities committed by the appellant by appearing the +2 Vocational Examination after completing +2 CHSE Examination. Therefore, by considering all the grounds of the appellant, the opposite party no.2 had taken a right decision that since the appellant appeared in the examination before any restriction was there by the authority in

Amn.

the year 2011 and more so, there was no restriction in the Council Regulation at the time when the appellant 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 appellant cannot be declared illegal and accordingly rejected the case of the petitioners, which is challenged in the present writ petition. For better appreciation of the case, a copy of the counter affidavit filed by the appellant along with the annexures appended thereto are annexed to the writ appeal as Annexure-2.

12. That it is respectfully submitted that the Hon'ble Single Bench took up the matter on 28.03.2024 and after hearing learned counsel for the parties passed the judgment on 28.03.2024 by allowing the writ petition filed by the present respondents 4 and 5 by quashing the order passed by Collector and by directing the respondents 2 and 3 to re-cast the merit list by excluding the vocational/ Upasastri candidates (opposite party



nos. 4 and 5 to the writ petition) and issuing appropriate order of engagement in favour of petitioners therein either as Sikshya Sahayaks or in any equivalent post without any further delay. For better appreciation of the case, a copy of the judgment dated 28.03.2024 passed in W.P.(C) No. 720 of 2016 is annexed herewith as Annexure-3.

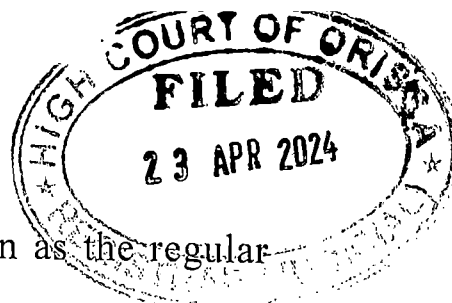
Being aggrieved by the order dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No.720 of 2016, the appellant has filed the aforesaid appeal on the following amongst others;

GROUND.

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- i) For that the judgment dated 28.03.2024 passed in W.P.(C) No.720 of 2016 under Annexure-3 is not only erroneous one but also non-application of mind and in contrary to the law settled by this Hon'ble Court as well as by the Hon'ble Apex Court in series of cases as has been referred in the rejoinder affidavit filed by the appellant being the opposite party no.4.

ii) For that the Hon'ble Single Judge failed to appreciate the fact that since there was no restriction on the part of CHSE that a person cannot appear in vocational examination or cannot prosecute the vocational course after completion +2 Arts/ Science/ Commerce till 2011, which was also appreciated by the Hon'ble Single Judge, but Hon'ble Single Judge came to a conclusion that since an undertaking was given by the appellant and that undertaking amounts to misrepresentation of fact and that was not properly dealt with by the Collector, while dealing with the matter as per the direction of this Hon'ble Court, the writ petition was allowed and direction was given to recast the merit list of the year 2011 excluding opposite parties 4 and 5 to the writ petition and to issue engagement order in favour of the present respondents 4 and 5.

iii) For that the Hon'ble Single Judge failed to appreciate the fact that the appellant was engaged as a Sikhya Sahayak in the year 2011 and after completion of requisite year of



service has already been taken as the regular primary school teacher since 2017 and she is continuing till todate. The appellat appeared in the vocational examaintion, which was allowed by CHSE as there was no restriction on the part of the examining body, which was taken note of by the Collector while deciding the issue, in terms of the direction of this Hon'ble Court that unless and until the certificates are declared to be cancelled or withdrawn, the recruitment process cannot be declared as illegal one. That was not considered by the Hon'ble Single Judge and Hon'ble Single Judge has decided the matter being sewed away with the undertaking given by the appellant and treating it to be a fraud. But fact remains the appellant has not committed any fraud in order to be selected as Sikshya Sahayak. The appellant had completed the course much earlier in the year 2006, where as the selection for Sikhya Sahayak held in the year 2011. The appellant taken made any fraud in order to get admission in vocational course,

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since at that point of time, there was no restriction with regard to admission in vocational course after +2 Course.

- iv) For that the Hon'ble Single Judge failed to appreciate the fact that even though the writ petitioner averred that pursuant to the advertisement dated 22.01.2011, the present appellant was selected, but intentionally annexed the advertisement dated 08.12.2011. The present appellant was not the applicant in the advertisement dated 08.12.2011. The dates of 22.01.2011 and 08.12.2011 have much relevance to the case of the appellant. As because only on 19.12.2011, the Government issued a clarification that after passing +2 Arts/ Science/ Commerce course, the candidates those who passed +2 vocational course are not eligible for selection. This clarification was issued on the basis of query made pursuant to the advertisement dated 08.12.2011 and department letter dated 05.12.2011. So such restriction came for the first time only on 19.12.2011. Therefore, in January 2011, there



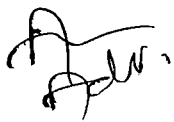
was no such clarification or even restriction. The writ applicant has already joined much before such clarification was issued pursuant to an advertisement issued in January, 2011. But the writ petitioners by misleading this Hon'ble Court, made an averment in the writ petition, but enclosed another advertisement in the writ petition so as to mislead this Hon'ble Court. A copy of the advertisement dated 22.01.2011 and the clarification dated 19.12.2011 are annexed herewith as *Annexures-4 and 5 respectively*.

- v) For that, the Hon'ble Single Judge failed to appreciate the fact that by the time of appointment of the appellant since there were no restriction, they were selected and after intervention of this Hon'ble Court in different writ petitions, Additional Secretary to Government issued a letter on 17.03.2011 directing the Collectors-cum-CEO-Zilla Parishad, Bhadrak to revise the draft merit list after taking into account the candidates who have passed +2 vocational course with CT under intimation to the Department.

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was no such clarification or even restriction. The writ applicant has already joined much before such clarification was issued pursuant to an advertisement issued in January, 2011. But the writ petitioners by misleading this Hon'ble Court, made an averment in the writ petition, but enclosed another advertisement in the writ petition so as to mislead this Hon'ble Court. A copy of the advertisement dated 22.01.2011 and the clarification dated 19.12.2011 are annexed herewith as *Annexures-4 and 5 respectively*.

- v) For that, the Hon'ble Single Judge failed to appreciate the fact that by the time of appointment of the appellant since there were no restriction, they were selected and after intervention of this Hon'ble Court in different writ petitions, Additional Secretary to Government issued a letter on 17.03.2011 directing the Collectors-cum-CEO-Zilla Parishad, Bhadrak to revise the draft merit list after taking into account the candidates who have passed +2 vocational course with CT under intimation to the Department.



Therefore, the authorities are well aware of such fact. But fact remains from 2011 till to date, the authorities have allowed the appellant to discharge the duty without any disturbance. Therefore, the Hon'ble Single Judge should have appreciated all such fact and should not have interfered the writ petition filed by the outsiders, who claims for appointment pursuant to the advertisement issued in the year 2011, even though in the meantime more than 13 years have been passed. By issuance of such direction, the entire selection process, the entire select list will be disturbed and the appellant will be ousted from his employment.

- vi) For that the Hon'ble Single Judge has recorded in paragraph-14 of the judgment that 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

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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. Since the Hon'ble Single Judge had not gone into the controversy, therefore, coming to a conclusion that the certificates of Vocational/ Upasastri have no legal sanctity is an error apparent on the face of it. When the competent authority have not yet cancelled the certificate, the Hon'ble Single Judge coming to such a conclusion without entering into such controversy is incorrect one and needs interference of this Hon'ble Division Bench.

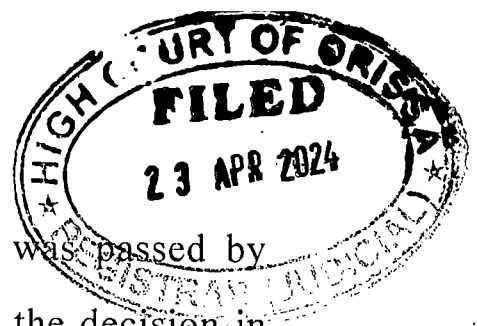
- Adw.*
- vii) For that the Hon'ble Single Judge at paragraph-13 of the judgment held that the certificates issued to the Vocational/ Upasastri candidates including the private opposite parties in the present writ application being contrary to law have no legal force and cannot therefore enure to their

benefit. It is well settled that a certificate obtained in contravention of the Regulations/ Rules can have no legal sanctity. For that the regulation which has been referred to in the judgment that vocational course, which itself is a Higher Secondary course cannot be obtained after passing the +2 examination, which is also a Higher Secondary course. But fact remains, the Examination Counsel of CHSE vide Resolution dated 20.11.2015 and the consequential communication by the Secretary CHSE with regard to clarification first time passed an order with regard to any restriction to pass Vocational Course after completion of +2 Arts/ Science/ Commerce Course. Since by that time the appellant had already completed the course, therefore, there is no violation of any Rules or Regulation by the petitioner to pass the vocational course.

- Adw.*
- viii) For that the appellant in support of case, relied on the decision of this Hon'ble Court 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 and this Hon'ble Court observed that 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 for selection to the post of Livestock Inspector and other future service prospects.

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Adw.



- ix) For 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 1979 SC 621, *Union of India and others v. Godfrey Philips India Ltd.*, AIR 1986 SC 806, *Delhi Cloth &*

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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.

- x) Therefore, when the appellant had completed her course in the year 2006 and got engagement in the year 2011, after long lapse of acquisition of the qualification, objection was raised by some outsiders that the certificates obtained by the appellant 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 appellant obtained the certificate by fraudulent means. Rather the appellant applied for the vocational 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 the appellant cannot appear in the vocational course, after appearing in the +2 CHSE examination, but there was no such restriction by the CHSE in the year 2005-06 when the appellant acquired such qualification and such restriction came in the year 2011.

- xi) For that the Hon'ble Single Judge failed to appreciate all such fact and unsettled the settled position after 12 years of service of the appellant on the basis of the baseless allegation made by the writ petitioners. Therefore, the impugned order is liable to be quashed.

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- xii) For that the Hon'ble Single Judge in the impugned judgment in one hand directed to recast the merit list of the year 2011, i.e. after lapse of 13 years by excluding the appellant and on the other hand directed for issue of engagement order in favour of the writ petitioners even without examining the eligibility and merit position of such writ petitioners. Therefore, the impugned order suffers from non application of mind and liable to be quashed.
- xiii) For that the law has already been settled by this Hon'ble Court in the case of *Puspanjali Mishra v. State of 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 appellant had already completed the course and basing upon such course, he 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 appellant with a view that if the present appellant 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.

- xiv) For that the Hon'ble Single allowed the writ petition basing on the undertaking given by the appellant. It is a fact that the same is a format available with the authorities and at the time of appointment, the appellant was forced to put signature or else, he will not be extended with appointment. The format of the undertaking shows that undertaking to be submitted by provisionally selected S.S. applicants of Bhadrak District. Therefore,



the appellant has already been provisionally selected and accordingly on the direction of the authorities, she has put her signature. The witnesses given by the officers are the team members who were there for verification of the service particulars. Therefore, all such undertaking was obtained by the authorities from the appellant.

- xv) For that the appellant reserves to submit any further grounds in support of its case at the time hearing of the case.

P R A Y E R.

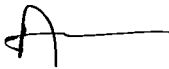
Under the above circumstance, it is therefore humbly prayed that this Hon'ble Court may be graciously pleased to admit the writ appeal and call for the records and be pleased to quash the order dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 720 of 2016 vide Annexure-3 to the writ appeal.

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

By the appellant through

CUTTACK

DT. 14.04.2024


Advocate

VERIFICATION

I, ~~Lizasmitha~~ *Lizasmitha* Nayak, aged about 37 years,
D/o-Kartik Ch. Nayak, At-Bachhada, P.O-
Jagannathpur, Bachhada, Dist-Bhadrak, do hereby
verify that the contents made above are true to my
personal knowledge and believe and that I have not
suppressed any material facts.

Cuttack

Date:- 14.04.2024

Lizasmitha Nayak

CERTIFICATE

Certified that due to want of cartridge paper,
this petition has been typed in thick white paper
and further certify that the grounds taken in the
appeal are good grounds and it is undertaken to
support them at the time of hearing of the appeal.

CUTTACK

DT. 14.04.2024

[Signature]

ADVOCATE

DURGESH NARAYAN RATH
Enr. No:O-1650/2000
Mob:-9861041020

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ANNEXURE-1

IN THE HIGH COURT OF ORISSA : CUTTACK.

W. P.(C) NO. 720 /2016.

CODE NO :

Jayantilata Sahoo and another Petitioners.

-Versus-

State of Orissa and others Opp. Parties.

I N D E X

<u>Sl. No.</u>	<u>Description of documents.</u>	<u>Pages.</u>
1.	Writ Application.	01 - 23
2.	<u>Annexure-1.</u> Copy of the Govt. resolution dt. 10.1.2011 and advertisement dated 22.1.2011.	24 - 30
3.	<u>Annexure-2.</u> Copies of the initial provisional merit list.	31
4.	<u>Annexure-3.</u> Copy of relevant pages of second merit list including all Vocational and Upasastri candidates.	32 - 34
5.	<u>Annexure -4 series.</u> Copies those undertakings furnished by Vocational and Upasastri candidates.	35 - 36
6.	<u>Annexure-5.</u> Copies of conditional engagement orders.	37 - 38
7.	<u>Annexure-6.</u> Copies of the disengagement notice issued to all Opp. Parties No.4 to 5.	39
8.	<u>Annexure-7.</u> Copy of counter filed by the Opp. Party Nos. 1 to 3.	40 - 48

- 34 -

9. Annexure-8.
Copy of the petition to call for connected inquiry record. 49
10. Annexure-9.
Copies of reject list excluding vocational and Upasastri candidates of the year 2012. 50 - 53
11. Annexure-10 series.
Copies of double certificates of the Opp. Party Nos.4 and 5. 54 - 58
12. Annexure-11 series.
Copies of note of submissions along with a list of the citation of the judgment. 59 - 67
13. Annexure-12.
Copy of the impugned order dtd.21.8.2015 obtained on 19.9.2015. 68 - 80
13. Annexure-13 Series.
Copy of the letter of CHSE dtd.13.6.2011 along with letter dtd.4.5.2011, 27.5.2011, 31.05.2011. 81 - 84
14. Annexure-14.
Copy of CHSE clarification regarding equivalency. 85

V A K A L A T N A M A.

Cuttack.

By the Petitioners through

Date :

Advocate.

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IN THE HIGH COURT OF ORISSA: CUTTACK.

W.P. (C) NO. 720 / 2016.

CODE NO.

In the matter of

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

A n d

In the matter of:

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. Jayantilata Sahoo, aged about 33 years,
W/o. Abhaya Kumar Behera, At/P.O. Alabaga,
Via. Ertal, Dist. Bhadrak.
2. Jyotirmayee Nayak, aged about 37 years,
W/o. Sukanta Kishore Nayak, At. Chinol,
P.O. Guagadia, Via. Ertal, Dist. Bhadrak.

.... ... Petitioners.

- 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. Lija Smita Nayak, aged about 29 years,
D/o. Kartik Ch. Nayak, At- Bachhada,
P.O. Jagannathpur Bachhada, Dist. Bhadrak.
At present working as Sikshya Sahayak,
Under Bhadrak District.
5. Sanju Rana, aged about 30 years, D/o. Lambodhar Rana,
At/P.O. Binayakpur, P.S. Basudevpur, Dist. Bhadrak.
At present working as Sikshya Sahayak,
Under Bhadrak District.

Opposite Parties

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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, B.Com., 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-II, have filed this writ application challenging the illegal and arbitrary impugned order dtd.21.8.2015 under Annexure-12 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 and 5 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 bonafide 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.

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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-II Education District. The petitioner Nos. 1 & 2 belong to SEBC (Female) +2 Arts C.T. Category, had applied their application along with necessary documents for the post of S.S. 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.4, Petitioner No.2 found place at Sl. No.5 of SEBC Female Merit list. For appreciation, copy of the initial provisional merit list of SEBC Female category bearing the name of the petitioners is filed herewith as Annexure-2.

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.

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(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.

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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.

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 merit list by including all those Vocational candidates to the merit list, without conducting enquiry into the allegation of questioning the legality and validity of their

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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 cannot 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 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 :

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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.

Sd/- H.S. Bhalla, J.

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 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

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finalization of the enquiry. 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

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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 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 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, copy of such conditional engagement orders issued in favour of Opp. Parties No.4 is filed herewith as Annexure-5.

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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 / 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 were issued with 2nd 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 is filed herewith as Annexure-6.

13. That it is respectfully submitted that all those Vocational candidates / Upasastri candidates including Opp. Parties No.4 and 5 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

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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 No.6 by Registered post on requisites to be filed within a week, returnable within three weeks thereafter.

In the meantime, respondents shall file their counter affidavit.

List after service is complete.

Sd/- A. Suresh, J.

Misc. Case No.20101 of 2011.

04. 22.12.2011 In the meantime, operation of impugned order dated.24.11.2011 so far as it pertains to cancellation of engagement of the petitioner being contradictory to the last paragraph of the order is hereby stayed.

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

However, the concerned authority shall continue the enquiry after service of show-cause notice on the petitioner, but shall not declare the result without permission of the Court.

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

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

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 /

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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 one such identical case 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 and 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. 50772014 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.

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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 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.

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

The writ petitions are accordingly disposed of.

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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 some of the eligible bonafied candidates filed a petition before the Collector with a prayer 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 eligible bonafide candidates 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 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 and 5 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

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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 other similar batch of cases 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 of the Learned Collector, Bhadrak is filed herewith as Annexure-12.

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19. That it is respectfully submitted that the petitioners on being aggrieved by the aforesaid impugned order under Annexure-12 of the Learned Collector, 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 years 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. 7th 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.

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

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

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. In

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the instant case, both the O.Ps 4 and 5 have prosecuted both the +2 Course as well as Vocational course ^{and +3 B.Tech University} by submitting false and fake information before the college authorities of both the colleges as well as before the CHSE simultaneously and acquired both the certificates within three years which is not at all permissible as per CHSE Regulation. Therefore, the impugned order of the Collector under Annexure-12 suffers from absolute 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 judgments 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/Commerce. Despite that when the district authorities called upon all the Vocational and Upasastri candidates to furnish an undertaking to the extent of not suppressing any material facts to have passed earlier +2 Arts/Science/Commerce, in such circumstances, all the vocational candidates and Upasastri candidates having

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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 course 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 earlier registration number then also in that event, even if it is presumed that their Vocational certificates/

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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 Subjects 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 acquiescence 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.

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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 service 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

Date :

Advocate.

A F F I D A V I T

I, Jayantilata Sahoo, aged about 33 years, W/o. Abhiaya Kymar Behera, At/P.O. Alabaga, Via. Ertal, Dist. Bhadrak, do hereby solemnly affirm and state as follows :-

1. That I am the Petitioner No. 1 in this writ application and I am looking after the case on behalf of petitioner No.2.
2. That the facts stated above are all true and correct to the best of my knowledge and belief.

Identified by

Advocate

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.

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Annexure-1

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 31st May, 2006 and Corrigendum No.20000/SME dated 12th 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).

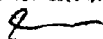
As per the provisions under section-38 of the said Act the Orissa Right of Children to Free and Compulsory Education Rules,2010 (here in after called in the said Rules) has been notified by the State Government vide Notification No 17291/SME, Dtd 27.09.2010 and came into force w.e.f. 18th October, 2010.

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



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 (b.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 / Panchayati 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.

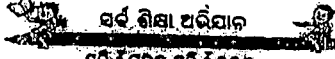
Copy forwarded to all Collectors-cum-Chief Executive Officers, Zilla Parishad / All DPC / All DI of Schools for information and necessary action.

Memo No. 592 /SME, Date 10-1-11

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.

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ଓଡ଼ିଶା ସାହିତ୍ୟ ଏକାଡେମୀ
ଓଡ଼ିଶା ସାହିତ୍ୟ ଏକାଡେମୀ

ଜିଲ୍ଲାପ୍ରକଳ୍ପ କାର୍ଯ୍ୟାଳୟ, ସର୍ବଶିକ୍ଷା ଅଭିଯାନ, ଭୁବନେଶ୍ୱର

ବିଜ୍ଞାପନ ନଂ. ୧୮୫୧

ତାରିଖ: ୦୮.୧୨.୨୦୧୧

ଶିକ୍ଷା ସହାୟକ/ସହାୟିକା ନିଯୋଜନ ବିଜ୍ଞାପନ

ଭଦ୍ରକ ଗାନ୍ଧୀ ଜିଲ୍ଲା ଶିକ୍ଷା ଜିଲ୍ଲାଗୁଡ଼ିକର ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକ ଶିକ୍ଷା ସହାୟକ ନିଯୋଜନ ପାଇଁ ଭଦ୍ରକ ଜିଲ୍ଲା ପରିଷଦ ଚରପାତ୍ର ଚରଣାସ ଆହ୍ଲାଦ କରାଯାଇଅଛି । ଭଦ୍ରକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଯେ କୌଣସି ଗୋଟିଏ ଶିକ୍ଷା ଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିପାରିବେ । ଏଥିପାଇଁ ଆବେଦନ ପତ୍ର ସହିତ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀ କେବଳ ଗୋଟିଏ ଶିକ୍ଷା ଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିବେ ବୋଲି ଏକ ସତ୍ୟପାତ୍ର (Affidavit) ଫାଇଲ୍ କରିବେ । ଯାହା ସମୟରେ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ବ୍ୟତିତ ଅନ୍ୟ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ଆବେଦନ କରିଥିବା ପ୍ରମାଣିତ ହୁଏ ତେବେ ପ୍ରାର୍ଥୀଙ୍କର ଆବେଦନ ପତ୍ର ବିଚାରକୁ ନିଆ ନ ଯାଇ ନାକଦ କରିଦିଆଯିବ । ସାର୍ବିତ୍ତକେବଳ କାଳ ବୋଲି ପ୍ରମାଣିତ ହେଲେ ଆକଳ୍ପ ଅନୁଯାୟୀ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯିବ ଏବଂ ନିଯୁକ୍ତି ରଦ୍ଦ କରାଯିବ । ଭଦ୍ରକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଯାହା ଜାଗାରେ କିମ୍ବା ପୁରୁଷ ଚରଣାସ ପର୍ଯ୍ୟନ୍ତ ଅନୁସାରେ ଆବେଦନ ପତ୍ର ଜାଗ୍ରତାକୁ ପ୍ରକଳ୍ପ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁଆଇ, ଉତ୍କଳରେ ଆବେଦନ କରାଯିବ । ୧୦.୦୧.୨୦୧୨ ଠିକା ସୁଦ୍ଧା ଉପରୋକ୍ତ ତାରିଖରେ ଶିକ୍ଷା ଜିଲ୍ଲା ବ୍ୟତିତ ଅନ୍ୟ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ଆବେଦନ ପ୍ରାପ୍ତ ଚରଣାସ ଗ୍ରହଣ କରିବା ଆବଶ୍ୟକ ।

ନିଯୁକ୍ତି ବା ନିଯୁକ୍ତି ପ୍ରାପ୍ତ ଚରଣାସ ଗ୍ରହଣ କରିବାକୁ ନିଆଯିବ ନାହିଁ । ଆବେଦନପତ୍ର ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ ତଥା ଜିଲ୍ଲାପାଳଙ୍କୁ ସମ୍ବୋଧିତ କରିବା ଆବଶ୍ୟକ ।

(୨) ଏହି ଶିକ୍ଷା ସହାୟକ ନିଯୋଜନ ପାଇଁ ଶିକ୍ଷା ଜିଲ୍ଲାକୁ ବିଭିନ୍ନ ଶ୍ରେଣୀ (Category) ପଦବୀ ସଂଖ୍ୟା ଏବଂ ବିଭିନ୍ନ ବର୍ଗ ପାଇଁ ସଂରକ୍ଷଣ ଥିବା ପଦବୀ ସଂଖ୍ୟା ନିମ୍ନ ପ୍ରକାର ଅଟେ:

ଶିକ୍ଷା ଜିଲ୍ଲାର ନାମ	ପଦବୀର ପ୍ରକାର	ମୋଟ ପଦବୀ ସଂଖ୍ୟା	ଶାରୀରିକ ଉନ୍ନତମତ୍ତ ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ପଦବୀ
ଭଦ୍ରକ - ୧	ବି.ଏସ୍.ସି. / ବି.ଏ.ସି.ଇ.ଟି	୧୫୫	୫
	ସ୍ୱତନ୍ତ୍ର ବିଶାଳ / ବିଶାଳ / ଉପାଧିକାରୀ ବି.ସି.	୧୧୨	୨
ଭଦ୍ରକ - ୨	ବି.ଏସ୍.ସି. / ବି.ଏ.ସି.ଇ.ଟି	୧୨୩	୪
	୨୨ ବିଶାଳ / ବିଶାଳ / ଉପାଧିକାରୀ ବି.ସି.	୧୧୫	୫

୨ ଯୋଗ୍ୟତା ସହ ଉଚ୍ଚ ଚାକିରିପ୍ରାପ୍ତ ବି.ସି. ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନୀମାନେ ଭଦ୍ରକ ଜିଲ୍ଲା ପାଇଁ ଆବେଦନ ପତ୍ର ଗ୍ରହଣ କରିବେ । ସମ୍ପାଦନା ଜିଲ୍ଲା ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଅବଶ୍ୟକ ଅନୁଯାୟୀ ନିଯୋଜନ କରାଯିବ । ଏହି ପଦବୀ ଗୁଡ଼ିକର ସଂଖ୍ୟା ଏବଂ ବିଭିନ୍ନ ବର୍ଗ ପାଇଁ ସଂରକ୍ଷଣ ଥିବା ପଦବୀ ନିମ୍ନ ପ୍ରକାର ଅଟେ:

ପଦବୀର ପ୍ରକାର	ମୋଟ ପଦବୀ ସଂଖ୍ୟା	ଶାରୀରିକ ଉନ୍ନତମତ୍ତ ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ପଦବୀ
ନର୍ଥ ବି.ସି.	୩୫	୧

(ଅନ୍ୟାନ୍ୟ ବର୍ଗର ବ୍ୟକ୍ତିଙ୍କ ନିମନ୍ତେ ସରକାରୀ ଦ୍ୱାରା ସଂରକ୍ଷିତ ସଂରକ୍ଷଣ ବିଶେଷତା ପଦବୀ ସଂରକ୍ଷିତ ରହିବ ।)

୨୫.୧୨.୧୦.୧୧ ରୁ ଆରମ୍ଭ ହେଉଛି ଶିକ୍ଷା ଜିଲ୍ଲା ପ୍ରାର୍ଥୀଙ୍କ ଚାକିରିପ୍ରାପ୍ତ ପଦବୀର ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ପଦବୀ । ଏହି ଯୋଗ୍ୟ ବିବେଚନା ଆହ୍ଲାଦ ଏବଂ ଚରଣାସ ପ୍ରାର୍ଥୀ ଚାକିରି (Provisional & Final Select List) ଶିକ୍ଷା ଜିଲ୍ଲା ପରିଷଦ ଏବଂ ଜିଲ୍ଲାପାଳ କାର୍ଯ୍ୟାଳୟ ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ସର୍ବସାଧାରଣ ଅବସ୍ଥାରେ ପ୍ରକାଶିତ ହେବ । ଶିକ୍ଷା ସହାୟକମାନେ ଜିଲ୍ଲାପରିଷଦ ଦ୍ୱାରା ନିଯୋଜିତ ହେବେ ।

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

(କ) ସ୍ୱତନ୍ତ୍ର ବିଶାଳ (+2) ବିଶାଳ/ବିଶାଳ/ବିଶାଳ ବିଜ୍ଞାପନ ପଦବୀର ଉଦ୍ଦିଷ୍ଟ ପଦବୀ ପରୀକ୍ଷାରେ ପାସ୍ ଯୋଗ୍ୟତା ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷାରେ ସମ୍ପୂର୍ଣ୍ଣ ଶ୍ରେଣୀ ପାସ୍ ଯୋଗ୍ୟତା ଅଥବା ଚାକିରିପ୍ରାପ୍ତ (ବି.ସି.) (Recognised by NCTE) ।

(ଖ) ସ୍ୱତନ୍ତ୍ର ବିଶାଳ (+2) ବିଶାଳ/ବିଶାଳ/ବିଶାଳ ବିଜ୍ଞାପନ ପଦବୀର ଉଦ୍ଦିଷ୍ଟ ପଦବୀ ପରୀକ୍ଷାରେ ପାସ୍ ଯୋଗ୍ୟତା ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷାରେ ସମ୍ପୂର୍ଣ୍ଣ ଶ୍ରେଣୀ ପାସ୍ ଯୋଗ୍ୟତା ଅଥବା Rehabilitation Council of India (RCI) ଦ୍ୱାରା ଶ୍ୱୀକୃତି ପ୍ରାପ୍ତ ସ୍ୱତନ୍ତ୍ର ଶିକ୍ଷାରେ ୨ ବର୍ଷିଆ ବିଶ୍ୱାସୀ ଚାକିରି (2 year diploma in Special Education) ।

(ଗ) ସ୍ୱାତନ୍ତ୍ର ବିଶାଳ/ବିଶାଳ ବିଜ୍ଞାପନ ପଦବୀର ଉଦ୍ଦିଷ୍ଟ ପଦବୀ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ମାଟ୍ରିକ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତୃଭାଷା ଯୋଗ୍ୟତାପ୍ରାପ୍ତ ବି.ଏସ୍. ଚାକିରି ପ୍ରାପ୍ତ (Recognised by NCTE) ।

(ଘ) ସ୍ୱାତନ୍ତ୍ର ବିଶାଳ/ବିଶାଳ ବିଜ୍ଞାପନ ପଦବୀର ଉଦ୍ଦିଷ୍ଟ ପଦବୀ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ମାଟ୍ରିକ ପର୍ଯ୍ୟନ୍ତ ଓଡ଼ିଆ ମାତୃଭାଷା ଯୋଗ୍ୟତାପ୍ରାପ୍ତ Rehabilitation Council of India (RCI) ଦ୍ୱାରା ଶ୍ୱୀକୃତି ପ୍ରାପ୍ତ ସ୍ୱତନ୍ତ୍ର ଶିକ୍ଷା ପାଠ୍ୟକ୍ରମରେ ବି.ଏସ୍. ଚାକିରି (B.Ed: Special Education) ।

(ଙ) ୨୨ ଯୋଗ୍ୟତା ସହ ଉଚ୍ଚ ଚାକିରି ପ୍ରାପ୍ତ ଅବସ୍ଥାରେ ପରୀକ୍ଷା ଥିବା ସମ୍ପୂର୍ଣ୍ଣ ଶ୍ରେଣୀ ପାସ୍ କରିଥିବା ଆବେଦନ ।

(ଚ) ସ୍ୱତନ୍ତ୍ର ବିଶାଳ (+2) ବିଶାଳ, ବିଶାଳ, ବିଶାଳ ବିଜ୍ଞାପନ ପଦବୀରେ ପାସ୍ ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷା ସମ୍ପୂର୍ଣ୍ଣ ପର୍ଯ୍ୟନ୍ତ ଯୋଗ୍ୟତା ଅଥବା ଏବଂ ବିଶାଳ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଜ୍ଞାପନ ପଦବୀରେ ପାସ୍ ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷା ସମ୍ପୂର୍ଣ୍ଣ ପର୍ଯ୍ୟନ୍ତ ଯୋଗ୍ୟତା ଅଥବା ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଶିକ୍ଷା ଜିଲ୍ଲା ପରିଷଦ ଦ୍ୱାରା ନିଯୋଜିତ ହେବେ ।

ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବେଦନ ପତ୍ର ଗ୍ରହଣ କରିବା ଆବଶ୍ୟକ ଏବଂ ଶାରୀରିକ ଉନ୍ନତମତ୍ତ ପାଇଁ ଉଦ୍ଦିଷ୍ଟ ପଦବୀ ନିମ୍ନ ଲିଖିତ ଏବଂ ଉଚ୍ଚପ୍ରାଥମିକ ଉଚ୍ଚପ୍ରାଥମିକ ଶିକ୍ଷା ଜିଲ୍ଲା ପରିଷଦ ଦ୍ୱାରା ନିଯୋଜିତ ହେବେ ।

(୧୫) ୨୦୧୦-୧୧ ଶିକ୍ଷା ବର୍ଷରେ C.T. ପରୀକ୍ଷା ଫେଲ୍ଡ୍ ପ୍ରାର୍ଥୀମାନେ Admit କାର୍ଡ୍ ନକଲ ସଂଯୋଗ କରି ଆବେଦନ କରିପାରିବେ । C.T. ପରୀକ୍ଷା Result ବାହାରିବାର ୧୫ ଦିନ ମଧ୍ୟରେ ସେମାନେ ପାଖ Certificate ଏବଂ Marksheet ନ ଲଗାଇ ଆବେଦନ କରିପାରିବେ ।

ସ୍ୱ/- ବିଜ୍ଞାପକର ସାଧାରଣ ସର୍ବଶିକ୍ଷା ଅଭିଯାନ, ଭୁବନେଶ୍ୱର

DI-II +2 ARTS CT

PROVISIONAL MERIT LIST OF SHIKSHYA SAHAYAK (150% OF VACANT POST) UNDER BHADRAK DISTRICT-2011

CATEGORY- SEBC(W)

Sl No.	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	CT Percentage	Total	PH/Ex.Ser./Sports
1	117	KOUSALYA PALEI	F-LATE BHASKAR PALEI	AT/PO-PADHUAN,VIA-ANANTAPUR,DIST-BDK	04.06.86	F	OBC	55/11	305/11	T/3412/09	900	487	54.11	1250	848	67.84	121.95	
2	94	CHANDRIKA BARIK	H-RAMAPRASAD BARIK	AT/PO-KUBERA,DIST-BDK	21.10.83	F	OBC	51/11	281/11	TW/2212/08	900	460	51.11	1250	876	70.08	121.19	
3	53	JAYASHREE ROUT	H-SUSANTA ROUT	AT-ARTUMP,PO-BARAPUR,VIA-BASUDEVPUR,756046	18.03.84	F	SEBC	87/04	6325/10	WT/3009/08	900	456	50.67	1250	859	68.72	119.39	
4	132	JAYANTILATA SAHOO	H-ABHAYA KU. BEHERA	AT/PO-ALABAGA,VIA-ERTAL,DIST-BDK	02.06.82	F	SEBC	81/2011	750/11	TW/1435/09	900	430	47.78	1250	845	67.60	115.38	SPORTS
5	238	JYOTIRMAYEE NAYAK	H-SUKANTA KISHROE NAYAK	AT-CHINOL,PO-GUAGADIA,VIA-ERTAL,DIST-BDK	16.05.78	F	SEBC	57/04	682/11	CW/4665/23	900	436	48.44	1250	831	66.48	114.92	

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Annexure 3

D-II 12 ARTS LI

CATEGORY UR

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

Sl No	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	CT Percentage	Total	PH/Ex.S or JSports	Remarks
1	166	PRINKIE OJHA	F-MAHENDRA NATH OJHA	AT/PO-SUNDARPUR,VIA KUPARI,DIST-BLS	01.06.84	F	SEBC	50/11	158/11	TW/507/11	1000	757	75.70	1250	997	79.76	155.46		UPASHAS TRI (UNDER ENQUIRY)
2	80	BATA KRISHNA BAL	F-ISWAR CH BAL	AT-KANATIA,PO-MANGALPUR,VIA TIHIDI,756130	01.04.81	M	SEBC	6300/2	343/11	T/161/1	600	465	77.50	1250	919	73.52	151.02		
3	128	MIRANJAN NAYAK	F-BAIKUNTHA NAYAK	NTIPO-CHUDAMANI,PS-BASUDEVPUR,DIST-BDK	12.01.81	M	SEBC	6649/10	334/11	T/7340/09	1000	787	78.70	1250	869	69.52	148.22		VOCATIONAL (UNDER ENQUIRY)
4	46	JYOTISHREI JYOTIRMAYEE BARIK	F-BANAMALI BARIK	AT/PO-BHAIRABPUR,VIA BASUDEVPUR,756125	14.01.92	F	OBC	18/11	112/11	WT/593/11	600	437	72.83	1250	942	75.36	148.19		

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11/11

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CATEGORY - UR

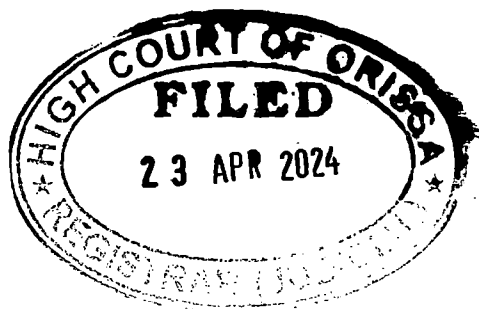
FINAL MERIT LIST OF S.Ss(100% OF VACANT POST) UNDER BHADRAK DISTRICT-2011
(IN CONSONANCE WITH THE ORDER OF THE HON'BLE HIGH COURT IN W.P. (C) NO. 6452/11)

Sl No.	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	CT Percentage	Total	PH/Ex.Ser./Sports	Remarks
13	41	ROJI PRADHAN	F-RATIKANTA PRADHAN	AT-SUDARSANPUR, PO-SUAN, VIA-ERAM, DIST-BDK	06.01.91	F	SEBC	39/11	91/11	WT/58 4/11	600	422	70.33	1250	940	75.20	145.53		
14	276	MANASI MOHANTY	H-ASHOK KUMAR ROUT	AT/PO-ERAM, DIST-BDK, 756162	21.07.77	F	SEBC	138/04	665/11	WT/27 74/09	1000	744	74.40	1250	882	70.56	144.96		VOCATION AL (UNDER ENQUIRY)
15	287	SANJU RANA	F-LAMBODHAR RANA	AT/PO-BINAYAKPUR, PS-BASUDEVPUR, DIST-BDK	24.04.86	F	OBC	103/11	/11	TW/10 194/10	1000	685	68.50	1250	950	76.00	144.50		VOCATION AL (UNDER ENQUIRY)
16	44	STALINA BHOI	F-KALANDI BHOI	AT-RADHANATHPUR, PO-MANDARI, VIA-BASUDEVPUR, 756125	13.06.91	F	SEBC	8/11	109/11	WT/20 4/11	600	446	74.33	1250	873	69.84	144.17		

22/11/11

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

Sl No	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	CT Percentage	Total	PH/Ex.Ser./Sports	Remarks
11	120	LIJA SMITA NAYAK	F-KARTIK CH. NAYAK	AT-BACHHADA, PO-JAGANNTHPUR BACHHADA, VIA-ANANTAPUR, PS-BASUDEVPUR, DIST. BDK 756046	29.02.88	F	SEBC	727/09	302/11	TW/453/09	1000	697	69.70	1250	847	67.76	137.46	PH(OR T) 65%	VOCATIONA L (UNDER ENQUIRY)
12	170	RUPASHREE BHOI	F-BENUDHAR BHOI	AT-BACHHADA, PO-JAGANNTHPUR BACHHADA, VIA-ANANTAPUR, PS-BASUDEVPUR, DIST. BDK 756046	07.05.91	F	SEBC	102/11	688/11	TW/978/11	600	383	63.83	1250	919	73.52	137.35		
13	315	SIMANJALI BARIK	F-RABINDRA KU. BARIK	AT/PO-SINDOL, PO-TIHIDI, DIST-BDK	07.03.89	F	OBC	48/11	284/11	WT/6669/10	900	598	66.44	1250	885	70.80	137.24		
14	5	UPALI APARAJITA PARIDA	F-GIRIDHARI PARIDA	AT-BALIMEDA DAYANIDHIPUR, PO-BALIMEDA, 756131	25.03.86	F	OBC	14/11	94/11	WT/264/11	1000	657	65.70	1250	894	71.52	137.22		
15	47	SMITARANI DASH	H-CHANDRA SEKHAR PANDA	AT/PO-ADHUAN, VIA-BASUDEVPUR, 756125	06.07.82	F	GEN		83/11	WT/1323/09	1000	715	71.50	1250	820	65.60	137.10		VOCATIONA L (UNDER ENQUIRY)



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Annexure 4 Series

**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 A. Liza Samita Nayak
S/O.W/O, D/O Kantik Ch. Nayak of village at
Bachhada P.O. Jagannathpur
P.S. Basudev pur Dist. Bhadrak residing
at present at village Bachhada
P.O. Jagannathpur P.S. Basudev pur 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 ~~pass certificate~~ has been submitted by me.

Witness

1. Anil K. Nayak
H.M. Banjara Nodal U.P.S.

2. Abhimanyu pradhan
H.M. Banjara Nodal U.P. school

Liza Samita Nayak
Full signature of the applicant

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

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

I Sri/Smt/Kumari Sanju Rana
S/O, W/O, D/O Debabrata Rana of village at
Bimayakpura P.O. Bimayakpura
P.S. Baladevpura Dist. Bhadrak residing
at present at village Bimayakpura
P.O. Bimayakpura P.S. Baladevpura 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. Sanju Rana
H.M. Baladevpura Nodal U.P.S.
2. Abhimanyu Pradhan H.M.
Baladevpura Nodal U.P.S.

Full signature of the applicant

Issued Under RTI Act-06
PIO, SSA, Bhadrak

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~~Annexure - B SSK~~

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

Order No. 4631 / Dated. 30/04/2011

Consequent upon execution of an agreement dated. 28.04.11 between LIJA SMITA NAYAK, D/O-KARTIK CH. NAYAK, AT-BACHHADA, PO-JAGANNATHPUR BACHHADA, VIA-ANANTAPUR, DIST-BHADRAK and Collector-cum-CEO, ZP, Bhadrak LIJA SMITA NAYAK is hereby engaged as "SHIKSHA SAHAYAK" for a period as mentioned in the agreement on a fixed monthly honorarium of Rs.4000/- (Rupees three thousand five hundred only) subject to the following terms and conditions.

Place of engagement Mangalapada Panch School under Basudevpur 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

of

District Project Co-ordinator
SSA, Bhadrak

Memo No. 4632 / Dated. 30/04/2011

Copy to person concerned for information and necessary action. He/She is directed to join 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. 4633 / Dated. 30/04/2011

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 BRCC for further action at this end.

District Project Co-ordinator
SSA, Bhadrak

Memo No. 4634 / Dated. 30/04/2011

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

District Project Co-ordinator
SSA, Bhadrak

Memo No. 4635 / Dated. 30/04/2011

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

District Project Co-ordinator
SSA, Bhadrak

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Annexure 53ms.

**OFFICE OF THE DISTRICT PROJECT CO-ORDINATOR,
SARVA SHIKSHA ABHIYAN: BHADRAK**

Order No. 4891 / Dated. 20/04/2011

Consequent upon execution of an agreement dated 28.04.11 between SANJU RANA D/O CAMBODHAR RANA, AT/PO-BINAYAKPUR, PS-I, LUDEVPUR, DIST-BHADRAK and Collector-cum-CEO, ZP, Bhadrak, SANJU RANA is hereby engaged as "SHIKSHA SAHAYAK" for a period as mentioned in the agreement on a fixed monthly honorarium of Rs. 4000/- (Rupees three thousand five hundred only) subject to the following terms and conditions.

- Place of engagement Kaduanasi P.O. Pry. School under Chomibani 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

q/c

Memo No. 4892 / Dated. 20/04/2011
Copy to person concerned for information and necessary action. He/She is directed to join 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. 4898 / Dated. 20/04/2011
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 this end.

District Project Co-ordinator
SSA, Bhadrak

Memo No. 4899 / Dated. 20/04/2011
Copy forwarded to the B.R.C.C. concerned for information and necessary action.

District Project Co-ordinator
SSA, Bhadrak

Memo No. 4900 / Dated. 20/04/2011
Copy forwarded to the concerned Block Development Officer / District Inspector of schools, Bhadrak-II for information and necessary action.

District Project Co-ordinator
SSA, Bhadrak

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Annexure C
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OFFICE OF THE DISTRICT PROJECT CO-ORDINATOR,
SARVA SHIKSHA ABHIYAN: BHADRAK

Order No. 8099 /Date. 23/08/11

In pursuance of the order dated.24.03.11 in W.P.(C) No.7478 of 2011 of the Hon'ble High Court,Orissa and findings arrived at in this office Misc.Case No.10/2011 vide order dated.30.07.2011 final show-cause notice was issued to her vide this office Letter No.7752 dated.08.08.11. On perusal of the show-cause reply of Kumari Sanju Rana along with instructions of the Government in S&M.E.Department vide Letter No.11385/SME/dated.08.06.11 and information of Council of Higher Secondary Education,Orissa vide Letter No.3142 dated.04.05.11 and Letter No.3920 dated.13.06.11, the Vocational qualification of Kumari Sanju Rana is invalid. Hence, Kumari Sanju Rana, D/O- Lambodar Rana, At-Binayakpur, P.O-Binayakpur, Via-Basudevpur, P.S-Basudevpur, Dist-Bhadrak is hereby disengaged from the post of Shikshya Sahayak w.e.f. today i.e.23.08.2011 (A.N).

By order of the Collector-cum-Chairman,
SSA, Bhadrak

23/08/11
District Project Co-ordinator
SSA, Bhadrak

Memo No. 8100 /Date. 23/08/11

Copy to person concerned through Regd.Post with A.D. for

information.

23/08/11
District Project Co-ordinator
SSA, Bhadrak

Memo No. 8101 /Date. 23/08/11

Copy in triplicate forwarded to the Headmaster, Kaduanasi Project Primary School under Chandabali Block for service of one copy on Kumari Sanju Rana, return of the served copy with her dated signature and preservation of the third copy in the school for record.

Copy forwarded to the BRCC, Chandabali for information and necessary action.

23/08/11
District Project Co-ordinator
SSA, Bhadrak

Memo No. 8102 /Date. 23/08/11

Copy forwarded to the B.D.O, Chandabali/District Inspector of Schools, Bhadrak-II for information and necessary action

23/08/11
District Project Co-ordinator
SSA, Bhadrak

Issued Under RTI-Act-05

PIO, SSA, Bhadrak

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~~Annexure 7~~

74.

IN THE HIGH COURT OF ODIHSA: CUTTACK

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

Banajini Mishra ...

..... Petitioner.

-Vrs-

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

INDEX

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2.	Annexure-A/3 series	5-8

Cuttack

Date: - 20.7.12


Standing Counsel,
School & Mass Education Cell.

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IN THE HIGH COURT OF ODISHA: 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

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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- 3 - **- 77 -**

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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that the information submitted by letter No.3142 dated.04.05.2011 is genuine and authentic. All the letters are annexed at Annexure-A/3 series.

15. That, it is not a fact that the scope of the enquiry by the District Project Co-ordinator, SSA, Bhadrak is limited to the genuineness of the certificate only.

16. That, enquiry was undertaken in accordance with the direction of the Hon'ble High Court in W.P.(C) No.18256/2011. In course of enquiry it was lawfully detected that a person can not study +2 Vocational course after successful completion of +2 Arts/Commerce/Science course by him/her. Hence, no irregularity has been committed by the District Project Co-ordinator, SSA, Bhadrak in issuing show-cause notice against the petitioner.

17. That, this deponent humble submits that there is nothing to comment in respect of Para-17 of the writ petition.

Identified by

Mang Kumar Babbar
Deponent

Asst. A.G's Office.

Certificate

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

Cuttack

Date: - *20-7-12*

[Signature]
Standing Counsel,
School & Mass Education Cell.

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K2 No - 3422 Annexure A3 Series

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

BY REGD. POST

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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. 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.

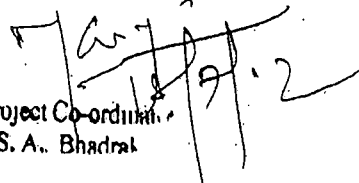
997 This is for your kind information.
20/6/2011

Yours faithfully,


Public Information Officer.
13.6.11

Attested

KA/-


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

- 4/6 -
80.

By Law

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

No. RTI. 24/11 3669 CHSE(O), dt. 31/5/11
From:-

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

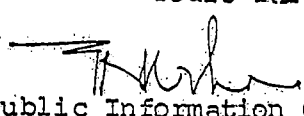
To
Ramakanta Sahoo,
C/O-Mahendra Prasad Sahoo
At-Kalidaspur, PO-Narasingshpur
Dist-Bhadrak.

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

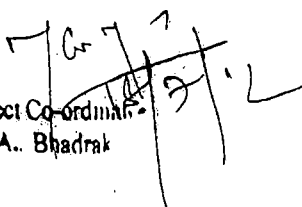
Sir,
With reference to your application dt. 4.5.11 on the subject cited above, I am to say that you have applied under RTI Act to know whether a student can have two Registration Number. A student cannot have two Registration Number. In case a student fails in the A.H.S. Examination conducted by the 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,


Public Information Officer
28.5.11

Attested


Project Co-ordinator
S. S. A. Bhadrak

GCE/

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By Hand

COUNCIL OF HIGHER SECONDARY EDUCATION:ORISSA
PRAJNAPITHA SAMANTAPUR BHUBANESWAR:13
-0-

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.

Attested

Yours faithfully,

[Signature]
Public Information Officer.

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

G/

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BY HAND 155

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

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: -Basudevapur,
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 +2 Vocational stream or not. As per rule 2(i) 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 college or a Higher Secondary School and includes Arts, Science, Commerce and Vocational courses. If a student appear and qualifies in H.S. Examination in Arts, Science and Commerce stream successfully under any recognised institution he/she can not take admission again in vocational stream of Higher Secondary Course.

This is for your kind information.

Yours faithfully,

Attested

Public Information Officer.

Project Co-ordinator
S. A. Bhadrak

KA/-

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~~Annexure-8~~

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

~~Annexure 9~~

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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/COM & VOC/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	104/+2 UT	HARAPRIYA JENA	F-GANESH PRASAD JENA	18/06/90	F	SEBC	BDK-II	
6	281/+2 UT	SAMISKYA TRIPATHY	F-PRADEEP KU. TRIPATHY	12.05.91	F	GEN	BDK-II	
7	7	SOUDAMINI 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

SL. 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. MRKS IN +2	MARKS OBTAINED	% OF MARKS	FULL MARKS IN C.T.	MARKS OBTAINED	% OF MARKS	TOTAL PERCENTAGE	PH/SPORTS/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	77508/09	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	15800/8	900	406	45.11				45.11		Rejected due to Hindi Teacher certificate not equivalent with C.T.
29	56 A	SRIDHAR SETHI	MUSI SETHI	AT/PO-KANDRAGADA,VIA-THEO,BHADRAK	06.06.70	M	GEN		33140/6	33140/6	900	340	37.78				37.78		Rejected due to inadequate C.T mark
30	380	PITABASH MOHANTY	SHYAMA SUNDAR MOHANTY	AT/PO-PANDARABATIA,VIA-DHUSURI,DIST-BHADRAK	09.09.66	M	SEBC	1192/07	1428/1	14750/8	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	876/08	1428/1	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

+2 CT
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 CERTI. 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/SPORTS/EX. SERVICE MAN	REMARKS
1	258	SURYANARAYAN NAYAK	GAYADHAR NAYAK	AT:POKHARIPUR(URUNIA),PO:LUNGA,VIA:ERTAL,BHADRAK	08.05.84	M	SEBC	6832/10	8356/11	6348/09	1000	691	69.10	1250	862	68.96	138.06	PH (ORTHO) 65%	Reject due to double +2 pass +2 VOC
2	304	HIRANYA KUMAR BEHERA	DAITARI BEHERA	AT-RUDHUNGA,PO-ASTIA,VIA-SIMULIA,DIST-BALASORE	08.06.88	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 653 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 KYS37 +2 COM.
4	307	SASMITA BARIK	NIRMAL CH. BARIK	AT/PO-CHUDAMANI,VIA-BASUDEVPUR,DIST-BHADRAK	26.06.88	F	SEBC	60/11	7000/11	9074/11	1000	661	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	81/11	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,POVIA-BETADA,BHADRAK	15.02.88	F	GEN	77/11	774/11	19072/10	1000	662	66.20	1250	925	74.00	140.20		Reject due to double +2 pass
7	101	DHRUTITAP A SATAPATHY	ANANTA NARAYAN TRIPATHY	AT/PO-NARASINGHAPUR,VIA-BETADA,DIST-BHADRAK	04.04.84	F	GEN	72/11	7281/11	1750/09	1000	699	69.90	1250	815	65.20	135.10		Reject due to double +2 pass
8	214	PURNA CHANDRA SAHOO	BANAMALI SAHOO	AT-NARAYANPUR,PO-GHANTESWAR BALIPAL,VIA:GHANTESWAR,DIST-BHADRAK	22.11.80	M	SEBC	112/11	86/12	8191/09	1000	777	77.70	1250	819	65.52	143.22		Reject due to double +2 pass
9	52	NIRANJAN NAYAK	BAKUNTHA NAYAK	AT/PO-CHUDAMANI,PS-BASUDEVPUR,BHADRAK	12.01.81	M	SEBC	694/11	838/11	17340/09	1000	787	78.70	1250	869	69.52	148.22		Reject due to double +2 pass +2 VOCATION
10	22	TAPASA KUMAR DHUPAL	BIMBADHAR DHUPAL	AT-SUGO,PO-GOPALJEVI,SUGO,VIA-ERTAL,DIST-BHADRAK,PIN-756124	25.05.89	M	GEN	180/11	180/11	17626/11	1000	672	67.20	1250	867	69.36	136.56		Reject due to double +2 pass +2

+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 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
11	160	MAHESWAR BEHERA	RAMESH CH. BEHERA	AT-BASATHI,PO- RADHABALLAVPUR,VIA- BASUDEVPUR,BHADRAK	04.05.88	M	OBC	141/10	5730/11	5271/89	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	8394/11	4359/09	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	8282/11	806/11	1000	661	66.10	1250	774	61.92	126.02		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		7685/11	10136/11	1000	738	73.80	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	2297/11	4386/10	1000	717	71.70	1250	878	70.24	141.94		Reject due to double +2 pass UPASAST
16	83	HEMANTA KUMAR NATH	AMULYA CHARAN NATH	AT-ARTUNG,PO- BARAPUR,VIA- ANANTAPUR,BHADRAK- 756038	10.07.83	M	OBC	650/209	7338/11	7161/09	1000	772	77.20	1250	880	70.40	147.60		Reject due to double +2 pass UPASAST
17	194	LAXMINARAYAN BEHERA	BHAGIRATHI BEHERA	AT/PO: GUD, VIA: ANANTAPUR, DIST: BALASORE	20.09.80	M	OBC	143/10	7973/11	9570/09	1000	658	65.80	1250	896	71.68	137.48		Reject due to Double Apply Score KY 254.8
18	322	MADHUSMITA DAS	SARAT CH. DAS	AT-CHITAPUR,PO- SUNTAPADA,VIA- CHAKABARAPUR,DIST- BALASORE	12.05.86	F	GEN		7708/11	968/11	1000	605	60.50	1250	970	77.60	138.10		Reject due to Double apply Score KY345
24	318	CHANDRAM ANI HOTA	MANAGOBINDA HOTA	AT-TALABANDHA,PO- GHATAPUR,VIA- PIRHA, DIST-BHADRAK	28.08.69	M	GEN		6290/11	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- DUMASAHIA,VIA- GODIPADA,DIST- NAYAGAD	20.06.92	F	OBC	10013/11	10074/11	7481/11	900	396	44.00				44.00		REJECTED DUE TO UNTRAINED OBC CANDIDAT
26	382	SASMITA ROUT	BABULI ROUT	AT-RANKADEULI,PO- DUMASAHIA,VIA- GODIPADA,DIST- NAYAGAD	20.06.92	F	OBC	10013/11	10074/11	7481/11	900	396	44.00				44.00		REJECTED UNTRAINED OBC CANDIDAT

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Annexure-10 Series

COUNCIL OF HIGHER SECONDARY EDUCATION, ORISSA, BHUVANESWAR
Tribal/ON REGISTRE ANNUAL EXAM 2005

SHADRAK

SAHEED MAHAVIDYALAYA, BARAPUR

ARTS REGULAR

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124AB031	GITARANI MAJHI	F	A	E	0	ECO	OS	LOG	POL	516	
490080_03	BAIKUNTHANATA MAJHI				37	36	61	65	62	68	65
	LAXMIPRIYA MAJHI	(WK_XP=B)						44	76	54	60
124AB032	GOPAL CHANDRA MANDAL	M	A	E	0	HIS	POL	LOG		147	
490005_03	SHYAMA BUNDAR MANDAL				14	33	30	00	12	12	13
	PURNIMA MANDAL	(WK_XP=C)						03	30	11	48
124AB033	HAREKRUSHNA BEHERA	M	A	E	0	HIS	OS	LOG	POL	254	
489988_03	GOBINDA BEHERA				22	33	40	06	23	30	50
	HEMALATA BEHERA	(WK_XP=B)						14	36	35	15
124AB034	JAYABREE PANDA	F	A	E	0	ECO	OS	LOG	POL	441	
490100_03	BRIDHAR PANDA				43	38	50	40	51	38	64
	NALINI PRAVA PANDA	(WK_XP=B)						19	78	41	39
124AB035	JIBAN KUMAR DAS	M	A	E	0	POL	OS	LOG			
490104_03	RABINDRANATH DAS										
	SANJAY DAS	(WK_XP=B)									
124AB036	JYOTIRABAN BARIK	F	A	E	0	ECO	OS	LOG	POL	593	
490003_03	RAJESH CHANDRA BARIK				53	42	68	66	70	72	63
	PADMAVATI BARIK	(WK_XP=B)						72	87	50	58
124AB037	JYOTIRABAN BARIK	F	A	E	0	LOG	OS	ECO	POL	336	
490712_03	JAGABANDHU BATAPATHY				20	30	51	14	56	30	60
	APARNA BATAPATHY	(WK_XP=A)						31	34	41	19
124AB038	KAMALINI BARIK	F	A	E	0	OS	LOG	ECO	POL	367	
490023_03	KRUSHNA CHANDRA BARIK				35	34	55	25	68	13	55
	KUNTALA BARIK	(WK_XP=B)						36	34	44	34
124AB039	KANHU CHARAN MALIK	M	A	E	0	OS	LOG	ECO	POL	241	
490049_03	KARTIK CHANDRA MALIK				14	25	35	18	50	16	33
	HEMALATA MALIK	(WK_XP=C)						20	30	30	19
124AB040	KASTURIBALA MOHALIK	F	A	E	0	OS	ECO	LOG	POL	342	
490055_03	PITABAS MOHALIK				24	36	51	34	51	32	45
	LAXMIPRIYA MOHALIK	(WK_XP=A)						24	45	37	30
124AB041	LAXMIKANTA NAYAK	M	A	E	0	HIS	POL	OS	LOG	297	
490075_03	UMAKANTA NAYAK				41	38	44	15	16	38	35
	KANAKALATA NAYAK	(WK_XP=B)						18	52	13	41
124AB042	LIZASMITA NAYAK	F	A	E	0	OS	HIS	LOG	POL	387	
490096_03	KARTIK CHANDRA NAYAK				30	30	45	47	70	37	34
	SUSHAMA RANI MALLIK	(WK_XP=B)						30	54	39	41
124AB043	LOPAMUDRA NAYAK	F	A	E	0	ECO	OS	LOG	POL	331	
490021_03	CHANDRA KANTA NAYAK				38	22	51	17	50	21	61
	GITASHRI NAYAK	(WK_XP=B)						19	50	35	25
124AB044	MADHUSMITA LENKA	F	A	E	0	OS	LOG	ECO	POL	579	
490083_03	CHINTAMANI LENKA				34	35	67	70	70	64	60
	PANCHALI LENKA	(WK_XP=B)						68	71	69	60
124AB045	MADHUSMITA PARIDA	F	A	E	0	HIS	POL	OS	LOG	342	

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SERIAL NO 116676

COUNCIL OF HIGHER SECONDARY EDUCATION, ORISSA
BHUBANESWAR



(VOCATIONAL)
MEMORANDUM OF MARKS
HIGHER SECONDARY EXAMINATION

THIS IS TO CERTIFY THAT **LIZASMETA NAYAK**

SON/ DAUGHTER OF **KARTIK CHANDRA NAYAK/ SUSHAMA RANI MALLICK**

OF GOVT VOCATIONAL JR. COLLEGE BASUDEVPUR

HAS PASSED

THE **ANNUAL EXAM 2006**

AND IS PLACED IN

FIRST

DIVISION

THE SUBJECTS IN WHICH THE CANDIDATE WAS EXAMINED AND MARKS OBTAINED ARE AS UNDER:

ROLL NO.	REGN. NO.	STREAM		
90142060	702863/04	VOCATIONAL		
SUBJECTS	MARKS	MARKS OBTAINED		
		PAP 1	PAP 2	
ENGLISH	100	48		
MIL. ORIYA	100	65		
GENERAL FOUNDATION COURSE	100	68		
BASIC FOUNDATION COURSE	100	70		
COMPUTER APPLICATION	100			
THEORY-1	100	64		
THEORY-2	100	53		
THEORY-3	100	44		
PRACTICAL-1	100	95		
PRACTICAL-2	100	95		
PRACTICAL-3	100	95		
GRAND TOTAL WITHOUT EXTRA OPTIONAL IN WORDS		GRAND TOTAL WITH EXTRA OPTIONAL		
SIX : SEVEN SIX				
IN FIGURES				
497				
PASS MARKS DIVISION				
Theory 40% First 47.5%				
Practicals 45% Second 45.5%				
Aggregate 40% Third 44%				
DATE OF PUBLICATION : 09-JUN-2006				

Riza Mitter

Issued Under RTI Act

P.O. SSA, Bhubaneswar

COLLEGE NAME: TRUPTI WOMEN'S COLLEGE, BASUDEVPUR

DISTRICT NAME: BHADRAK		COLLEGE NAME: TRUPTI WOMEN'S COLLEGE, BASUDEVPUR		STREAM: ARTS REGULAR																AGGR. MARKS		RESULT	
ROLL No.	CANDIDATE'S NAME	SEX	APAS	COMPULSORY			OPTIONALS									EXTRA OPTIONAL				AGGR. MARKS	RESULT		
				ENG	MIL		OPT 1			OPT 2			OPT 3			T1	T2	P1	P2				
REGN No.	FATHER'S NAME / MOTHER'S NAME			T1	T2	T1	T1	T2	P1	T1	T2	P1	T1	T2	P1	P2	T1	T2	P1	P2			
127AB081 030708_02	SUBHASNEHI NAYAK ANANTA PRASAD NAYAK SANGITA RANI NAYAK (WK_XP=B)	F	A	E	37	23	39	45	45		HS	43	25	40	30	54	LOG	39	49		381 409	3 *	
127AB082 030707_02	SHRUTI SAGARIKA DAS ANANTA DAS NATANA DAS (WK_XP=A)	F	A	E	19	19	38	30	22		POL	30	38		HS	33	24	40	50	47	293 293	F	
127AB083 030773_02	SABITAKANI MALIK RANJANATH MALIK RANJANATH MALIK (WK_XP=A)	F	A	E	07	16	30	19	47		HS	30	24	40	32	35	EC0	34	19		280 280	F	
127AB084 030699_02	SABITREE BEHERA KUSHNA CHANDRA BEHERA SANTALATA BEHERA (WK_XP=B)	F	A	E	08	10	21	34	44		EDU	23	25	41	34	39	LOG	45	33		276 276	F	
127AB085 030728_02	SHARMILA BEHERA SUDHAKARA BEHERA SUNARANI BEHERA (WK_XP=A)	F	A	E	35	25	43	40	38		SOC	45	50		OS	40	46	LOG	55	36	362 393	3 *	
127AB086 030696_02	SANMITA MALLICK SANTOSHANI MALLICK SANTOSHANI MALLICK (WK_XP=B)	F	A	E	17	23	35	24	21		EDU	31	30	34	34	40	LOG	AB3	AB3		288 248	F	
127AB087 030729_02	SANMITA SETHI SANTOSHANI SETHI SANTOSHANI SETHI (WK_XP=B)	F	A	E	13	13	41	18	30		HS	27	31	39	32	44	LOG	34	30		288 288	F	
127AB088 030725_02	SANMITA NAYAK SANTOSHANI NAYAK SANTOSHANI NAYAK (WK_XP=B)	F	A	E	08	21	37	24	43		POL	17	24		HS	39	23	41	32	24	276 276	F	
127AB089 030695_02	SANMITA MOHANTY SANTOSHANI MOHANTY SANTOSHANI MOHANTY (WK_XP=B)	F	A	E	12	23	37	24	33		OS	31	45		EDU	30	27	38	39	54	290 290	F	
127AB090 030796_02	SANMITA AHABADA ROY SANTOSHANI ROY SANTOSHANI ROY (WK_XP=B)	F	A	E	22	38	48	45	40		EDU	40	36	37	34	54	HIS	38	33		394 405	3	
127AB091 030746_02	SANMITA DAS SANTOSHANI DAS SANTOSHANI DAS (WK_XP=B)	F	A	E	35	25	40	35	23		POL	30	33		EDU	36	41	39	52	36	387 387	3 *	
127AB092 030732_02	SANJU RANA SANTOSHANI RANA SANTOSHANI RANA (WK_XP=A)	F	A	E	25	35	53	78	60		OS	53	65		EDU	40	38	43	64	46	568 568	1	
127AB093 030711_02	SATYA BHAMA BARIK CHINTAMANI BARIK LAXMIPRYA BARIK (WK_XP=B)	F	A	E	13	19	40	34	34		POL	23	32		OS	38	46	LOG	43	21	280 280	F	
127AB094 030795_02	SUCHISMITA MOHANTY BARDEEPA MOHANTY BARDEEPA MOHANTY (WK_XP=A)	F	A	E	26	34	41	45	34		EDU	26	49	42	46	61	HIS	41	32		408 421	3 *	
127AB095 030698_02	SUCHISMITA PARHI ANANTA KUMAR PARHI SARASWATI PARHI (WK_XP=B)	F	A	E	30	30	30	39	50		POL	46	30		OS	39	41	38	42	31	386 386	3 *	
127AB096 030692_02	SASMITA PANDA KALASH CHANDRA PANDA KALASH CHANDRA PANDA (WK_XP=B)	F	A	E	37	23	35	38	35		POL	33	37		SOC	44	50	LOG	64	53	336 393	3 *	

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SERIAL NO. 361772

COUNCIL OF HIGHER SECONDARY EDUCATION, BHARANESWAR



**(VOCATIONAL)
MEMORANDUM OF MARKS
HIGHER SECONDARY EXAMINATION**

THIS IS TO CERTIFY THAT SANJU RANA
SON/DAUGHTER OF LAMBODAR RANA/LAXMI RANA
OF VVOCATIONAL JR COLLEGE AREI
HIGHER SECONDARY ANNUAL EXAM 2007 AND IS PLACED IN

FIRST

ROLL NO. 910CC006	REGN. NO. 700751/02	STREAM VOCATIONAL
SUBJECTS		MARKS OBTAINED
ENGLISH		100
MIL BRIYA		47
GENERAL FOUNDATION COURSE		100
BASIC FOUNDATION COURSE		80
REPAIR&MAINT. OF RADIO&TV		100
THEORY-1		69
THEORY-2		58
THEORY-3		100
PRACTICAL-1		65
PRACTICAL-2		73
PRACTICAL-3		58
		100
		83
		85
		67
GRAND TOTAL WITHOUT EXTRA OPTIONAL IN WORDS SIX EIGHT FIVE		IN FIGURES 685
GRAND TOTAL WITH EXTRA OPTIONAL		Issued Under RTI-Act-06
PASS MARKS	DIVISION	PIO, SSA, Bhadrak
100% First	XX40% First	
90% Second	XX35% Second	
80% Third	XX30% Third	
70% Head of Institution	XX25% Head of Institution	
DATE OF PUBLICATION	08-JUN-2007	CONTROLLER OF EXAMINATIONS

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Regular
Page No. 316f

+3 FINAL UNIVERSITY EXAMINATION, 2007

COLLEGE NAME TRIPTI WOMEN'S COLLEGE, BASUDEVPUR										STREAM Arts General			
COMPU. SORY				PASS / PASS (A)			PASS (B) / HONOURS			ELECTIVE		Roll Number	Registration No.
SUB	PAP	F.M	M.S(Reg) (Back)	SUB	PAP	F.M	M.S(Reg) (Back)	SUB	PAP	F.M	M.S(Reg) (Back)		
ENG	I	100	45	EDN	I	75	39					Elect. (A)	
MILO	I	100	72		II	75	48					IP	I 100 52
					III	50	45						
ENG	II	100	58	EDN	IV	75	39					Elect. (A)	
MILO	II	100	65		V	75	46					IP	II 100 58
					VI	50	44						
ISC		100	52									Elect. (B)	
ES	I	75	49									LIH	I 100 64
	II	25	23										II 100 48

Anati Dakh
P.L.C.
Tripti Women's College
Basudevpur

YEAR WISE RESULT AND AGGREGA		
1st-Year	2nd-Year	3rd-Year
P 301	P 310	P 236

COMBINED RESULT

PASS TOTAL - 847
HONOURS TOTAL -
TOTAL AGGREGATE - 847

REMARKS

Total 364
At-Kallidaspur, P.O. Narasinghpur

Via-Betada, dist-Bhadrak

Sub: Supply of information under RTI Act., 2005

Dear Sir,

With reference to the letter and subject cited above I am to submit herewith the Xerox copy of T.R. of +3 Final Degree Exam, 2007 of Tripti women's College, Basudevpur relating to Sanju Rana. She has not received her C.L.C.

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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 2nd 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,

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- (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.

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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 - XXXXXXXXXXXXXXXXXXXXXXX

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

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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 - XXXXXXXXXXXX

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".

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Submission in reply to question-B.

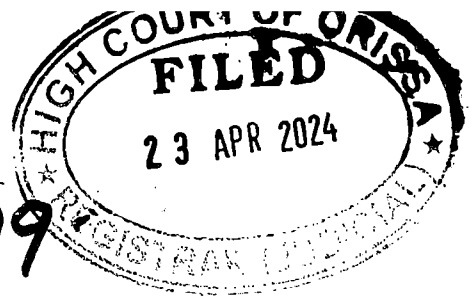
(1) The Higher Secondary Course is a two year course, which is **immediately** being followed from High Schools Certificate Courses. The Higher Secondary Course may be general (+2 Arts/ Science/ Commerce) and Vocational.

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.



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.

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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

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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).

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

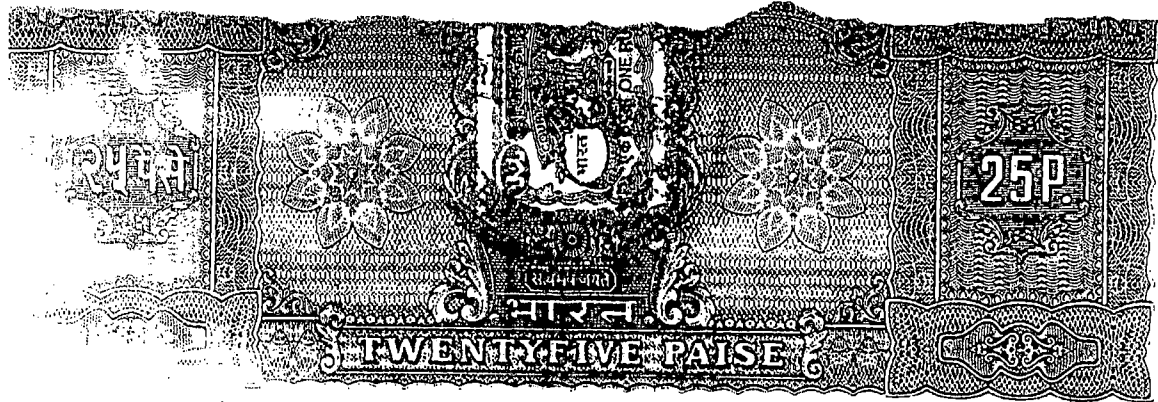
- A) An act committed by a party with intent to gain advantage
 An act to deceive another.
 An act or omission or concealment/ misrepresentation of fact by which
 a person obtains an advantage against another.
 (including in reference to Section-17 of the Contract Act.)
1. 2009 (II) OLR (SC), Page-229, Para-36, 37.
2. AIR 1994 (SC), Page-853, Para-
- B) **Fraud & justice never dwell together.**
3. JT 2005(II) (SC), Page-439, Para-15,16 & 18.
4. 2012 (II) OLR, Page-721, Para-7.
- C) **Fraud & its Consiquences.**
5. AIR 1996 (SC), Page-686, Para-6.
6. SCALE 2011(9), Page-295, Para-11.
7. AIR 1998 (SC), Page-111, Para-6,7.
8. 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.

- 102 -

RAM EXHIBIT-12



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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
11-09-015	17-09-015	18-09-015	16-09-015	19-09-015

**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 SamalPetitioner

-Vrs-

State of Odisha & Others Opp. Parties.

ORDER

21/08.2015

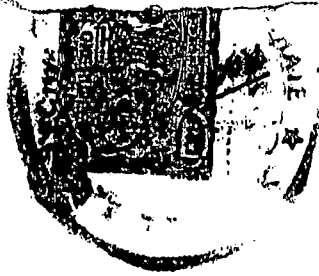
With a view to complying with the order dated.05.05.2015 of the Hon'ble High Court in W.P. (C) No.5077 of 2014 along with similar cases clubbed together, this Misc. Case has been taken up at this level. The Hon'ble High Court directed the Collector, Bhadrak to take a decision by taking into consideration 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.

IMPAIRED BY
[Signature]

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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-103-

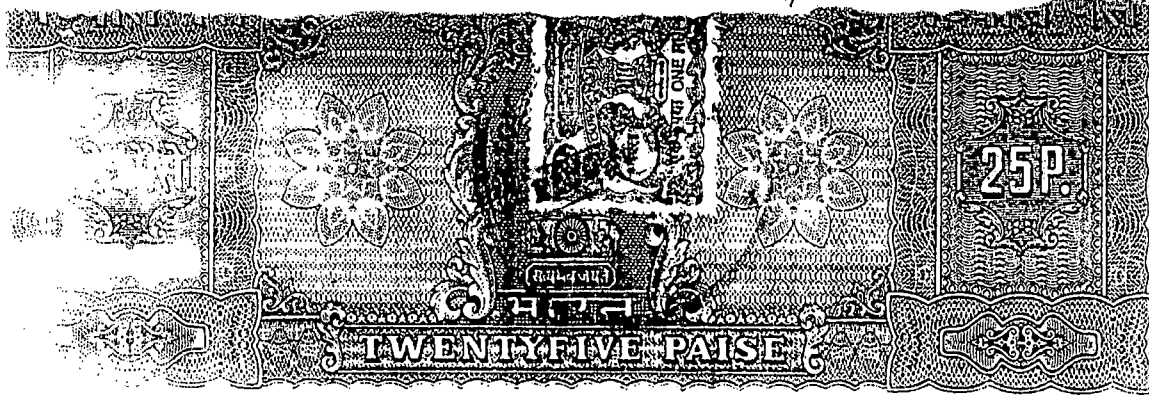


provisions/terms and conditions advertised during January, 2011 under Bhadrak District in place of candidates who have been engaged as Sikshya Sahayak by practising fraud and in contravention of Council of Higher Secondary Education, Odisha Act and regulation. Secondly, the claim of the petitioners in 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.

COMPARED BY
K. M. S. D.

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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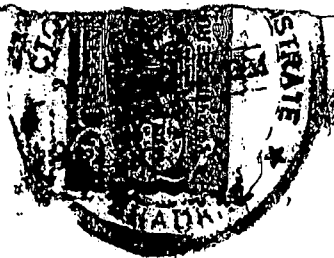


प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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

COMPARED BY
K. V. S.

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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



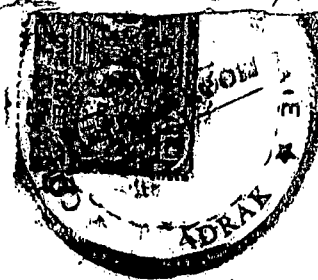
प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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

COMPARED BY
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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.

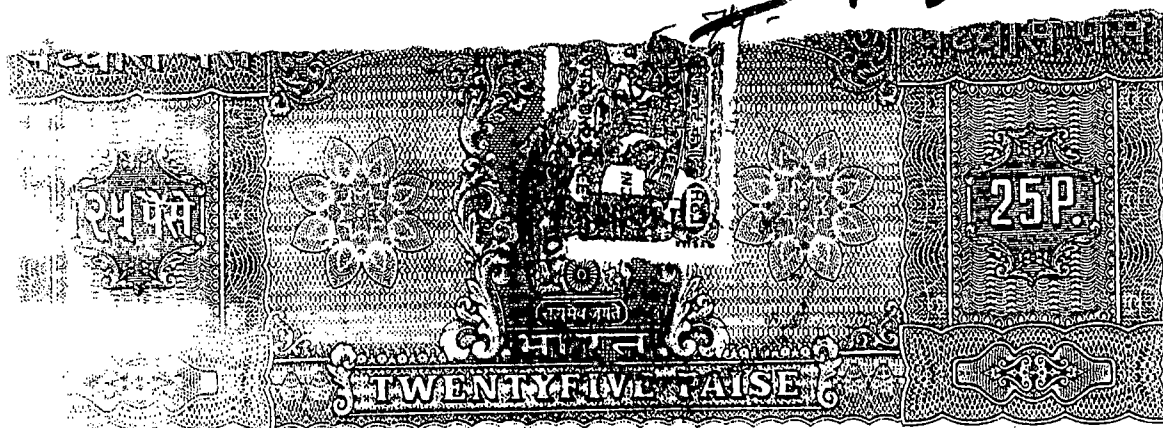
As per regulation-109(1), no students shall ordinarily be admitted into an institution six weeks after the date of reopening of the institution or from the date of publication of results of the annual High School Certificate Examination of the Board of Secondary Education, Orissa whichever is later, 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



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.

COMPARED BY
Kmy 9/10/12

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

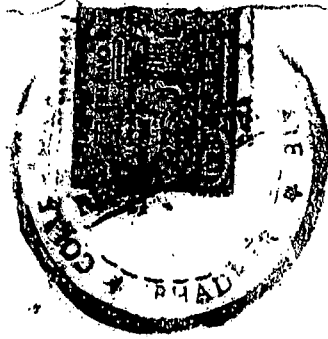


प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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.

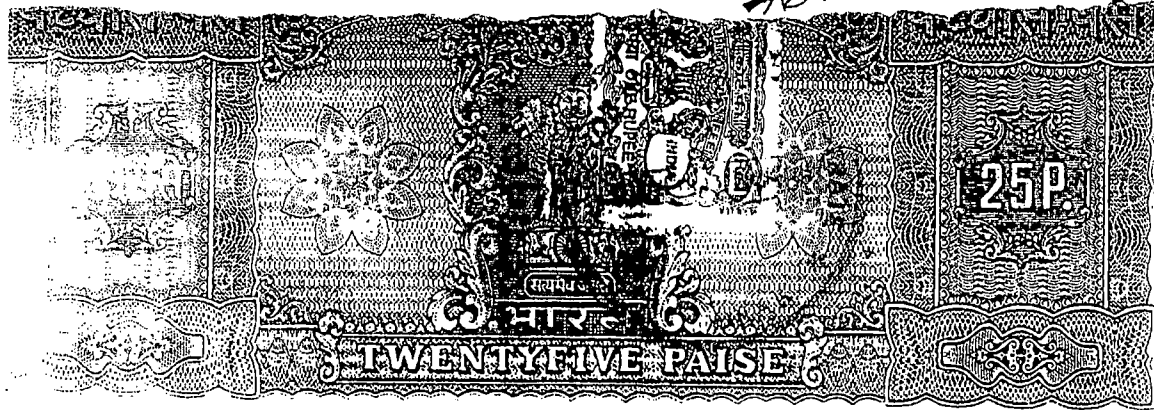
The learned advocate for the petitioners in W.P. (C) No.32023 of 2011 and others similar writ petitions Mr. R.N.Mishra submits that, the petitioners in aforesaid writ petitions have neither violated any rule or regulation of the CHSE nor have they committed any fraud in submitting the Vocational/Upasastri 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 20th century dictionary fraud means deceit, imposture, a cheat. As per the major law lexicon (4th 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,

COMPARED BY
Rajyana



(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.

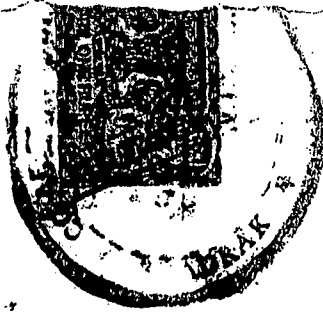
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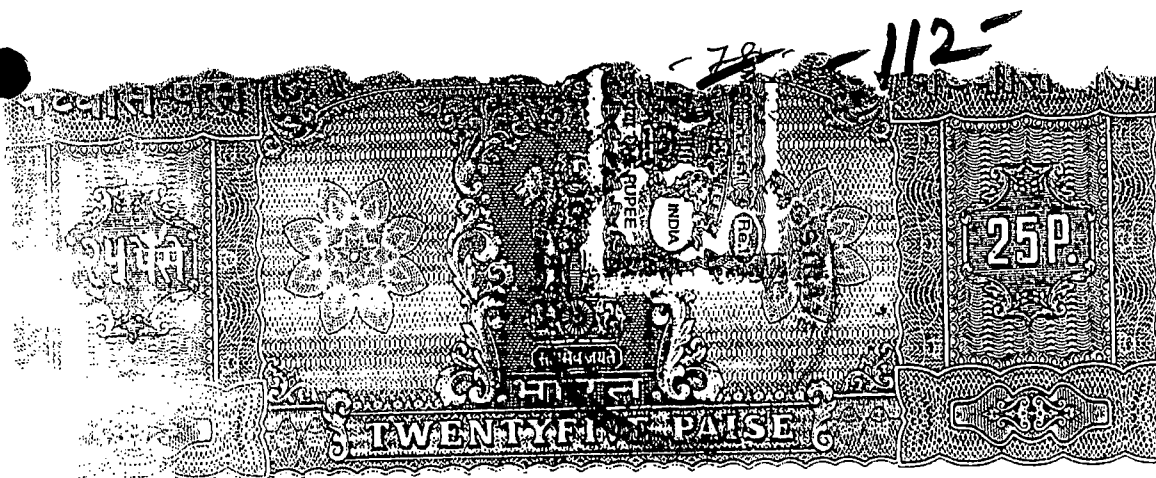
प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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(I) OLR- 226. He also submits 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/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

COMPALED BY
Rajad



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 an 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



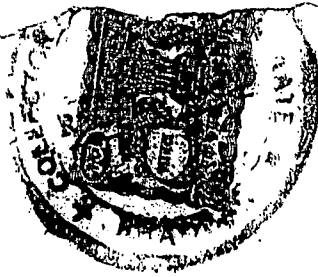
प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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 Sikshya Sahayaks having vocational/upasastri 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.....

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



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.

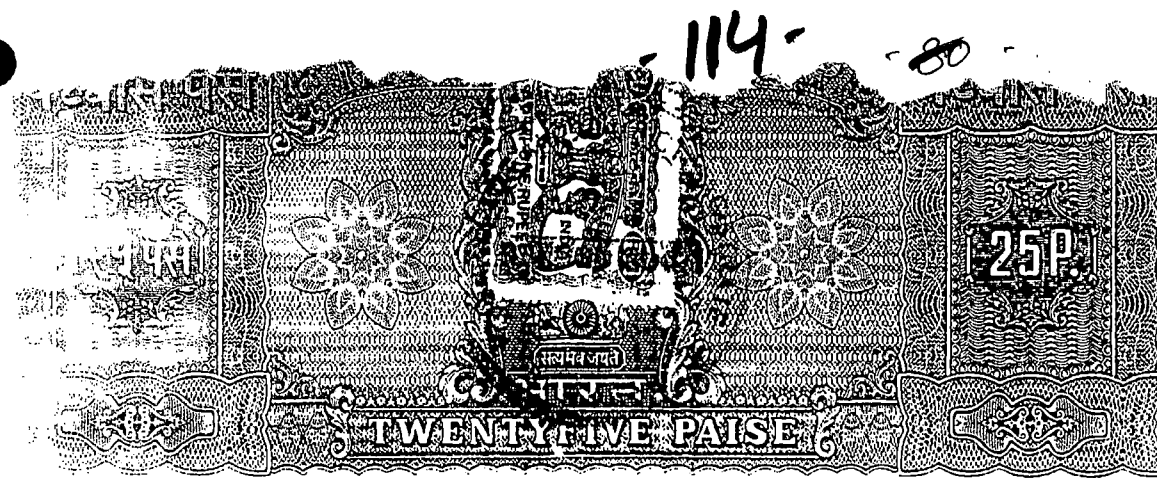
It is very common in human nature when one has two certificates having equal importance he/she is most likely to produce the one which will suit the best. The restriction imposed by the CHSE, Odisha on this issue came in the year, 2011 and the students appeared their Vocational education much prior to 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.

COMPARED BY
H. M. J. M.

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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प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोटो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and photos.	अपेक्षित स्टाम्प और फोटो देने की तारीख Date of delivery of the requisite stamps and photos.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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 27.08.2015

COMPARED BY
K. M. J. S.

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

Khagendra Madhu
HEAD CLERK
RECORD ROOM
Collectorate, Bhadrak
15.9.15

Deputy Collector
Record Room, Collectorate,
Bhadrak
27.8.15

Deputy Collector
Record Room, Collectorate,
Bhadrak
27.8.15

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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,

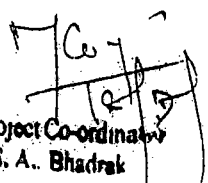
With reference to your letter on the subject cited above, I am
to say that the letter No.3142 dt.04.05.2011, No.3630 dt.27.05.2011
and No.3669 dt.31.05.2011 which were sent to the applicants are
authentic.

937 This is for your kind information:
13/6/2011

Yours faithfully,


Public Information Officer.
13.6.11

KA/-

Attested

District Project Co-ordinator
S. A. Bhadrak

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BY HAND

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

No. 3142 /CHSE(O)., Dt. 9/5/11
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-Arahdua,
Via: -Basudevapur,
Dist: -Bhadrak

Sub: -Supply of information under RTI Act.

Ref: -Your application under RTI dt. 16.04.2011

Sir,

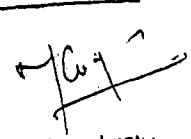
With reference to your application under RTI Act dt. 16.04.2011 on the subject cited above, I am to say that you have applied under RTI Act to get the information regarding whether after passing +2 Arts/Science and Commerce course a student can appear +2 Vocational stream or not. As per rule 2(i) of 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 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 can re-appear for 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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By Hand

COUNCIL OF HIGHER SECONDARY EDUCATION:ORISSA
PRAJNAPITHA SAMANTAPUR LUDANESWAR:13
-0-

No. 3620 /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.

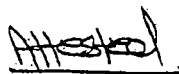
Sir,


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



G/

Project Co-ordinator
S. S. A. Bhadrak

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By Hand

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

No. RTI. 24/11 3669 CHSE(O), dt. 31/5/11

From:-

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

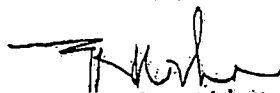
To
Ramakanta Sahoo,
C/o-Mahendra Prasad Sahoo
At-Kalidaspur, Po-Narasinghpur
Dist-Bhadrak.

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.

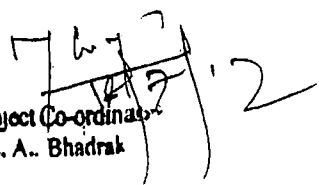
Yours faithfully,


Public Information Officer
28.5.11

Attested

True Copy Attested

Advocate

GCE/


Project Co-ordinator
S. S. A. Bhadrak

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ANNEXURE-2

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) No. 720 of 2016

Jayantilata Sahoo and another... Petitioners

-VERSUS-

State of Odisha and others ... Opposite Parties

INDEX

Sl. No.	Description of documents	Pag es
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2. Annexure-A/4	A copy of the advertisement dated 22.01.2011	23 - 26
3. Annexure-B/4	A copy of the letter dated 15.02.2011	27
4. Annexure-C/4	A copy of the letter dated 12.02.2010	28
5. Annexure-D/4	Copies of the orders dated 03.05.2018	29 - 40

By the opposite parties 4 and 5 through
Cuttack

Dt. 12.2023

ADVOCATE

SHRI DURGESH NARAYAN RATH

ENROLMENT No.1650/2000

MOB:-9861041020

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IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) No. 720 of 2016

Jayantilata Sahoo and another... Petitioners

-VERSUS-

State of Odisha and others ... Opposite Parties

COUNTER AFFIDAVIT FILED BY
OPPOSITE PARTIES 4 and 5

I, Lizasmita Nayak, aged about 36 years, D/o-Kartik Chandra Nayak, At-Bachhada, P.O-Jagannathpur Bachhada, Dist-Bhadrak, do hereby solemnly affirm and state as follows:-

1. That I am the opposite party no.4 in this writ application. The present opposite parties 4 to 5 have has gone through the writ petition and understood the contents made therein. I have been authorized by opposite party nos. 4 and 5 to swear this affidavit.

2. That the petitioners in the above writ application has challenged the order under Annexure-12 passed by the Collector-cum-Chief

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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 parties 4 and 5 have 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 nos. 4 and 5 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 nos. 4 and 5, who were appointed as Sikshya Sahayaks by giving certificate +2 vocational, even though they had passed +2 CHSE Examination, therefore, since they were selected on the basis of the marks secured in +2 vocational, when they have already passed +2 CHSE examination, therefore, appearing in +2 vocational is illegal and by giving the said certificate, since they were selected, their

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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 accordingly, opposite party no.2 has taken a decision rejecting their claim, the petitioners prayed for quashing of the same and also prayed to re-cast the merit list by excluding the 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 service benefit at par with others notionally. Therefore, the essence of the writ petition, as it is understood by the opposite parties 4 and 5 that according to the petitioners, since the opposite parties 4 and 5 were illegally selected, their selection is to be declared illegal and the petitioner is to be selected.

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4. That it is respectfully submitted that without giving reply to each and every paragraph of the writ petition and denying the same to be true and reserving their right to give reply if necessary at the time of hearing of the case, the opposite parties 4 and 5 submit herewith that an advertisement was published on 22.01.2011 in pursuant to the State Government Resolution dated 10.01.2011, inviting applications for the post of Sikshya Sahayaks. The qualification required as per the advertisement at Clause-2 (a) is +2 qualification or its equivalent qualification. It was also required to pass C.T. qualification. For better appreciation of the case, a copy of the advertisement dated 22.01.2011 is annexed to the counter affidavit as Annexure-A/4.

5. That it is respectfully submitted that pursuant to the said advertisement, opposite parties 4 and 5 applied for the post of Sikshya Sahayak and accordingly they were selected. It is also further submitted that the opposite parties 4 and 5 appeared in +2 CHSE Examination in the

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year 2005 and 2006 respectively and successfully passed the said examination. While the matter stood thus, they again took admission in +2 Vocational course. Subsequently they also passed +2 Vocational Course in the year 2006 and 2007 respectively. By submitting the vocational certificate and mark sheet they applied for the post of Sikshya Sahayak as per the advertisement. But their cases were not considered by the authority, even though the 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

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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 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

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examination and the opposite parties 4 and 5 submitted the vocational qualification certificate at the time of selection, their case was considered and engagement orders were issued in favour of the respondents 4 and 5 vide engagement orders dated 30.04.2011. From that date the opposite parties 4 and 5 are continuing in the said post. Subsequently they were made regularized as regular primary school teacher with effect from 02.05.2017 and 30.04.2017 respectively. For better appreciation of the case, copies of the orders dated 03.05.2018 indicating therein that the opposite parties 4 and 5 have already been made regularized as regular primary school teachers after completing six years as Junior Teacher and Sikhya Sahayak taken together are annexed to Counter affidavit as Annexure-D/4 series.

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

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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 parties 4 and 5 to participate in the hearing process. Accordingly, the present opposite parties 4 and 5 submitted their statement. The entire stand of the present opposite parties 4 and 5 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 parties 4 and 5 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 parties 4 and 5 have already completed their course since 2006 and 2007 respectively. 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

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acquire the qualification. It is the case of the opposite parties 4 and 5 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 parties 4 and 5 and other candidates situated similarly. For better appreciation of the case, the 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

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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 and 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 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

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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 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

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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.

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."

9. That it is respectfully submitted that the ground of the opposite party nos. 4 and 5 before the opposite party no.2 at the time of hearing that

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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.

10. That it is respectfully submitted that since council regulation does not have any restriction or any prohibition to appear in the 2nd +2 qualification, therefore, there is no illegality or irregularities committed by the opposite parties 4 and 5 by appearing the +2 Vocational Examination after completing +2 CHSE Examination. Therefore, by considering all the

grounds of the opposite party nos. 4 and 5, the opposite party no.2 had taken a right decision that since the opposite party nos. 4 and 5 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 nos. 4 and 5 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 parties 4 and 5 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 2nd +2 H.S. course fraudulently, the

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

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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 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 parties 4 and 5 had completed their course in the year 2006 and 2007 respectively, after completing more than 7 to 10 years, objection was raised by some outsiders that the certificates obtained by the opposite parties 4 and 5 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 parties 4 and 5 obtained the certificate by fraudulent means. Rather the opposite parties 4 and 5 applied for the vocational 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 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 parties 4 and 5 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 parties 4 and 5 with a view that if the present opposite parties 4 and 5 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.

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16. That it is respectfully submitted that the statements made in the writ petition, which have not been specifically replied by the opposite parties 4 and 5 and contrary to the above statement made in this counter are deemed to have been denied by the opposite parties 4 and 5 to be true, reserving their 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 and as per the instruction of opposite party no.5.

Identified by

Lizasmita Nayak

Advocate

DEPONENT

CERTIFICATE

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

Cuttack

Dt. 12.2023

ADVOCATE

ସର୍ବ ଶିକ୍ଷା ଅଭିଯାନ

ସର୍ବିକ୍ଷ ସକ୍ଷମ ସର୍ବିକ୍ଷ ବକ୍ତବ୍ୟ
Notice No. 243
ଶିକ୍ଷାସହାୟକ / ସହାୟିକା ନିଯୋଜନ ବିଜ୍ଞାପନ

Date - 22/1/11

ଉତ୍କଳ ରାଜସ୍ୱ ଜିଲ୍ଲାର ଶିକ୍ଷା ଜିଲ୍ଲାଗୁଡ଼ିକର ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକ ଶିକ୍ଷା ସହାୟକ ନିଯୋଜନ ପାଇଁ ଉତ୍କଳ ଜିଲ୍ଲା ପରିଷଦ ତରଫରୁ ଦରଖାସ୍ତ ଆହ୍ୱାନ କରାଯାଉଅଛି । ଇଚ୍ଛୁକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥନାମାନେ ଯେକୌଣସି ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିପାରିବେ । ଏଥିପାଇଁ ଆବେଦନ ପତ୍ର ସହିତ ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥନା କେବଳ ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲା ପାଇଁ ଆବେଦନ କରିଛନ୍ତି ବୋଲି ଏକ ସତ୍ୟପାଠ୍ୟ (Affidavit) ସଂଲଗ୍ନ କରିବେ । ଯାହା ସମୟରେ ଯଦି ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥନାମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ବ୍ୟତୀତ ଅନ୍ୟ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ଆବେଦନ କରିଥିବା ପ୍ରମାଣିତ ହୁଏ, ତେବେ ପ୍ରାର୍ଥୀଙ୍କର ଆବେଦନ ପତ୍ର ବିଚାରକୁ ନିଆନଯାଇ ନାକଚ କରି ଦିଆଯିବ । ସାର୍ବିକ୍ଷକେଟ ଜାଲ ବୋଲି ପ୍ରମାଣିତ ହେଲେ ଆଇନ ଅନୁଯାୟୀ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯିବ ଏବଂ ନିଯୁକ୍ତି ରଦ୍ଦ କରାଯିବ । ଇଚ୍ଛୁକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥନାମାନେ ସାଧା କାଗଜରେ ନିମ୍ନ ପ୍ରଦତ୍ତ ଦରଖାସ୍ତ ଫର୍ମ ଅନୁସାରେ ଆବେଦନ ପତ୍ର ସର୍ବଶିକ୍ଷା ଅଭିଯାନ କାର୍ଯ୍ୟାଳୟ, ଉତ୍କଳ ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ ଜାଗୁଳାଇ ପ୍ରୋଜେକ୍ଟ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଇ, ଉତ୍କଳ ଶିକ୍ଷାଜିଲ୍ଲା - ୧ ପାଇଁ ଏବଂ ଜିଲ୍ଲାସ୍ତର, ଉତ୍କଳ ଶିକ୍ଷାଜିଲ୍ଲା-୨ ପାଇଁ ଆସନ୍ତା ତା ୧୦.୦୨.୨୦୧୧ ରିଷ୍ଟ ସୁଦ୍ଧା ରେଜିଷ୍ଟ୍ରୀ ଡାକରେ କିମ୍ବା ବ୍ୟକ୍ତିଗତ ଭାବେ ଦାଖଲ କରିବା ଆବଶ୍ୟକ । ତୃତିୟର୍ଥ 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 ~~ସର୍ବୋଚ୍ଚ~~ ~~ବର୍ତ୍ତମାନ~~ ~~ସଂଖ୍ୟା~~ ଏଥିସହିତ ସଂଲଗ୍ନ କରାଗଲା । ଏହାର ୧୫୦% ଭାଗ ଯୋଗ୍ୟ ବିବେଚିତ ପ୍ରାର୍ଥୀଙ୍କୁ ଚାଲିକାଭୁକ୍ତ କରାଯିବ ଯାହା ବର୍ଷିକ 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 ଯୋଗ୍ୟତାଆଇଁ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥନାମାନେ ଯେକୌଣସି ଗୋଟିଏ ପଦବୀ ପାଇଁ ଆବଶ୍ୟକ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଆବେଦନ କରିପାରିବେ ।

- (କ) ଯୁକ୍ତ ଦୁଇ (+2) ବିଜ୍ଞାନ କିମ୍ବା ଉପଯୁକ୍ତ କର୍ତ୍ତୃପକ୍ଷଙ୍କ ଦ୍ୱାରା ଘୋଷିତ ତତ୍କାଳୀନ 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 ତତ୍କାଳୀନ 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 ତତ୍କାଳୀନ 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)

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

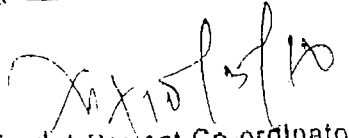
ଯୁକ୍ତ ଦୁଇ (+2) ବିଜ୍ଞାନ, କଳା, ବାଣିଜ୍ୟ କିମ୍ବା ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ପାସ୍ ସହିତ ଓଡ଼ିଆ ମାତୃଭାଷା ସପ୍ତମ ପର୍ଯ୍ୟନ୍ତ ଯୋଗ୍ୟତା ଥାଇ ଏବଂ ବିଜ୍ଞାନ ଓ କଳାରେ କିମ୍ବା ତତ୍ତ୍ୱଲ୍ୟ ପରୀକ୍ଷାରେ ସ୍ନାତକ ପାସ୍ ସହିତ (ଓଡ଼ିଆ ମାତୃଭାଷା ଦଶମ ପର୍ଯ୍ୟନ୍ତ) ଯୋଗ୍ୟତା ଥିବା ଅଣତାଲିମ ପ୍ରାପ୍ତ ତତ୍ତ୍ୱଲ୍ୟଭିତ୍ତିକ ଜାତି, ଜନଜାତି ଓ ଶାରିରୀକ ଅକ୍ଷମ ପ୍ରାର୍ଥୀମାନେ ଯୋଗ୍ୟତା ଅନୁଯାୟୀ ଗୋଟିଏ ପଦପାଇଁ ଆବେଦନ କରିପାରିବେ । ଯଦି ସଂପୃକ୍ତ ଶିକ୍ଷା ଜିଲ୍ଲା ଯୁନିଟରେ 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 ଯୁନିଟରେ 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 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 ଭିନ୍ନତା ପ୍ରାର୍ଥୀମାନଙ୍କ କ୍ଷେତ୍ରରେ ସର୍ବୋଚ୍ଚ ସୀମା ୧୦ ବର୍ଷ କୋହଳ କରାଯିବ ।
- ୪. ନିୟୋଜନ : ଶିକ୍ଷା ସହାୟକମାନେ ବାର୍ଷିକ ରୁକ୍ତି ଅନୁଯାୟୀ ପ୍ରାଥମିକ / ଉଚ୍ଚ ପ୍ରାଥମିକ ତଥା ଉଚ୍ଚ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟର ଉନ୍ନତି ଶ୍ରେଣୀମାନଙ୍କରେ ଆବଶ୍ୟକ ଅନୁଯାୟୀ ନିୟୋଜିତ (ଏନଗେଜମେଣ୍ଟ) ହେବେ ।
- ୪.୧ ନିୟୋଜନ ପତ୍ର ପ୍ରଦାନ ମୂର୍ତ୍ତିକୁ ସଂପୃକ୍ତ ଜିଲ୍ଲା ପରିଷଦ ତରଫରୁ ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ, ଜିଲ୍ଲା ପରିଷଦ ତଥା ଜିଲ୍ଲାପାଳ ଓ ଶିକ୍ଷା ସହାୟକଙ୍କ ମଧ୍ୟରେ ସ୍ଥାପନା କାର୍ଯ୍ୟ ମାଧ୍ୟମରେ ନିର୍ଦ୍ଧାରିତ ଫର୍ମରେ ଏକ ରୁକ୍ତିନାମା ସ୍ୱାକ୍ଷରିତ କରାଯିବ । ଅଣତାଲିମ ପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀମାନେ ନିଜ ଖର୍ଚ୍ଚରେ ଟ୍ରେନିଙ୍ଗ ନେବେ ବୋଲି Undertaking ଦେବେ ।
- ୪.୨ ଶିକ୍ଷା ସହାୟକ / ସହାୟକାମାନଙ୍କୁ ସେମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ମଧ୍ୟରେ ନିୟୋଜନ କରାଯିବ ।

Attested



୫.

କର୍ମନିଯୋଜନ ସଂସ୍ଥାରେ ପଞ୍ଜିକରଣ ଓ ଆବାସିକ ପ୍ରମାଣପତ୍ର :

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ବି.ଇଡି. ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥନୀ 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 ।

୬.

ସଂରକ୍ଷଣ ବ୍ୟବସ୍ଥା : ଓ.ଆର.ଭି. ଆକଟ ସଂଗେ ସଂଗେ ଅନ୍ୟ ପ୍ରାର୍ଥୀ ଯଥା - ପୂର୍ବତନ ସାମରିକ କର୍ମଚାରୀ (Ex-Servicemen), ଭିନ୍ନଶ୍ରମ (Handicapped) ଏବଂ କ୍ରୀଡ଼ା କ୍ଷେତ୍ରରେ ସ୍ୱାତନ୍ତ୍ର୍ୟ ଅର୍ଜନ କରିଥିବା ବ୍ୟକ୍ତି (Eminent Sports person) କି 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 ପର୍ଯ୍ୟନ୍ତ ଅନୁସାରେ ଆବେଦନ କରାଯାଇ ପାରିବ । ଦରଖାସ୍ତ ସହ ମାଟ୍ରିକ ଠାରୁ ଆବେଦନ କରିଥିବା ପଦବୀ ପାଇଁ ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତାର ପ୍ରମାଣପତ୍ର ଏବଂ ମାର୍କ ତାଲିକାରେ ଅବିକଳ ନକଲ (ଆଟେଷ୍ଟେଡ କପି) କର୍ମନିଯୋଜନ ସଂସ୍ଥା ପଞ୍ଜିକରଣ ପ୍ରମାଣପତ୍ର, ଜାତିଗତ ଏବଂ ଆବାସିକ ପ୍ରମାଣପତ୍ର, ଭିନ୍ନଶ୍ରମ ହୋଇଥିଲେ ତାର ଅବିକଳ ପ୍ରମାଣପତ୍ର, ପ୍ରାର୍ଥୀଙ୍କର ୨ କିତା ବର୍ତ୍ତମାନର ସହିମୋହର ପାସପୋର୍ଟ ଆକାର ପଟୋ ଏବଂ କେବଳ ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲାରେ ଆବେଦନ କରିଛନ୍ତି ବୋଲି ସତ୍ୟପାଠ (Affidavit) ଲେଖାଯିବା ସଂଯୋଗ ନଥିଲେ ଆବେଦନ ପତ୍ରଟିକୁ ଖାରଜ କରିଦିଆଯିବ ।

ଉତ୍ତର ଜିଲ୍ଲାର ଶିକ୍ଷା ଜିଲ୍ଲାସ୍ତରୀ 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	ଉତ୍ତର-୧	୧୫୭	୪୧	୧୪୫	୧୩୬	୪୭୯
	ଉତ୍ତର-୨	୧୫୬	୫୦	୧୮୩	୧୭୩	୫୬୨
	ମୋଟ	୩୧୩	୯୧	୩୨୮	୩୦୯	୧୦୪୧

ଶିକ୍ଷାଜିଲ୍ଲା ଭ୍ରମକ - ୧ ପାଇଁ ଜାଗୁଳାଇ ପ୍ରୋଜେକ୍ଟ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଇ ଓ ଶିକ୍ଷାଜିଲ୍ଲା ଭ୍ରମକ - ୨ ପାଇଁ ଜିଲ୍ଲାସ୍ତରୀ ଭ୍ରମକରେ ତା ୨୪/୦୧/୨୦୧୧ରୁ ତା ୧୦/୦୨/୨୦୧୧ରୁ ପର୍ଯ୍ୟନ୍ତ (ସରକାରୀ ଛୁଟିଦିନ ବ୍ୟତୀତ) ପୂର୍ବାହ୍ନ ୧୦ଘଟିକା ସମୟଠାରୁ ଅପରାହ୍ନ ୫ଘଟିକା ପର୍ଯ୍ୟନ୍ତ ଆବେଦନ ପତ୍ର ଗ୍ରହଣ କରାଯିବ । ଏହି ନିର୍ଦ୍ଦେଶ ତାରିଖ ଓ ସମୟ ପରେ କୌଣସି ଆବେଦନପତ୍ର ଗ୍ରହଣ କରାଯିବ ନାହିଁ ।

ସ୍ୱା /- ଜିଲ୍ଲାପାଳ ତଥା ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ

ଜିଲ୍ଲା ପରିଷଦ, ଭଦ୍ରକ

Attested


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

ଶିକ୍ଷା ସହାୟକ ପଦପାଇଁ ଆବେଦନ ପତ୍ର

25 - 145

ଯେଉଁ ଶିକ୍ଷା ଜିଲ୍ଲାରେ ନିଯୁକ୍ତି ରାହୁଛି ତାର ନାମ । ୨-ଯେଉଁ ପଦବୀରେ ନିଯୁକ୍ତି ରାହୁଛି ତାର ନାମ । ୩- ପ୍ରାର୍ଥୀଙ୍କର ସଂପୂର୍ଣ୍ଣ ନାମ ୪-ପିତା କିମ୍ବା ସ୍ବାମୀଙ୍କର ନାମ ୫-ବର୍ତ୍ତମାନର ଠିକଣା, ୫-ସ୍ବାୟୀ ଠିକଣା ୬-ଜନ୍ମତାରିଖ (ପ୍ରମାଣପତ୍ରର ଅବିକଳ ନକଲ ସଂଯୋଗ କରିବେ) ୭-ପ୍ରାର୍ଥୀ/ପ୍ରାର୍ଥୀନୀ କେଉଁ ବର୍ଗର ଅଟେ । 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

କ୍ରମିକ ସଂଖ୍ୟା

ଠିକଣା

ପ୍ରାର୍ଥୀଙ୍କ ନାମ

ନିମ୍ନୋକ୍ତ ସଂଲଗ୍ନମାନ (Enclosures) ହସ୍ତଗତ ହୋଇଛି ।

କ) ମାଟ୍ରିକ୍ ସାର୍ଟିଫିକେଟ୍, ଯୁକ୍ତ ଦୁଇ ସାର୍ଟିଫିକେଟ୍, ତାଲିମ(ସିଟି) ସାର୍ଟିଫିକେଟ୍, ସ୍ନାତକ, (ବି.ଇଡି. / ସ୍ନେସାଲ ବି.ଇଡି) ସାର୍ଟିଫିକେଟ୍ (ଖ) ଯୁକ୍ତ ଦୁଇ ମାର୍କସିଟ୍, ତାଲିମ(ସିଟି) ମାର୍କସିଟ୍ ଓ ସ୍ନାତକ / (ବି.ଇଡି / ସ୍ନେସାଲ ବି.ଇଡି.) ମାର୍କସିଟ୍ / 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



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

ସ୍ବା /- ଜିଲ୍ଲାପାଳ ତଥା ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ

ଜିଲ୍ଲା ପରିଷଦ, ଭଦ୍ରକ

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~~27~~ ANNEXURE-B/4

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

No. 1395 / CHSE(O), dt. 15/2/11
From: - 223/09

Dr J.K. Mahapatra,
Secretary.

To

Addl. 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.,

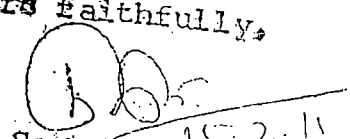
Commerce Stream

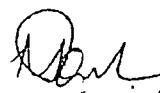
Physics, Chemistry, Mathematics
or Biology.

Science Stream

This is for your kind information and necessary action.

Yours faithfully,


Secretary


22/2/11
Public Information Officer,
C. H. S. E. Orissa,
Bhubaneswar.

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ANNEXURE-C/4

FROM:-

Secretary,
CHSE(O), BBSR.

TO:-

The Project Director,
DRDA, Bhadrak.

Subj:- Clarification related to Vocational and Upasastri
Examination.

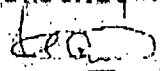
Sir,

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 ^{appear} +2 Arts/SC/Comm/Voc. Exam. after ^{completion}
2 years duration of the Matriculation examination.

This is for your information.

Yours faithfully,


12.2.08
Secretary

DISTRICT PROJECT OFFICE
SARVA SHIKSHA ABHIYAN, BHADRAK

Order No. 12379

Date 03.05.17

In pursuance of Resolution No. 15107/SME dated 01.03.2017 of the Govt. in School & Mass Education Department, Odisha, the following Trained Junior Teachers under Chandrabali Block MAE who have completed six years of continuous satisfactory engagement as Silshya Shikshaks 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. This effect from the date (s) mentioned against their names.

Sl. No.	Name of the Junior Teacher	F. Name of the Teacher	Name of the School	Date of Appointment as Regular Teacher (Level V)
1	GOURANSA CHANDRA BHUYAN	F. SAROJ BHUYAN	CHANDRASAPUR UGME	21.03.14
2	MD. GOLAMMAMUN	F. MUHAMMAD JAFES	CHANDRASAPUR UGME	26.09.15
3	JITENDRA KUMAR MISHRA	F. JAGANNATH MISHRA	MOHAPALAN UGME	02.07.15
4	DEBENDRA KUMAR PANDA	F. SINDHU PRASAD PANDA	SANPATI PRIMARY SCHOOL	23.04.16
5	MAHATA MAHAPATRA	F. SUBASH CHANDRA DAS	SARASWATI PRO UPS	26.10.16
6	RISHABHUSAN JAGANNATH ROUT	F. NAROTTAM ROUT	JAGANNATH UPS	22.03.17
7	CHINMAYEE PANDA	F. RAHUL PANDA	NEELGIRI BAHUBAL UGME	22.03.17
8	DEBASISH MUDALI	F. DUKHASANA MUDALI	UGRATA BAHUBAL UGME	22.03.17
9	GILLIP SEKHAR NAYAK	F. GADADHAR NAYAK	KHATIPATAN UGME	22.03.17
10	MASTURI PARIDA	F. ADARSH CHANDRA PARIDA	BIGGAR UGME	22.03.17
11	MAHAPATI PARIDA	F. ADARSH CHANDRA PARIDA	BHUNIPUR UGME	22.03.17
12	NIRUPAMA MOHANTY	F. MANENDRA MOHANTY	OSILA UGUPS	22.03.17
13	PADMALAYA DAS	F. SHIKANTA SAHU	SCRIPATULA UP (ME) SCHOOL	22.03.17
14	RUDRAPRASAD PANA	F. NARENDRA PRASAD PANA	GOVT. UPGRADED HIGH SCHOOL, BENTALPUR	22.03.17
15	SAGARIKA MISHRA	F. RAJKISHORE MISHRA	HALADIA UGUPS	22.03.17
16	SARAJI BARIK	F. BASANTA BARIK	SANDHAGADA PRO UPS	22.03.17
17	SHIBASANKAR GIRI	F. BINAYA KUMAR GIRI	BAINCHA UGUP (ME) SCHOOL	22.03.17
18	SILSHANTA KUMAR MAHA	F. PURUSOTTAM MAHA	PACHHAPADA UGME SCHOOL	22.03.17
19	DEBASMITA PANDA	F. RABINARAYAN PANDA	GANGADHARPUR PATANA PRO UPS	23.03.17
20	PURNA CHANDRA NAYAK	F. PRAFULLA CHANDRA NAYAK	AMARJAGAR PRO UPS	04.04.17

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21	SHARAD KUMAR SAHOO	F. BILAYA KUMAR SAHOO	PANCHKUNATH KUTY UP (ME) SCHOOL KATTO	05.04.17
22	SHARAD KUMAR SAHOO	F. RATNAKAR DAS	MAHAPALAM PRO.PS	05.04.17
23	SHARAD KUMAR SAHOO	F. MAJESWAR DAS	CHALLARAJ UGNES	05.04.17
24	SHARAD KUMAR SAHOO	F. DAKSHINACHAR DAS	BAUNDA PRO.PS	05.04.17
25	SHARAD KUMAR SAHOO	F. RAMA SINGH	MAHISUCHA UGUP (ME) SCHOOL	05.04.17
26	SHARAD KUMAR SAHOO	F. MAYA DEB ROSHURY	BAT MEUP (UP) SCHOOL HOGHAPUR	05.04.17
27	SHARAD KUMAR SAHOO	F. GHANASHYAM DAS	P.DIGUPALE SCHOOL KHEWANGA	05.04.17
28	SHARAD KUMAR SAHOO	F. JACENERA MALIK	PANCHUTIKIRI G.P. NODAL HIGH SCHOOL	05.04.17
29	SHARAD KUMAR SAHOO	F. PURNACHANDRA MAHAR	KULASAH PRO.PS	05.04.17
30	SHARAD KUMAR SAHOO	H. TUSHARKANTI EAG	BALLASAH PRO.PS	05.04.17
31	SHARAD KUMAR SAHOO	F. BIDYADHAR SAHOO	GOLADIA URDU UGUP SCHOOL	05.04.17
32	SHARAD KUMAR SAHOO	H. SAROJ KUMAR SAHOO	BATOL UGUP SCHOOL	05.04.17
33	SHARAD KUMAR SAHOO	F. RAJAKISHORE BIJUAN	BINATARA NODAL UPS	05.04.17
34	SHARAD KUMAR SAHOO	F. SRINIBAS DALAPATI	SAGITHISARAI PRO.PS	05.04.17
35	SHARAD KUMAR SAHOO	F. RAJENDRA HARANDI	SAIDHAGADA PRO.PS	05.04.17
36	SHARAD KUMAR SAHOO	H. ARUN KUMAR MALIK	OSTIA UGUP SCHOOL	05.04.17
37	SHARAD KUMAR SAHOO	F. MAHENDRA PRASAD SAHOO	KANDASAH PS	05.04.17
38	SHARAD KUMAR SAHOO	H. TAPAN BEHERA	UTTARASAH PRO.PS	05.04.17
39	SHARAD KUMAR SAHOO	H. BIDYADHAR SWAIN	PARAMANANDAPUR PRO.PS	05.04.17
40	SHARAD KUMAR SAHOO	F. SUDARSAN CHAL	MALLIKATA DAS NODAL UP (ME) SCHOOL	05.04.17
41	SHARAD KUMAR SAHOO	F. NIMAI KISKU	HENGUPATI PRO.PS	05.04.17
42	SHARAD KUMAR SAHOO	F. SATYENDRA KUMAR MAHURI	BAGHANATA PS	06.04.17
43	SHARAD KUMAR SAHOO	H. RAMESWAR SINGH	SAMUKAVEDI PRO.PS	06.04.17
44	SHARAD KUMAR SAHOO	F. KANHU CHARAN DAS	MOHANTYSAHI PRO.PS	06.04.17
45	SHARAD KUMAR SAHOO	F. GAYADHAR DAS	DEULIGAN PRO.PS	06.04.17
46	SHARAD KUMAR SAHOO	F. KAILASH CHANDRA SOREN	GOVT. U.G. HIGH SCHOOL RAMESWARPUR KARANDIAL	06.04.17
47	SHARAD KUMAR SAHOO	F. RATIKANTA MALLICK	GHATAPUR NODAL UP (ME) SCHOOL	06.04.17
48	SHARAD KUMAR SAHOO	H. RAJANDRA MAJHI	PANCHUTIKIRI G.P. NODAL HIGH SCHOOL	06.04.17
49	SHARAD KUMAR SAHOO	F. BHIMASEN MALLICK	KIATENTULI PRO.PS	07.04.17
50	SHARAD KUMAR SAHOO	F. SURENDRA MAJHI	SINGITI NODAL UP (ME) SCHOOL	07.04.17
51	SHARAD KUMAR SAHOO	F. BIRASINGH HO	SINGITI NODAL UP (ME) SCHOOL	07.04.17
52	SHARAD KUMAR SAHOO	F. BAIDHAR DEHURI	CHANDAKUDA PRO.PS	08.04.17
53	SHARAD KUMAR SAHOO	F. GREEMANTA KUMAR MAHALIK	PANASAPADA PRO.PS	08.04.17

54	SANJAY KUMAR MICHAKUD	F. KARANJAN MICHAKUD	SALENDRAPALLI PRO UPS	08.04.17
55	BASUDEB NAIK	F. PEGUN NAIK	CHHATRAPADA PS	09.04.17
56	KSHIROD CHANDRA NAIK	F. GOPABANDHU NAIK	AMBILIGAN PS	09.04.17
57	RAJANIKANTA SETHI	F. LAXMI MOHAR SETHI	TENTULCHHAI PS	09.04.17
58	SHAMBHU NATH MURMU	F. HARISH CHANDRA MURMU	BHUNPUR UGMES	09.04.17
59	ARUPANANDA MANDAL	F. HRUSIKESH MANDAL	BIJAYAPATANA NCCAL UPS	11.04.17
60	DILLIP TUDU	F. KARU TUDU	KARANAPCHHARI PRO UPS	11.04.17
61	KANHU CHANDAN TUDU	F. LAXMAN TUDU	DHAMARA NCCAL HIGH SCHOOL NARASINGPUR	11.04.17
62	BASUHEMBRAM	F. CHANDRA MOHAN HEMBRAM	CHANDRAKHAN PRO PS	13.04.17
63	BIJAY KUMAR NAIK	F. NADIBANDHU NAIK	KSIAT PRO UPS	15.04.17
64	DEBASMITA PARIDA	F. CHAKRESWAR PARIDA	SONPUR PRO UPS	15.04.17
65	KAMALA KANTA BEHERA	F. KSHETRA MOHAN BEHERA	SANDHAGADA PRO UPS	15.04.17
66	PRITANKA NAYAK	F. BISWARAJAN MALLICK	SANUKAVEDI PRO UPS	15.04.17
67	SUCHITA SAHOO	F. KASHINATH SAHOO	KASHI TALAGOTHA PRO UPS	15.04.17
68	UMA KANTA MAHALIK	F. ANADI MAHALIK	JANTUALINUAGACH UP (NE) SCHOOL	15.04.17
69	PRANJANA PARAJITINAYAK	F. PRASANTA KUMAR NAYAK	SUNDARPUR DOHARAPATANA M.E SCHOOL	16.04.17
70	SUJIT KUMAR PARIDA	F. CHAKRESWAR PARIDA	PALATPUR PRO UPS	16.04.17
71	BINJOINI SWAIN	F. ADWAITA PRASAD SWAIN	MATHADHARA NCCAL UPS	25.04.17
72	MINATILATA SAHOO	H. AMIYA KUMAR SAHOO	SABADEVDAS PATANA P.S.	05.05.17
73	SUMITA BASKEY	H. DASARATHI MURMU	FARSHIBANDHA PRO UPS	25.04.17
74	RAVASHREE BISWAL	H. SWACHIN KUMAR DAS	PARANA PS	27.04.17
75	JAYSMITA MOHAPATRA	F. GANGADHAR MOHAPATRA	KARANAPALLI UGMES	29.04.17
76	BALARAM DAS	F. NARAYAN DAS	CHHENAKHIA PRO PS	30.04.17
77	HARAPRIYA BEHERA	H. NISHAKAR SAHOO	MALEI PRO. PS. NARENDRAPUR	30.04.17
78	MANORANJAN DHAL	F. SURENDRA DHAL	SANAPANKI PS	30.04.17
79	ANJU RANA	H. BIKARTAN RANA	KACUANASI PRO PS	30.04.17
80	SUBHRANJALI PATTANAIK	F. RAMESH CHANDRA PATTANAIK	NAIKULASAHU PRO. PS	30.04.17
81	SUMANTA KUMAR MANDAL	F. PARAMESWAR MANDAL	ANAKHASAHU PS	30.04.17
82	ARJUNA PATRA	F. UDAYA NATH PATRA	BHIMPUR PRO PS	01.05.17
83	RASMITA SAHU	H. SUJIT KUMAR BEHERA	KOLIADIA PS	01.05.17
84	HQ DEN PRAVA BH	F. PRIYA RAJAN PRACHAN	JAGULA PRO UPS	02.05.17
85	KABITA RANI SAHOO	H. SUDARSHAN BEHERA	BIJAYAPATANA LUNAPARI PRO PS	02.05.17
86	UMA KANTA MAHALIK	H. RAMESH CHANDRA MAHALIK	BIJAYAPATANA NCCAL UPS	02.05.17

121	SANTOSH KUMAR ROUT	G. GURUKARI ROUT	CHADLA PROPS	01.03.17
122	SUSAN KUMAR DAL	S. GURUSAN DAL	CHADLA PROPS	01.03.17
123	ANITA DAS	A. GURUDAS	CHADLA PROPS	01.03.17
124	DESWADIVAN DAS KUMAR DAL	D. GURUDIVAN DAS	CHADLA PROPS	01.03.17
125	RAJENDRA ROUT	R. GURURAJENDRA ROUT	CHADLA PROPS	01.03.17
126	RAGHUNATH DESHPANDE	R. GURURAGHUNATH DESHPANDE	CHADLA PROPS	01.03.17
127	SASITA L. BHANTY	S. GURUSASITA L. BHANTY	CHADLA PROPS	01.03.17
128	ARUN K. DAS	A. GURUK. DAS	CHADLA PROPS	01.03.17
129	S. S. SANKAR DAS	S. GURUS. S. SANKAR DAS	CHADLA PROPS	01.03.17
130	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
131	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
132	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
133	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
134	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
135	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
136	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
137	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
138	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
139	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17
140	ABHIRAM DAS	A. GURUABHIRAM DAS	CHADLA PROPS	01.03.17

Collector-cum-Chairman,
SSA, Bhadrak

Memo No. 2339 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. 2340 Date. 03-05-18

Copy forwarded to the Block Education Officer, Chandabali

for information and necessary action

District Project Co-ordinator,
SSA, Bhadrak

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

Order No. 2330 /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 Basudevpur Block/Mpity who have completed six years of continuous satisfactory engagement as Siksha 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	SARASWATI MUKHI	H-SYAPNA SAGAR MUKHI	LUNGA PS	05.02.14
2	SARAT KUMAR MAHANI	F-NARENDRA PRASAD MAHANI	PARAPOKHARI PRO. UPS	27.08.15
3	SUMALINI DASH	H-PABITRA MOHAN PANDA	BACHHADA PS	31.08.15
4	BUAYALAXMI PATTANAIK	H-RAMA CHANDRA RAY	ARUHA PS	11.07.16
5	KRUPASINDHU PANDA	F-BANCHHANIDHI PANDA	ITALA PS	26.02.16
6	JAYANTI KATI	H-RAMESH CHANDRA PARHI	SAMISOHAKA PS	23.07.16
7	SUSHAMARANI DASH	H-PADMALOHAN AGASTI	BHAIRABPUR UGMES	24.07.16
8	AJIT KUMAR MOHARANA	F-KAPIL CHARAN MOHARANA	SUGO PATANA NODAL UPS	22.03.17
9	ANIRUDHA GANTHA	F-SARAT CHANDRA GANTHA	SUNAMUHIN PRO. UPS	22.03.17
10	BIJAY KUMAR BEHERA	F-DAITYAN BEHERA	BADAKIARI PRO. PS	22.03.17
11	DILIP KUMAR BARIK	F-SHIBA PRASAD BARIK	RACHANATHAPUR ADIA PS	22.03.17
12	GADADHAR MAHAJUD	F-MAHESWAR MAHAJUD	KASHIPUR PRO. UPS	22.03.17
13	GAJENDRA SAHOO	F-NARAYAN SAHOO	LAXMI PRASAD PS	22.03.17
14	GANGADHAR BEHA	F-PARAMESWAR BEHA	BAJANANAPUR PRO. UPS	22.03.17
15	GAYATRI PRADHAN	H-SAMIRAN SAMAL	MATIGADIA BEHERASAHI PRO. PS	22.03.17
16	HEMANTA KUMAR MALLICK	F-BIRABHADRA MALLICK	MULADINI PRO. UPS	12.04.17
17	JAYANTI ROUT	H-DINABANDHU ROUT	PARAPOKHARI PRO. UPS	22.03.17
18	JYOSTNA RANI BARIK	H-ANIL KUMAR BARIK	SUGO PATANA NODAL UPS	22.03.17
19	JYOTIRMAYA AGASTI	F-DINABANDHU AGASTI	UPENDRANATH UP(ME) SCHOOL, CHHATRAPADA MELAKSAHI	22.03.17

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20	K. KULAMAN SAHU	F. KALAKAR SAHU	SUNDEVPUR PROUPS	22.03.17
21	KAILASH CHANDRA BARIK	F. LAMBODAR BARIK	B.O. NODAL UP(ME) SCHOOL, CHAKRADHARPUR	22.03.17
22	KHARAVELA PALAI	F. NARAYAN PALAI	CHHATRA UGUR SCHOOL	22.03.17
23	LALMOHAN MANDAL	F. BANKIM CHANDRA MANDAL	RADHASALLAVAPUR UGMES	22.03.17
24	LAXMIPRIYA MISHRA	H. BAKUNTHANATH DAS	PADHJAN KUMARPUR U.P(ME) SCHOOL, PADHJAN	22.03.17
25	MAHENDRA PRASAD BEHERA	F. BHAGIRATHI BEHERA	BALIMUNDA UP(ME) SCHOOL	22.03.17
26	MANAS RANJAN PATRA	F. NISHAKAR PATRA	MANMATHPUR PROUPS	22.03.17
27	MANINDRA KUMAR PRADHAN	F. MAHENDRA PRASAD PRADHAN	LANJPADA PRO.PS.	22.03.17
28	MANULATA SAHOO	H. KAILASH CHANDRA BEHERA	MANDALAPCKHARIPS	22.03.17
29	MANORANJAN DHAL	F. SRIKANTA DHAL	TILADA PRO.PS	22.03.17
30	MEETANJALI NAYAK	H. PINUSH RANJAN ROUT	D.P. MES, KUMHIRACADIA	22.03.17
31	MUKESH CHANDRA SAHOO	F. KRUSHNA CHANDRA SAHOO	RADHANATHAPUR ADIA PS	22.03.17
32	NIBEDITA MALLICK	F. MADHABANANDA MALLICK	ERAMPS	22.03.17
33	NIKUNJA BEHARI MOHAPATRA	F. BIJAY KUMAR MOHAPATRA	ADHJAN NODAL UPS	22.03.17
34	NILADREE BIHAREE MOHAPATRA	F. BIJOY KUMAR MOHAPATRA	GOVT. UPGRADED HIGH SCHOOL, KUMARPUR	22.03.17
35	PRAMODDEENI ROUT	H. CHITTARANJAN BHOI	PADHJAN KUMARPUR U.P(ME) SCHOOL, PADHJAN	22.03.17
36	RAJANIKANTA BEHERA	F. JHAMPABEHERA	N.O. NODAL UPS, JAGANNATHPUR	22.03.17
37	RAJEEB LOCHAN OJHA	F. GIRISH CHANDRA OJHA	BALARAMPUR PROUPS	22.03.17
38	RAJESH KUMAR MOHANTY	F. ANIL KUMAR MOHANTY	M.S. NODAL UPS, NATIAPAL	22.03.17
39	RAMAKANTA BEHERA	F. NITYANANDA BEHERA	CHAPABATIA UGMES	22.03.17
40	RAMAKANTA RANA	F. BHAGIRATHI RANA	KASHIPUR PRO. UPS	22.03.17
41	RAMESH CHANDRA PANDA	F. GANESH PRASAD PANDA	RADHABALLAVAPUR UGMES	22.03.17
42	RASMITA BHOI	H. BHABANI SANKAR DEY	KATUNIADI PRO.PS, PADHJAN	22.03.17
43	RATIKANTA BISWAL	F. SUDHAKAR BISWAL	M.C. NODAL UPS, JAGANNATHPUR	22.03.17
44	SANJULATA SAHOO	H. KAILASH CHANDRA BEHERA	NUAGAON UGMES	22.03.17
45	SANTANU KUMAR DAS	F. ANIRUDHA DAS	J.K. NODAL HIGH SCHOOL, PADMAPUR	22.03.17
46	SANTOSH KUMAR NAYAK	F. GOBINDA CHANDRA NAYAK	ANATIRA PRO.PS.	22.03.17
47	SANTOSH KUMAR PATI	F. SHYAM SUNDAR PATI	GOVT. U.G. HIGH SCHOOL, GOBINDAPUR	22.03.17
48	SASHIKANTA PARIDA	F. UPENDRA PRASAD PARIDA	ARUHA PS	22.03.17
49	SASMITA BHUYAN	H. LAXMIDHAR MALLICK	MULADIHI PRO. UPS	22.03.17
50	SASMITA MALIK	H. MUKTIKANTA MALIK	NUAGAON UGMES	22.03.17
51	SHASWATI BARIK	H. SUSANTA KUMAR BEJ	RADHABALLAVAPUR UGMES	22.03.17
52	SHIB PRASAD BARIK	F. MAHENDRA PRASAD BARIK	BALARAMPUR PROUPS	22.03.17

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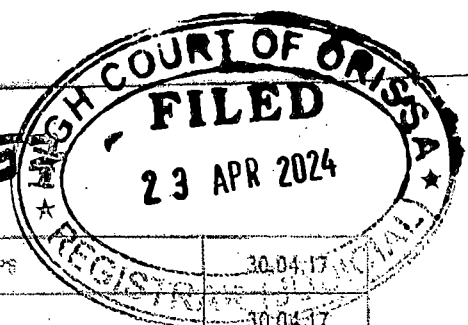
53	SUCHISMITA SAHU	H- BUJAY KUMAR PANDA	SARAPOKHARIADI PRO. UPS	22.03.17
54	SUKANTI PRADHAN	H- HEMANTA KUMAR BEHERA	BASUDEVPUR UGMES	22.03.17
55	SUKUMAR PANDA	F- RATNAKAR PANDA	RUKUNADEIPUR PRO. UPS	08.06.17
56	SONIL KUMAR PARIDA	F- MURTIKANTA PARIDA	CHANDIA, ALABAGA K.C.M.E. SCHOOL	22.03.17
57	SUSANTA KUMAR PATRA	F- TRILLOCHAN PATRA	BINAPANI PRO. UPS, SANAKRUSHNAPUR	22.03.17
58	SUVASHREE SIVADARSINI PALAI	H- SUSANTA KUMAR NAYAK	SUDARSANPUR UGMES	22.04.17
59	TUNI DAS	H- KAILASH CHANDRA NATH	DJLNODAL UPS, RADHAKANTAPUR	22.03.17
60	SNIGDHARANI BARIK	H- DIPTIRANJAN MAHAKUD	BALINAGAR UGMES	23.03.17
61	ANJANA MALIK	H- YAJNESH CHANDRA MALIK	PADHUAN HARUAN PS	04.04.17
62	APARAJITA BHOI	H- TAPAS KUMAR NAYAK	SABARPUR URDU UGMES	04.04.17
63	GOPA RANJAN MALIK	F- GOURANGA MALIK	NANDAPUR UGMES	04.04.17
64	KAUSALYA DAS	H- LAXMAN DAS	UHADA UGMES	04.04.17
65	LATIKA SETHI	H- AJAY NARAYAN MOHANTY	SABARPUR URDU UGMES	04.04.17
66	MADHUSMITA MALIK	F- SHYAMSUNDR MALIK	CHHENAKHIA PRO. PS	04.04.17
67	MADHUSMITA NAYAK	H- SHSIR KUMAR ROUT	SUKDEVPUR PRO. UPS	04.04.17
68	MALATI LATA ROUT	H- GAJENDRA PRASAD NAYAK	S.S.J.S. NODAL UPS, SUAN	04.04.17
69	RAMAKANTA DALAI	F- BANGHU DALAI	BIDEIPUR BANGALIPADA UGMES	04.04.17
70	RAJESH CHANDRA NATH	F- RAJSHAB CHAPAN NATH	MANDARI UP (M.E) SCHOOL	04.04.17
71	RASHMIRANJAN MUDOLI	F- RABINDRA MUDOLI	BIDEIPUR GADI PS	04.04.17
72	SABITRI BARIK	H- SURENDRA PALLAI	OLAGADA PRO. UPS	04.04.17
73	SANJUKTA BHOI	H- RAMA CHANDRA BHOI	UHADA UGMES	04.04.17
74	SUKANTILATA SAHOO	H- SATYAJIT BEHERA	JAGANNATHPUR PS	04.04.17
75	SUSAMA DEY	H- MANAGCHINDHA PRADHAN	MOHANPUR PS	04.04.17
76	TAPAS RANJAN SETHI	F- MANI BHADRA SETHI	TULUNTULA NODAL UPS	04.04.17
77	NAMITARANI DAS	H- RAJESH KUMAR MOHANTY	BANSHIPATANA PS	04.05.17
78	SHASHIREKHA BEHERA	H- BIKARATAN BEHERA	GHUDAMANI PS	04.05.17
79	PRIYANKA PRIYADARSINI SATAPATHY	H- MANORANJAN SAHOO	L.D. NODAL UPS, BARANDUA	05.01.18
80	ABANTI LATA NAYAK	H- TANMAYA KUMAR LENKA	SRIDHAR EKADASHI NODAL HIGH SCHOOL, LUNGA	05.04.17
81	BHAGABATI BASKEY	H- AMBAI SOREN	BRAJANANDAPUR PRO. UPS	05.04.17
82	BIDYULATA SWAIN	H- SOURINDRA MOHAN CHAND	NANDAPATANA PRO. UPS	05.04.17
83	GAYADHAR MALLICK	F- SHYAMSUNDR MALLICK	BIDEIPUR GADI PS	05.04.17
84	ITISHREE SAHOO	H- ABHIMANYU SAHOO	KALIDASPUR PRO. UPS	05.09.17
85	KUSUM LATA MALIK	H- BUDHIRAM MALIK	GUAGAON PRO. UPS	05.04.17

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66	PRASANT KUMAR MALIK	F-KINURAM MALIK	GARUDESWAR NODAL UPS	05.04.17
67	RABINDRA SETHI	F-NISHAKAR SETHI	BALIGHAI PRO.PS	05.04.17
68	RANJITA SETHI	H-NARENDRA NATH SETHI	BADAHABELISAI PS	05.04.17
69	SUCHITRA BEHERA	H-KAMALAKANTA BEHERA	BINAPANI PRO. UPS, SANAKRUSHNAPUR	05.04.17
70	SUBANTA KUMAR BEHERA	F-INDRAMANI BEHERA	AYODHYA PRO. UPS	05.04.17
71	SAGMITA PANDUA	H-PRAVAT KUMAR MANDAL	DANGUASAI PRO. PS	08.05.17
72	BIRUPAKSHYA DAS	F-RABINDRANATH DAS	BALIMUNDA PS	07.04.17
73	GITANJALI NAYAK	F-MUKTIKANTA NAYAK	NAGENDRA NATH UP (ME) SCHOOL, CHUDAMANI ADIA	08.04.17
74	ASHISHEKA KUMAR PATRA	F-GOPAL CHANDRA PATRA	JEEVANPUR PRO. UPS	09.04.17
75	SMITARANI MALLICK	H-SUSANTA KUMAR PARIDA	N.O. NODAL UPS, JAGANNATHPUR	13.04.17
76	SNEHALATA MALIK	H-PRAFULLA KUMAR MALIK	SUAN HARUAN PS	13.04.17
77	SUKANTA KUMAR MALIK	F-RATNAKAR MALIK	JHADESWAR PS	13.04.17
78	TAPAN KUMAR BARIK	F-PANCHANAN BARIK	BALIMED NODAL UPS	13.04.17
79	PUSPA MOHALIK	H-RAJESH MOHALIK	SANDHAGADA PRO. UPS	15.04.17
80	RAJESH KUMAR DAS	F-DIBAKAR DAS	APARTIPUR PRO. UPS	15.04.17
81	SARBESWAR MALIK	F-UCHHABA MALIK	KHEMESWAR UP (ME) SCHOOL, CHUDAMANI	15.04.17
82	SAROJ KUMAR SETHI	F-NARAYAN CHANDRA SETHI	MALLIKADEIPUR PS	15.04.17
83	TUTUNA SAHOO	F-SHIBA PRASAD SAHOO	KHEMESWAR UP (ME) SCHOOL, CHUDAMANI	15.04.17
84	ANUSAYA MOHAPTRA	H-SOURAV NARAYAN JENA	JAMNINKANTA UGMES	16.04.17
85	CHANDANANI MALIK	H-ASHOK MALIK	JAMNINKANTA UGMES	16.04.17
86	SWARNAPRAVA SAHU	F-UPENDRA SAHU	BARABATI UGUP SCHOOL	26.04.17
87	AMRUTA PRITAM PARHI	F-UMAKANTA PARHI	BACHHIPUR PS	07.03.18
88	ARATI BEHERA	H-NARENDRA PRASAD SAHOO	SUAN HARUAN PS	30.04.17
89	BHAGYALATA PANDA	H-PRADIPTA KUMAR SAHOO	ARUHA PS	30.04.17
90	BISWAMOHAN JENA	F-MAHENDRA JENA	KHEMESWAR UP (ME) SCHOOL, CHUDAMANI	30.04.17
91	CHITRANGADA PANIGRAHI	H-RAJKISHORE PARHI	KANTHISAI PRO. PS	30.04.17
92	DAMAYANTI BEHERA	H-RAMESH CHANDRA SAHOO	BACHHADA PS	30.04.17
93	DAMODAR BEHERA	F-GAJANAN BEHERA	SANAKURUBATI PRO. PS	30.04.17
94	DEBASMITA SAHOO	H-DIGANTA KUMAR SAHOO	TENTULIA PRO. PS	30.04.17
95	GOUTAM BEHERA	F-RAJENDRA PRASAD BEHERA	KISMAT KRUSHNAPUR PS	30.04.17
96	JYOTISHREE JYOTIRMAYEE BARIK	F-BANAMALI BARIK	BHAIRABPUR UGUPS	06.05.17
97	KAILASH CHANDRA BEHERA	F-MANIBHADRA BEHERA	BALIGHAI PRO. PS	30.04.17
98	KALPANA MANJARI MALIK	H-SHREEKANTA MALIK	LANJIPADA PRO. PS, ADHUAN	30.04.17

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119	MADHUMITA SAHOO	H- SUMENDRA BEHERA	GOBINDABINDHA PS	30.04.17
120	MANASI MOHANTY	H- ASHOK KUMAR ROU	ERAM PS	30.04.17
121	MANASI RANI NAYAK	H- PRASANTA KUMAR SAMAL	NUAGAON HARIJAN PS	30.04.17
122	MANORAMA BEHERA	H- BIDYACHAR SAHOO	PARA PS	30.04.17
123	MINATI BEHERA	H- MUKESH CHANDRA SAHOO	PAOHUAN PS	30.04.17
124	NIRMAL KUMAR NAYAK	F- RAMAKANTA NAYAK	KASHIMLAGOTHI PRO.PS	30.04.17
125	PRAMILA MANJANI BEHERA	H- MANORAJAN NAYAK	ERAM PS	30.04.17
126	PRIYANKA BEHERA	H- SASHIKANTA BEHERA	ARUNA PS	30.04.17
127	RASMITA BEHERA	F- GANGADHAR BEHERA	ISWARPUR PS	30.04.17
128	RUP PRADHAN	H- K. SANTOSH PRADHAN	S.S.J.S.NODAL UPS, SUAN	30.04.17
129	RUKMAN BEHERA	H- PRADEEP KUMAR BEHERA	ADHUN NODAL UPS	30.04.17
130	RUPASHREE BHOI	H- RAKESH KUMAR NAYAK	BACHHADA PS	30.04.17
131	SANDEEP KUMAR BEI	F- POENA CHANDRA BEI	CHARIPOKHARIA PRO.PS	30.04.17
132	SANJAYA PANDA	F- NITYANANDA PANDA	BINAPANI PRO. UPS	30.04.17
133	SANJUKTA BEHERA	H- MURALIDHAR MOHANTY	LAXMIDEI NODAL UPS, BARANGUA	30.04.17
134	SAPAN KUMAR SAHOO	F- SRIDHAR SAHOO	MANMATHPUR PRO. UPS	30.04.17
135	SARAT KUMAR BARIK	F- SUDHAKAR BARIK	BINAYAKPUR PS	30.04.17
136	SASMITA MOHANTY	H- DILEEP KUMAR BEHERA	KAMINI KUMARI PRO. UPS, MADHUSUDANPUR	30.04.17
137	STALINA BHOI	F- KALANDI BHOI	MANDARI HARIJAN PS	30.04.17
138	SUJATA MOHARANA	H- GOBINDA CHANDRA MOHARANA	CHHATRIA UGUP SCHOOL	30.04.17
139	SUKANTI PATNA	H- GELAK PRASAD PUHAN	RADHAMOHANPUR UGMES	30.04.17
140	SURYA KANTA SWAIN	F- RAMAKANTA SWAIN	UJADA UGMES	30.04.17
141	SUSREE SUBHRANSITA MALLICK	H- BHASKAR CHANDRA PALAI	MANDARI PS	30.04.17
142	SWARNAPRAVA TRIPATHY	H- DEEPAK KUMAR MISHRA	NUAGAON UGMES	30.04.17
143	UPALI APARAJITA PARIDA	H- SUBHASHISA SAHOO	BALIMED NODAL UPS	30.04.17
144	USHARANI SAHOO	H- PRUTHWIRAJ SAHOO	MANDARI PS	30.04.17
145	MACHUSMITA LENKA	H- SUSANTA KUMAR NAYAK	ARTUNG PS	01.05.17
146	MANDAKINI BEHERA	H- RAMESH CHANDRA BEHERA	ARTUNG PS	01.05.17
147	AVIMANYU SETHI	F- ARJUN SETHI	BAGADA DASH SAHI PRO.PS	02.05.17
148	BIDYACHAR MALIK	F- BARBESWAR MALIK	KASHIPUR PRO. UPS	02.05.17
149	DEEPIKARANI PALAI	H- TUSHARKANTA DAS	ERTAL HARIJAN PS	02.05.17
150	LIZASMITA NAYAK	F- KARTIK CHANDRA NAYAK	MANGALAPADA PS	02.05.17
151	NARAHARI MANNA	F- GOURAHARI MANNA	UPENDRAHATH GHERI PS, BIDEIPURPAL	02.05.17

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152	NERANJAN NAYAK	F-BAIKUNTHA NAYAK	B.G.NODAL UP(ME) SCHOOL, CHAKRADHARPUR	02.05.17
153	PUSPAMALI MALIK	F-DAITARI MALIK	BIDEIPUR NODAL UP(ME) SCHOOL	02.05.17
154	SAKUNTALA PATRA	H-PRATAP KUMAR ROUT	AMAJA UBMES	02.05.17
155	SMITARAM DASH	H-CHANDRA SEKHAR PANDA	DHATAPUR PS	02.05.17
156	TILOTTAMA NAYAK	H-SUKANTA KUMAR GHADAI	NANDAPUR UGMES	02.05.17
157	NITYANANDA SETHY	F-GHANASHYAM SETHY	BALIBINDHA PS	05.05.17
158	RANJULATA BARIK	H-SUBRAT KUMAR NAYAK	RASHI BHARI VIDYA MANDIR(ME), GUAGADIA	05.05.17
159	SARMILA NAYAK	H-RAMAKANTA SAHOO	KALIDASPUR PRO UPS	08.05.17
160	LAXMI BEHERA	H-KALANDI BISWAL	NUAGACH HARIJAN PS	08.05.17
161	ANITA BEHO	H-RASHMI RANJAN PALAI	M.S.NODAL UPS, NATAPAL	09.05.17
162	MAMATARANI SAHOO	H-DEBABRATA DASH	NAIKANDI PRO UPS	14.05.17
163	SMRUTI REKHA MOHAKUD	F-AMOLYA MOHAKUD	GOPALSAHI PRO PS, CHUDAMANI	14.05.17
164	JYOTSNARANI MALIK	H-RANJAN KUMAR MALIK	NATAGADIA PRO PS	01.06.17
165	SUMITRA MANJARI SING	F-SADASIBA SING	DIPORA PRO UPS	01.06.17
166	MAMATAMAYEE MANDAL	F-KRUSHNA CHANDRA MANDAL	PADHUA PS	02.06.17
167	GITANJALI NATH	H-SURENDRA SAHAY	SUAN HARIJAN PS	13.06.17
168	GITANJALI BEHERA	H-BUAY KUMAR BEHERA	BINAYAKPUR UP(ME) SCHOOL	20.08.17
169	MAHESWAR JENA	F-BAULI JENA	BELASAUNIA NODAL UPS	01.07.17
170	SURYAKANTA BEHERA	F-KRUSHNA CHANDRA BEHERA	BINAPANI PRO UPS	21.07.17
171	SUBASH CHANDRA BARIK	F-BAINA BARIK	APARTIPUR PRO UPS	29.08.17
172	DICHITRA KUMAR DAS	F-PURNANANDA DAS	NUAGACH UGMES	30.08.17
173	DEBASISH GHOSH	F-NARANDRA GHOSH	KALIDASPUR PRO UPS	30.08.17
174	SUBHANGINI SAHOO	H-RASHMIRANJAN DAS	BINAYAKPUR MES	30.08.17
175	CHINMAYEE MOHAPATRA	F-KHAGESWAR MOHAPATRA	JAGANNATHPUR PS	01.09.17
176	RANJITA NAYAK	H-DIPTIKANTA MOHAPATRA	SARAPOKHARIADI PRO UPS	10.09.17
177	GAYATRI MALLICK	F-GOURANGA CHANDRA MALLICK	PADMAPUR PS	01.10.17
178	ABHIMANYU SAHOO	F-RAGHUNATH SAHOO	GOBINDASINDHA PS	01.11.17
179	BISHNU MOHAN SAHOO	F-KRUSHNA CHANDRA SAHOO	D.M.NODAL UPS, RADHAKANTAPUR	09.11.17
180	RATIKANTA PANIGRAHI	F-UMAKANTA PANIGRAHI	RADHAMOHANPUR UGMES	09.11.17
181	SANJAYA KUMAR DUTTA	F-CHINTamani DUTTA	PATANAMISHRAPUR PS	09.11.17
182	SUJATA DAS	H-GAGAN BHARI BARIK	MAKHALPUR PS	09.11.17
183	AKSHAYA KUMAR DAS	F-NISHAKAR DAS	G.D.NODAL UPS, BRAHMANIGACH	14.11.17
184	SUVALAXMI MOHANTY	H-GOBARDHAN SWAIN	SARAPOKHARIADI PRO UPS	15.11.17

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185	PRADOSH KUMAR BISWAL	F. AJAYA KUMAR BISWAL	GRAJANANDAPUR PRO. UPS	23.12.17
186	SARITA SAHOO	H. HEMANTA KUMAR PANDA	NUAGAON HARUAN PS	23.12.17
187	KILIMA PRIYADARSINI DASH	F. RAMAKANTA DASH	BANAMALI DAS NODAL HIGH SCHOOL, ARANDUA	11.01.18
188	PRATIHA TRIPATHY	H. SUSANT KUPANDA	S.S.J.S. NODAL UPS, SUAN	27.01.18
189	SUMATI HATI	H. SARBESWAR PRADHAN	SUNGUDA PS	27.01.18
190	JALADHAR BEHERA	F. ANADI CHARAN BEHERA	TULUNTOLA NODAL UPS	02.03.18
191	KESHAB CHANDRA BARIK	F. SHYAMSUNDAR BARIK	BARIKBASTI PRO. PS	02.03.18
192	HEMAPRAVA DAS	H. SUSHIL KUMAR DAS	KISMAT KRUSHNAPUR UPMS	08.03.18
193	BIDYUTPRAVA KAR	H. BASANTA KUMAR DASH	GOVT. U.G. HIGH SCHOOL, KUMARPUR	12.03.18
194	PRASANTA KUMAR PARHI	F. DHANESWAR PARHI	H.R. NODAL UPS, NARENDRAPUR	16.03.18
195	BICHITRA KUMAR PANDA	F. JANARDAN PANDA	CHEATRIA UGUP SCHOOL	17.03.18
196	GANGADHAR SETHI	F. JAGABANDHU SETHI	TAMEAKHANDI PS	20.03.18

Collector-cum-Chairman,
SSA, Bhadrak

Memo No. 2331 /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. 2332 /Date. 03-05-18

Copy forwarded to the Block Education Officer, Basudevpur/

D.E.O., Bhadrak for information and necessary action.

District Project Co-ordinator,
SSA, Bhadrak

Memo No. 2333 /Date. 03-05-18

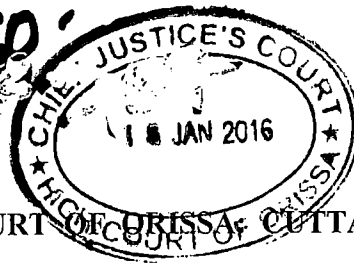
Copy submitted to the State Project Director, OPEPA, Bhubaneswar/

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

District Project Co-ordinator,
SSA, Bhadrak

True Copy Attested

Advocate



ANNEXURE-3

IN THE HIGH COURT OF ORISSA AT CUTTACK.

W.P. (C) NO. 720 / 2016.

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:

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. Jayantilata Sahoo, aged about 33 years,
W/o. Abhaya Kumar Behera, At/P.O. Alabaga,
Via. Ertal, Dist. Bhadrak.
2. Jyotirmayee Nayak, aged about 37 years,
W/o. Sukanta Kishore Nayak, At. Chinol,
P.O. Guagadia, Via. Ertal, Dist. Bhadrak.

Presented in Court

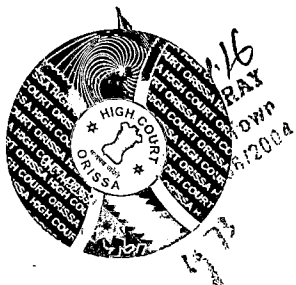
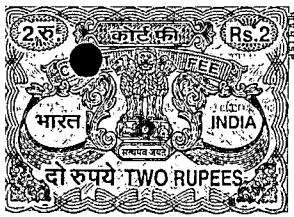
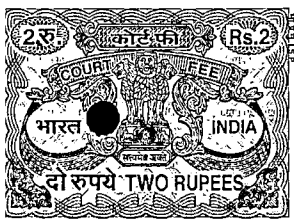
[Signature] B.O.
13/1/16.

.... ... Petitioners.

- 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. Lija Smita Nayak, aged about 29 years,
D/o. Kartik Ch. Nayak, At- Bachhada,
P.O. Jagannathpur Bachhada, Dist. Bhadrak.
At present working as Sikshya Sahayak,
Under Bhadrak District.
5. Sanju Rana, aged about 30 years, D/o. Lambodhar Rana,
At/P.O. Binayakpur, P.S. Basudevpur, Dist. Bhadrak.
At present working as Sikshya Sahayak,
Under Bhadrak District.

Opposite Parties





IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 720 of 2016

Jayantilata Sahoo & Others

....

Petitioner

Mr. M.K. Sahoo, Advocate

- Versus -

State of Odisha & Ors.

....

Opp. Party

Addl. Government Advocate

Mr. D.N. Rath, Adv. for O.P. Nos. 1 & 5

Mr. D.R. Nanda, Adv. for intervener

CORAM:

JUSTICE SASHIKANTA MISHRA

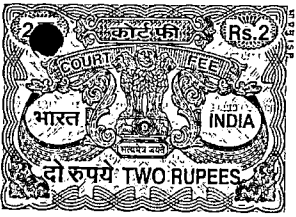
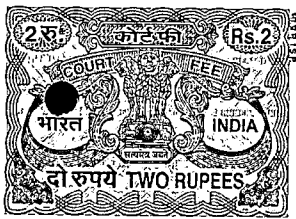
ORDER

28.03.2024

Order No.

22.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the opposite parties.
3. It is agreed by learned counsel for the parties that the issue involved is covered by the judgment of this Court rendered in the connected matter in **Surekha Samal and others vs. State of Odisha** (W.P.(C) No.18706 of 2015, disposed of on 28.03.2024)
4. Therefore, in view of the reasons stated in the detailed judgment passed in **Surekha Samal (supra)**, this 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 and 5) 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.
5. Issue urgent certified copy as per rules.



Sd/- S. Mishra, J

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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

28th 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

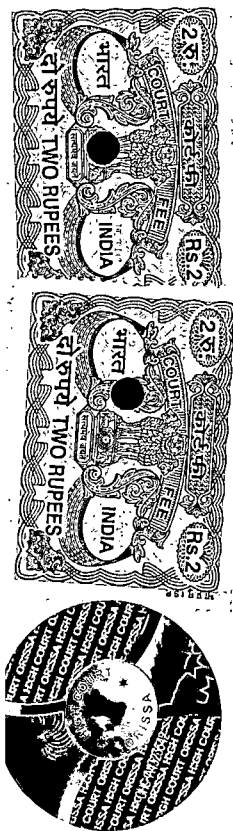
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this Court in W.P.(C) No. 5077 of 2014 and batch is under challenge in the present writ application.

FACTS

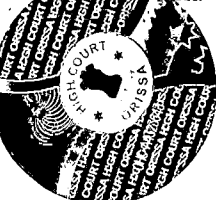
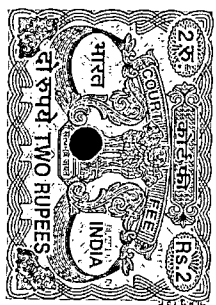
2. An advertisement was issued by the Collector, Bhadrak on 08.12.2011 inviting applications from eligible candidates for engagement as Sikshya Sahayaks. The educational qualification required was, the candidate must have passed +2 examination in Science/Arts/Commerce or its equivalent examination declared 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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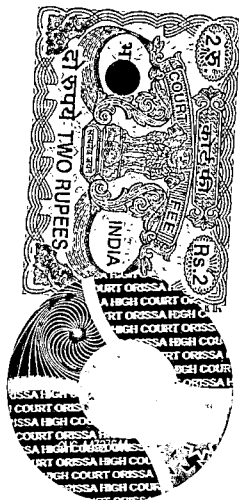
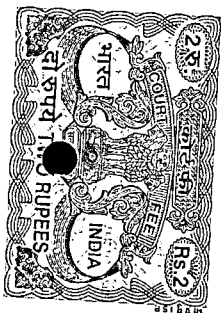
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the candidates (petitioners therein), who have completed +2 Vocational course with C.T. training shall be considered by the Collector-cum-CEO, Zilla Parishad and the provisional list of selected candidates already published shall be revised accordingly. 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



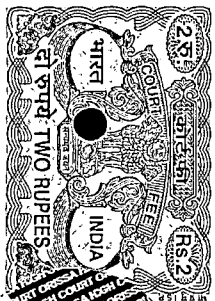
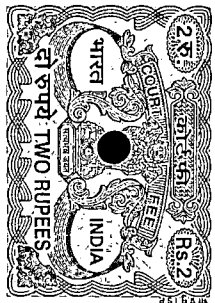
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list including their names with the remark that enquiry is pending against the Vocational and Upasastri candidates. Being aggrieved, some similarly situated persons including the petitioners approached this Court in W.P.(C) No. 18256 of 2011, which 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



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relevant facts, a coordinate Bench of this Court, inter alia, held as follows:

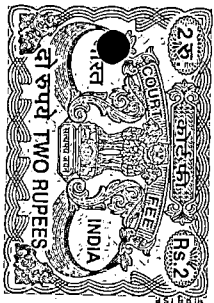
"In view of the above, the Collector-cum-C.E.O. S.S.A. Bhadrak is directed to take a decision by taking into consideration the show cause reply along with the enquiry report after supplying copy of the enquiry report to the petitioners and affording reasonable opportunity of hearing to them.

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



years of service. Assailing the order of the Collector, the petitioners have approached this Court seeking the following relief:

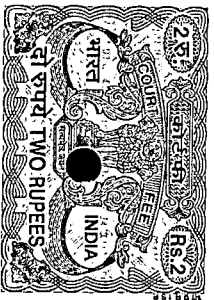
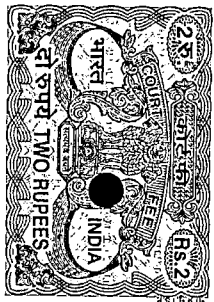
"Under the above facts and circumstances of the case, it is humbly prayed that this Hon'ble High Court be pleased to allow the writ application by granting following reliefs-

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.

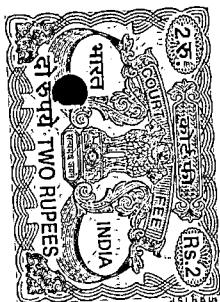
6. Heard Mr. M.K. Sahoo, learned counsel for the petitioners; Mr. S.N. Pattnaik, learned Addl. Government

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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

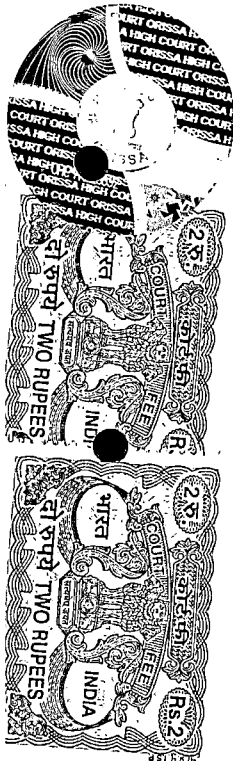
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and there is suppression of facts. But this is not enough to disqualify the successful candidates and declare their recruitment as void.

(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



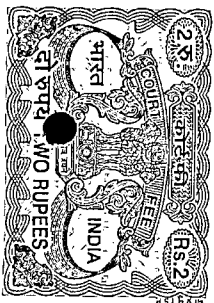
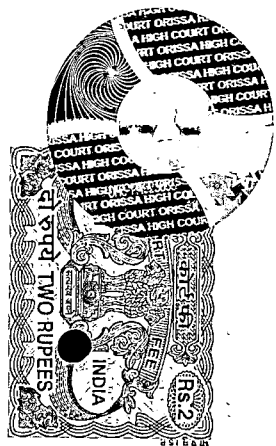
- 174 -

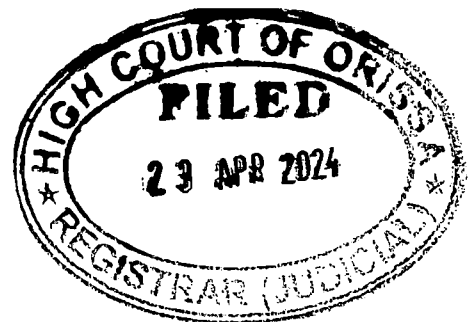
only be acquired after High School Certificate course, and therefore, are of the same level. In such view of the matter, Vocational course, which itself is a Higher Secondary course cannot be obtained after passing the +2 examination, which is also a Higher Secondary course. In this regard it would be 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**¹ 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.**² 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

¹ W.P.(C) No. 7031 of 2016, decided on 12.05.2016

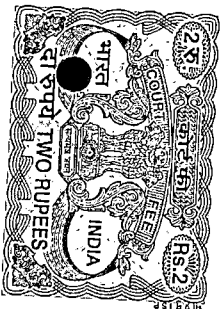
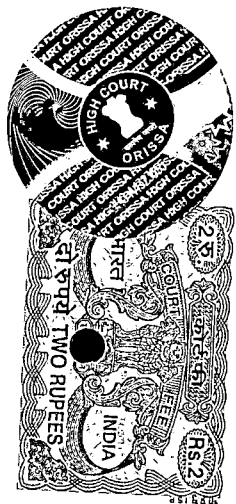
² W.P.(C) No. 16810 of 2016, decided on 21.02.2024

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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**³, 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]

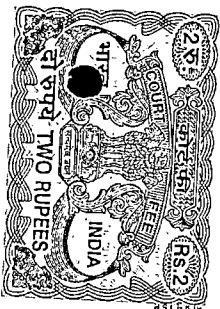
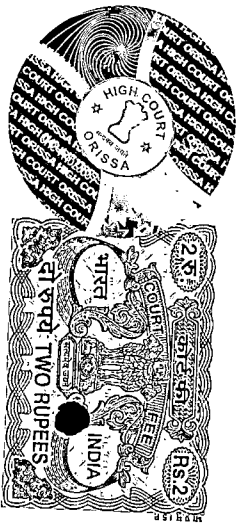
16. The ratio of **S.P. Chengalvaraya Naidu** (supra) has been relied upon in several decisions. Further, the maxim "*fraus et jus nunquam cohabitant*"- fraud and justice never

³ (1994) 1 SCC 1

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**⁴, 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

⁴ (2003) 8 SCC 311

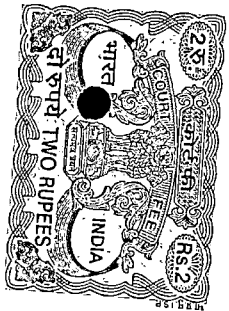
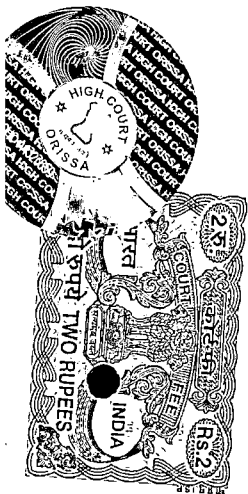
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proceeded to applaud them as 'smart enough' for doing so. This Court refrains from saying anything more in this aspect. It would suffice to say that such absurd reasoning cannot ever be countenanced in law.

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



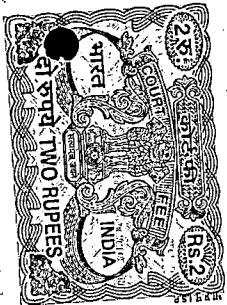
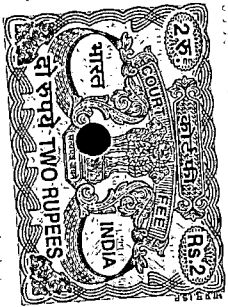
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Sikshya Sahayaks or in any equivalent post without any further delay and in any case, not later than four months.

54/- S. Mishra, J

Orissa High Court, Cuttack.

The 28th March, 2024/ A.K. Rana, P.A.



Comp. by S. Sahoo
05-04-24

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Date of Application :- 05.
Date of Notification :- C.O.
Date of Supply :- 06.
Date of Ready :- 06.
Date of Delivery :- 06.

07.24

C.A. No-31 208 / 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
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(Rupees Ninety Eight
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ସର୍ବ ଶିକ୍ଷା ଅଭିଯାନ

Notice No. 243

Date - 22.1.11

ଶିକ୍ଷା ସହାୟକ / ସହାୟିକା ନିୟୋଜନ ବିଜ୍ଞାପନ

ଭଦ୍ରକ ରାଜସ୍ୱ ଜିଲ୍ଲାର ଶିକ୍ଷା ଜିଲ୍ଲାଗୁଡ଼ିକର ପ୍ରାଥମିକ ଓ ଉଚ୍ଚପ୍ରାଥମିକ ବିଦ୍ୟାଳୟମାନଙ୍କରେ ଆବଶ୍ୟକ ଶିକ୍ଷା ସହାୟକ ନିଯୋଜନ ପାଇଁ ଭଦ୍ରକ 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 ନାକଚ କରି ଦିଆଯିବ । ସାର୍ଟିଫିକେଟ୍ ଜାଲ ବୋଲି ପ୍ରମାଣିତ ହେଲେ ଆଜନ ଅନୁଯାୟୀ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ ଗ୍ରହଣ କରାଯିବ ଏବଂ ନିଯୁକ୍ତି ରଦ୍ଦ କରାଯିବ । ଇଚ୍ଛୁକ ଯୋଗ୍ୟ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥୀନାମାନେ ସାଧାରଣ କାଗଜରେ ନିମ୍ନ ପ୍ରଦତ୍ତ ଦରଖାସ୍ତ ଫର୍ମ ଅନୁସାରେ ଆବେଦନ ପତ୍ର ସର୍ବଶିକ୍ଷା ଅଭିଯାନ କାର୍ଯ୍ୟାଳୟ, ଭଦ୍ରକ ଦ୍ୱାରା ନିର୍ଦ୍ଧାରିତ ଜାଗୁଲାଲ ପ୍ରେଜେକ୍ଟ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଇ, ଭଦ୍ରକ ଶିକ୍ଷାଜିଲ୍ଲା - ୧ ପାଇଁ ଏବଂ ଜିଲ୍ଲାସ୍ତର, ଭଦ୍ରକ ଶିକ୍ଷାଜିଲ୍ଲା-୨ ପାଇଁ ଆସନ୍ତା ତା ୧୦.୦୨.୨୦୧୧ ରିଖି ସୁଦ୍ଧା ରେଜିଷ୍ଟ୍ରୀ ଡାକରେ କିମ୍ବା ବ୍ୟକ୍ତିଗତ ଭାବେ ଦାଖଲ କରିବା ଆବଶ୍ୟକ । ଡୂଟିପୁର୍ବ୍ ବା ବିଳମ୍ବରେ ପ୍ରାପ୍ତ ଦରଖାସ୍ତ ଗୁଡ଼ିକ ବିଚାରକୁ ନିଆଯିବନାହିଁ । ଆବେଦନ ପତ୍ର ଜିଲ୍ଲା ପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ ତଥା ଜିଲ୍ଲାପାଳଙ୍କ ସଂବୋଧିତ କରିବା ଆବଶ୍ୟକ ।

୧. ଏହି ଶିକ୍ଷା ସହାୟକ ନିୟୋଜନ ପାଇଁ ଶିକ୍ଷା ଜିଲ୍ଲାସ୍ତରୀୟ ବିଭିନ୍ନ ଶ୍ରେଣୀର (Category) ପଦବୀ ସଂଖ୍ୟା ସ୍ଥିର କରାଯାଇଛି । ଏଥିରେ ପ୍ରାର୍ଥୀଙ୍କ ସଂଖ୍ୟା ଏଥିସହିତ ସଂଲଗ୍ନ କରାଗଲା । ଏହାର ୧୫୦% ଭାଗ ଯୋଗ୍ୟ ବିବେଚିତ ପ୍ରାର୍ଥୀଙ୍କୁ ତାଲିକାଭୁକ୍ତ କରାଯିବ ଯାହା ବର୍ଷିକ ପାଇଁ ବୈଧ ରହିବ । ଏହି ଯୋଗ୍ୟ ବିବେଚିତ ଅସ୍ଥାୟୀ ଏବଂ ରୂପାନ୍ତ ପ୍ରାର୍ଥୀ ତାଲିକା (Provisional & Final Select List) ଶିକ୍ଷା ଜିଲ୍ଲା, ଜିଲ୍ଲା ପରିଷଦ ଏବଂ ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ ମାନଙ୍କର ନୋଟିସ୍ ବୋର୍ଡରେ ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ପ୍ରକାଶିତ ହେବ । ଶିକ୍ଷା ସହାୟକମାନେ ଜିଲ୍ଲା ପରିଷଦ ଦ୍ଵାରା ନିୟୋଜିତ ହେବେ ।

9. ଶିକ୍ଷାଗତ ଯୋଗ୍ୟତା :- ନିମ୍ନଲିଖିତ ଯୋଗ୍ୟତାଥାଇଁ ପ୍ରାର୍ଥୀ / ପ୍ରାର୍ଥୀନୀମାନ୍ତେ 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 ବର୍ଷିୟା ଡିପ୍ଲୋମା ତାଲିମ (2 Year Diploma in Education-
Special Education)

Special Education)

- (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 ନମିଳନ୍ତି 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 Under taking ଦେବେ ।

- ୩. ବୟସସୀମା : ପ୍ରାର୍ଥୀମାନଙ୍କର ବୟସ ତା ୦୧.୧୨.୨୦୧୦ ରିଖ ସୁଦ୍ଧା ୪୨ ବର୍ଷରୁ ଅଧିକ ହୋଇନଥିବ କିମ୍ବା ୧୮ ବର୍ଷରୁ କମ୍ ହୋଇନଥିବା 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 ଭିନ୍ନତା ପ୍ରାର୍ଥୀମାନଙ୍କ କ୍ଷେତ୍ରରେ ସର୍ବୋଚ୍ଚ ସୀମା ୧୦ ବର୍ଷ କୋହଳ କରାଯିବ ।
- ୪. ନିୟୋଜନ : ଶିକ୍ଷା ସହାୟକମାନେ ବାର୍ଷିକ ଚୁକ୍ତି ଅନୁଯାୟୀ ପ୍ରାଥମିକ / ଉଚ୍ଚ ପ୍ରାଥମିକ ତଥା ଉଚ୍ଚ ପ୍ରାଥମିକ ବିଦ୍ୟାଳୟର 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 ଚୁକ୍ତିନାମା ସ୍ୱାକ୍ଷରିତ କରାଯିବ । ଅଣତାଲିମ ପ୍ରାପ୍ତ ପ୍ରାର୍ଥୀମାନେ ନିଜ ଖର୍ଚ୍ଚରେ ଟ୍ରେନିଙ୍ଗ ନେବେ ବୋଲି Undertaking ଦେବେ ।
- ୪.୨ ଶିକ୍ଷା ସହାୟକ / ସହାୟକାମାନଙ୍କୁ ସେମାନେ ଆବେଦନ କରିଥିବା ଶିକ୍ଷା ଜିଲ୍ଲା ମଧ୍ୟରେ ନିୟୋଜନ କରାଯିବ ।

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

୬. ସଂରକ୍ଷଣ ବ୍ୟବସ୍ଥା : ଓ.ଆର.ଭି. ଆକଟ ସଂଗେ ସଂଗେ ଅନ୍ୟ ପ୍ରାର୍ଥୀ ଯଥା - ପୂର୍ବତନ ସାମରିକ କର୍ମଚାରୀ (Ex-Servicemen), ଭିନ୍ନକ୍ଷମ (Handicapped) ଏବଂ କ୍ରୀଡ଼ା କ୍ଷେତ୍ରରେ ସ୍ୱାତନ୍ତ୍ର୍ୟ ଅର୍ଜନ କରିଥିବା ବ୍ୟକ୍ତି (Eminent Sports person) କି 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 ନିୟୋଜନ 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) କର୍ମନିୟୋଜନ ସଂସ୍ଥା ପଞ୍ଜିକରଣ ପ୍ରମାଣପତ୍ର, ଜାତିଗତ ଏବଂ ଆବାସିକ ପ୍ରମାଣପତ୍ର, ଭିନ୍ନକ୍ଷମ ହୋଇଥିଲେ ତାର ଅବିକଳ ପ୍ରମାଣପତ୍ର, ପ୍ରାର୍ଥୀଙ୍କର ୨ କିଟା ବର୍ତ୍ତମାନର ସହିମୋହର ପାସପୋର୍ଟ ଆକାର ଫଟୋ ଏବଂ କେବଳ ଗୋଟିଏ ଶିକ୍ଷାଜିଲ୍ଲାରେ ଆବେଦନ କରିଛନ୍ତି ବୋଲି ସତ୍ୟପାଠ (Affidavit) ଇତ୍ୟାଦିର ସଂଯୋଗ ନଥିଲେ ଆବେଦନ ପତ୍ରଟିକୁ ଖାରଜ କରାଯିବ ।

ଉତ୍ତମ ଜିଲ୍ଲାର ଶିକ୍ଷା ଜିଲ୍ଲାସ୍ତରୀ ଖାଲିଥିବା

ଶିକ୍ଷା ସହାୟକ ପଦବୀ ସଂଖ୍ୟା

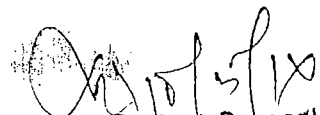
ରାଜସ୍ୱ ଜିଲ୍ଲା	ଶିକ୍ଷା ଜିଲ୍ଲା	ତାଲିମପ୍ରାପ୍ତ ବିଜ୍ଞାନ ସ୍ନାତକ	ତାଲିମପ୍ରାପ୍ତ କଳା ସ୍ନାତକ	ତାଲିମପ୍ରାପ୍ତ +୨ ବିଜ୍ଞାନ (ସି.ଟି)	ତାଲିମପ୍ରାପ୍ତ +୨ କଳା (ସି.ଟି)	ମୋଟ
ଉତ୍ତମ	ଉତ୍ତମ-୧	୧୫୭	୪୧	୧୪୫	୧୩୬	୪୭୯
	ଉତ୍ତମ-୨	୧୫୭	୫୦	୧୮୩	୧୭୩	୫୬୩
	ମୋଟ	୩୧୪	୯୧	୩୨୮	୩୦୯	୧୦୪୨

ଶିକ୍ଷାଜିଲ୍ଲା ଭ୍ରମକ - ୧ ପାଇଁ ଜାଗୁଲାଲ ପ୍ରୋଜେକ୍ଟ ଉ.ପ୍ରା. ବିଦ୍ୟାଳୟ, ବାଗୁରାଇ ଓ ଶିକ୍ଷାଜିଲ୍ଲା ଭ୍ରମକ - ୨ ପାଇଁ ଜିଲ୍ଲାସ୍ତରୀ ଭ୍ରମକରେ ତା ୨୪/୦୧/୨୦୧୧ରେ ଠାରୁ ତା ୧୦/୦୨/୨୦୧୧ରେ 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, ଭ୍ରମକ

Attested

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

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-ସ୍ବାମୀ 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

କ୍ରମିକ ସଂଖ୍ୟା

ଠିକଣା

ପ୍ରାର୍ଥୀଙ୍କ ନାମ

ନିମ୍ନୋକ୍ତ ସଂଲଗ୍ନମାନ (Enclosures) ହସ୍ତଗତ ହୋଇଛି ।

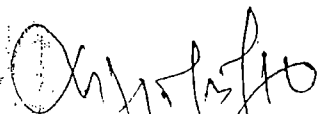
କ) ମାଟ୍ରିକ୍ ସାର୍ଟିଫିକେଟ୍, ଯୁକ୍ତ ଦୁଇ ସାର୍ଟିଫିକେଟ୍, ତାଲିମ(ସିଟି) ସାର୍ଟିଫିକେଟ୍, ସ୍ନାତକ, (ବି.ଇଡି. / ସ୍ନେହାଳ ବି.ଇଡି) ସାର୍ଟିଫିକେଟ୍ (ଖ) ଯୁକ୍ତ ଦୁଇ ମାର୍କସିଟ୍, ତାଲିମ(ସିଟି) ମାର୍କସିଟ୍ ଓ ସ୍ନାତକ / (ବି.ଇଡି / ସ୍ନେହାଳ ବି.ଇଡି.) ମାର୍କସିଟ୍ / RCI Registration ର ପ୍ରମାଣପତ୍ର (ଗ) ଜାତିଗତ ପ୍ରମାଣପତ୍ର (Caste Certificate) (ଘ) ଆବାସିକ 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


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

True Copy Attested

Advocate

ସ୍ବା /- ଜିଲ୍ଲାପାଳ ତଥା ଜିଲ୍ଲାପରିଷଦର ମୁଖ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ

ଜିଲ୍ଲା ପରିଷଦ, ଭଦ୍ରକ

-187-

ANNEXURE-5

GOVERNMENT OF ODISHA
DEPARTMENT OF SCHOOL AND MASS EDUCATION.

No. 25070 /SME dt. 19-12-11
II-SME(B)139/11

From :

Aparajita Sarangi, IAS
Commissioner-cum-Secretary to Govt.

To

AH Collector-cum-CEOs,
Zilla Parishads.

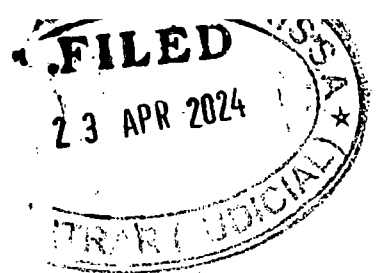
Sub : Engagement of SS during 2011-12.

Madam/Sir,

Instruction for recruitment of Sikshya Sahayaks has been communicated vide this Deptt. Letter No. 23895 dtd.05.12.2011. Although a number of clarifications were issued previously, yet uniformity was not maintained in the selection process for which a good number of Court Cases were filed. In order to avoid such unpleasant situation, clarifications with illustrations in some key areas are given below. This will help in the process of selection and bring uniformity throughout the State.

1. Whether candidates having Sikshya Sashti qualification shall be considered against BA/B.Sc. B.Ed. vacancies?
The Hon'ble High Court in order dt.10.05.11 in WPC No.7000/2011 Jitendra Kumar Panda & Others Vrs. State and Others have passed order to the effect that candidates having B.A. degree from a University and thereafter, 'Sikshya Sashti' shall be considered as TG Arts. In view of this, the above category of candidates shall be considered. It may be noted that candidates having Sashti with Sikshya Sashti qualification are not eligible.
2. Whether candidates having upasashti with CT qualification shall be considered as +2 CT candidates?
Govt. of Odisha in erstwhile Education Deptt. Notification No.4399 dt.31.01.92 (copy enclosed) have decided that institutions imparting education up to Upsashti level are equivalent to Higher Secondary Schools. On the basis of this equivalency, the candidates have undergone CT training. Therefore candidates having upshashti with CT qualification shall be considered as +2 Arts C.T. candidates.

3. Whether candidates having +2 Vocational pass with CT qualification shall be considered for selection as Sikshya Sahayaks. If so they will be treated as Science or Arts candidates?
The Council of Higher Secondary Education in their Letter No.6657 CHSE dt.14.08.06 (copy enclosed) have indicated that +2 Vocational Examination conducted by the CHSE is equivalent to the examination conducted by CHSE for +2 Arts, Commerce streams. Similarly the clarification issued by CHSE vide Letter No.5 dt.14.02.11 (copy enclosed) indicates the equivalency of subjects taught in vocational course with that of Arts, commerce & Science stream. Therefore candidates passed vocational course with CT prior to 13.01.10 shall be treated as +2 Arts CT. After 13.01.2010 candidates passed vocational course with basic foundation course subjects like History, Political Science, & Economics shall be treated as +2 Arts, Accounting cost management as +2 Commerce, Physics, Chemistry, Mathematics or Biology as +2 Science Candidates.
4. Whether candidates after passing +2 Arts/Science/ Commerce course and then passed +2 Vocational stream are eligible for selection?
No, because as per rule-2(4) of CHSE Act & Regulation 1982, the candidate after passing +2 Arts/Science/Commerce can not take admission again in Vocational Stream of Higher Secondary Course.
5. Whether candidates of other universities having BA/B.Sc. qualification are eligible or not?
The BA/B.Sc. certificates which are equivalent to the certificates of Utkal University, Berhampur University, Sambalpur University, Fakir Mohan University and North Odisha University shall be considered.
6. Whether candidates having B.Ed. qualifications from other institutions / outside Odisha are eligible or not?
Candidates having B.Ed. qualification from other institutions recognized by NCTE shall be considered provided the candidates must satisfy other conditions of advertisement.
7. Whether candidates passed Oriya examination (ME Standard) conducted by NIOS (National Institute of Open School) are eligible?
The Board of Secondary Education Odisha has not declared the Oriya Examination (ME) Standard conducted by NIOS as equivalent.
8. Procedure to be followed for filling up vacancies for sports man?
The General Administration Deptt. Resolution No. 24808 Gen dt.18.11.1985 (copy enclosed) indicates the procedure to be followed for filling up vacancies of Sports Quota. The same may be strictly adhered to.



-189-

Whether Applications of Untrained candidates shall be received?

Only the applications of untrained candidates who belong to SC, ST. & PH category candidates shall be received.

10. Whether candidates having +3 Science/ Arts with BHE from Utkal University will be considered for BA/B.Sc. B.Ed. posts.

- No.-

11. Whether candidates having qualification of Sikshya Bisarad from Hindi Sikshya Sammilan Allahabad will be considered?

-No.

It may be clarified that at the time of receiving applications from the candidates the submission of Employment Registration Card may not be insisted upon.

Yours faithfully,

Commissioner-cum-Secretary to Govt.

19/12/11

Memo No. 25071 /SME, Date 19-12-11

Copy along with copy of the enclosures forwarded to all DPCs for information and necessary action.

19/12/11

Additional Secretary to Govt.

Memo No. 25072 /SME, Date 19-12-11

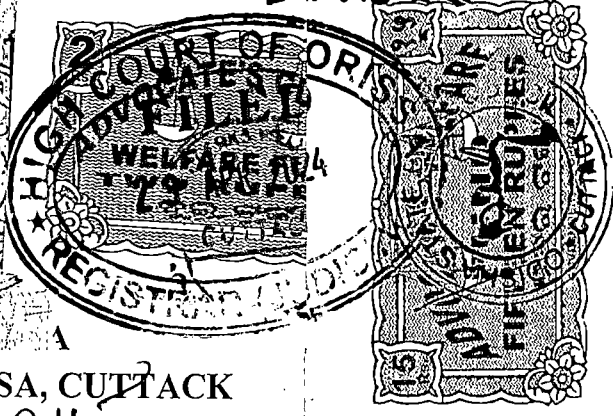
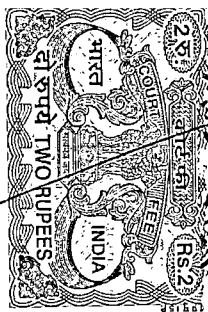
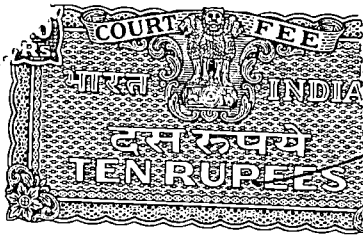
Copy to State Project Director, OPEPA for information and necessary action.

19/12/11

Additional Secretary to Govt.

True Copy Attested

Advocate



FORM OF V
IN THE HIGH COURT OF ORISSA, CUTTACK
W.P.(C)/E.A.O/CONTC/W.A No. 1215 of 2024

Between:

Lija Smita Nayak

.....Petitioner / Appellant

6676

-Versus-

State of Orissa

.... Opp. Parties/ Respondents

Know all men by these presents, that by this VAKALATNAMA

I/we Lija Smita Nayak, aged about 37 yrs, D/O - Kartika Charan Nayak, At - Bachhada, P.O - Jagannathpur, P.S - Bachhada, Dist - Boudh.

Appellant/Respondent/Petitioner/Opp. Party in the aforesaid Revision/Appeal Case do hereby appoint and retain **MR. DURGESH NARAYAN RATH**, ENRL NO.O-1650/2000, PH-9861041020; **MR.AMIT KUMAR SAA**, ENRL NO.O-844/2008, PH-9438001396; **MR.SOURAV DAS**, ENRLNO.O-1178/2022, PH-8917452487; Advocate(s), to appear for me/us, in the above case and to conduct and prosecute (or defend) the same and all proceeding 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 moneys that may be payable to me/us in the said case and also in applications for review, and in appeals under Orissa High Court order and in applications for leave to appeal to Supreme Court. I/We authorize my/our Advocate (s) to admit any compromise lawfully in the said case.

Dated 14 / 04 / 2024

Received from the executants(s)
Satisfied and accepted as I hold
No brief for the other side.

[Signature]
Advocate

[Signature]
Advocate

Accepted as above

Accepted as above

[Signature]
Advocate

Advocate

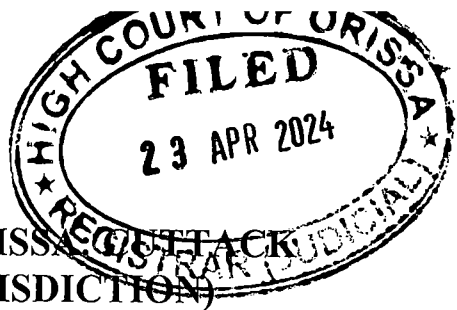
Accepted as above

Accepted as above

[Signature]

Lizasmita Nayak

Signature of Executants



IN THE HIGH COURT OF ORISSA, CUTTACK
(CIVIL APPELLATE JURISDICTION)

I.A. No. 2264 of 2024
(Arising out of W.A. No. 1215 of 2024)

D - WA - 18436/2024

IN THE MATTER OF:

An application under Rule 27 A
of Chapter VI read with Chapter
XV of the Orissa High Court
Rules.

AND

IN THE MATTER OF :

An application for stay of the
judgment dated 28.03.2024
passed in W.P.(C) No. 720 of
2016 under Annexure-3 to the
writ appeal.

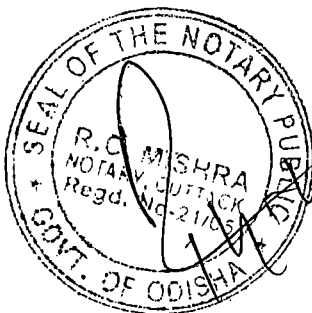
AND

IN THE MATTER OF:

Lizasmita Nayak, aged about 37
years, D/o-Kartik Ch. Nayak, At-
Bachhada, P.O-Jagannathpur,
Bachhada, Dist-Bhadrak, at present
working as Level-V (A) Teacher in

, P.S- Bont, Dist-Bhadrak.

..... Appellant



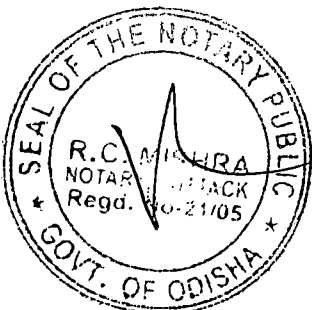
-VERSUS-

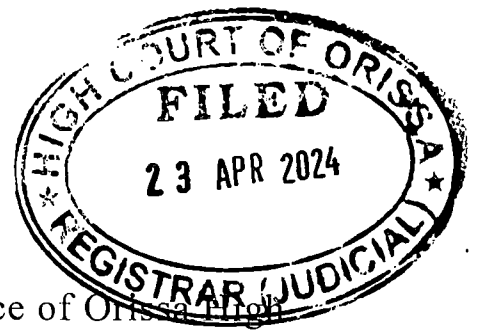
1. State of Orissa, represented through its Commissioner-cum-Secretary, School, & Mass Education Department, At-Lok Seva Bhawan, Bhubaneswar, Dist-Khurdha, Odisha.
2. Collector-cum-Chief Executive Officer, Zilla Parishad, Bhadrak, At/P.O/P.S/Dist-Bhadrak.
3. District Project Coordinator of Bhadrak S.S.A., Bhadrak, At/P.O/Dist-Bhadrak.
4. Jayantilata Sahoo, aged about 41 years W/o-Abhaya Kumar Behera, At/P.O-Alabaga, Via-Ertal, Dist-Bhadrak.
5. Jyotirmayee Nayak, aged about 45 years, W/o-Sukanta Kishore Nayak, At-Chinol, P.O-Guagadia, Via-Ertal, Dist-Bhadrak.

..... opposite parties

6. Sanju Rana, aged about 38 years, D/o-Lambodhar Rana, At/P.O-Binayakpur, P.S-Basudevpur, Dist-Bhadrak.

..... Proforma opposite party.





To

The Hon'ble, the Chief Justice of Orissa High Court and His Lordship's Companion Justices of the said Hon'ble Court.

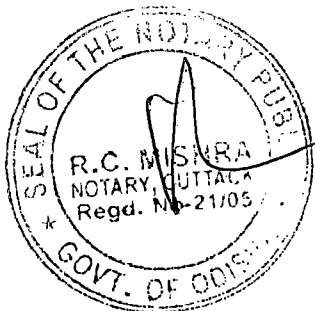
The Humble petition of the
Petitioner, named above.

MOST RESPECTFULLY SHEWETH:

1. That the appellant by means of this writ appeal has assailed the legality and propriety of the judgment dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 720 of 2016 since the same has been passed affecting the right and livelihood of the appellant and in clear non-application of mind. It is also alleged by the appellant that the writ petitioners by misrepresentation of facts mislead this Hon'ble Court and accordingly the order dated 28.03.2024 has been passed by the Hon'ble Single Judge.

A. Adv.
2. That in order to avoid repetition of facts, the facts stated in the writ appeal be treated as the facts of this misc. case petition.

3. That it is respectfully submitted that pursuant to the order passed by the Hon'ble Single Judge of this Hon'ble Court, the respondents 1 to 3 are going to take steps to oust the present appellant and appoint the respondents 4 and 5, pursuant to a



34

selection made in the year 2011 after 13 years, without considering their merit position and by affecting the gradation list of entire district, and by this process the livelihood of the present appellant is seriously affected, therefore, for the ends of justice and proper adjudication of the case, the order dated 28.03.2024 passed in W.P.(C) No. 720 of 2016 may be stayed, pending final decision of the writ appeal.

P R A Y E R.


Under the above circumstance, it is therefore humbly prayed that this Hon'ble Court may be graciously pleased to pass an order pending final decision of the writ appeal, by staying judgment passed by the Hon'ble Single Judge of this Hon'ble Court on 28.03.2024 in W.P.(C) No. 720 of 2016 under Annexure-3 to the writ appeal.

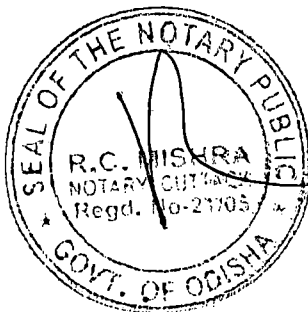
And for this act of kindness, as in duty bound, the petitioner shall ever pray.

By the petitioner through

CUTTACK

DT. 04.04.2024


Advocate



5

IN THE HIGH COURT OF ORISSA: CUTTACK

I.A. No. 2264 of 2024
(Arising out of W.A. No. 1215 of 2024)

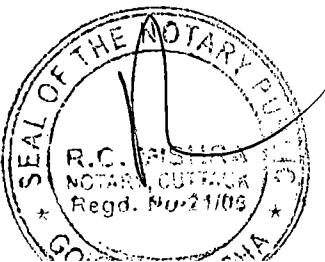
IN THE MATTER OF :

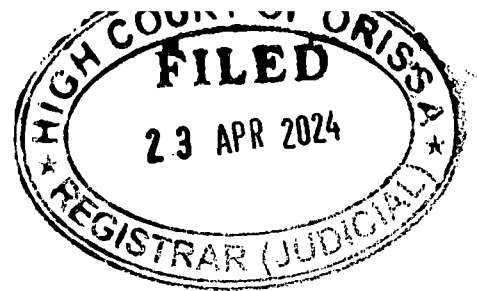
Lizasmita Nayak Petitioner
Vrs.

State of Odisha and others Opposite Parties

AFFIDAVIT

1. Name and : Lizasmita Nayak, aged
address about 37 years, D/o-Kartik
Ch. Nayak, At-Bachhada,
P.O-Jagannathpur,
Bachhada, Dist-Bhadrak
Occupation - Teacher.
2. Father's Name : Kartik Ch. Nayak
3. Number of : Nil
proceeding pending
in the High Court or
would be instituted.
4. Statements of facts : As per the averments
made in the I.A.
5. The facts stated above are true to the best of my
knowledge and belief of the deponent.





DECLARATION

I, ~~Lizasmitha~~ Nayak, aged about 37 years, D/o- Kartik Ch. Nayak, At-Bachhada, P.O-Jagannathpur, Bachhada, Dist-Bhadrak, do solemnly affirm and state that I am the petitioner in this I.A. and that the facts stated above are true to my own knowledge and are true to the best of my information, which I obtained from the personal sources.

I believe the information to be true for the following reasons : Basing upon official records and information. Solemnly declare at the above said this 14th day of April, 2024.

Identified by

AK Saha

Lizasmitha Nayak

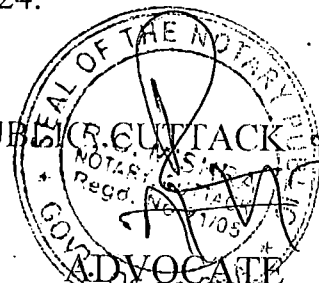
ADVOCATE

DEPONENT

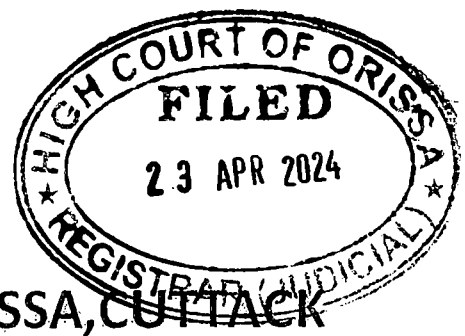
Solemnly affirm before me by Lizasmitha Nayak, who is Identified before me by Shri Arjun Kumar Saha, whom I personally know.

This 14th day of April, 2024.

NOTARY PUBLIC



ADVOCATE
DURGESH NARAYAN RATH
Enr. No: O-1650/2000
Mob:-9861041020



IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. NO. 1215 OF 2024

Lizasmrita Nayak Appellant/Petitioner

-VERSUS-

State of Orissa
4083 Respondent/Opp. party

MEMO OF UNDERTAKING

That the petitioner undertakes to produce English Translation copy of the oriya Annexure/s as and when this Hon'ble court required.

By the Petitioner through

CUTTACK

DATE: 14/04/2024

A
Advocate

SCANNED

9

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No :

Branch No :

Receipt No : 63143/2024

Date Of Receiving : 13/05/2024

Time : 03:06:27 PM

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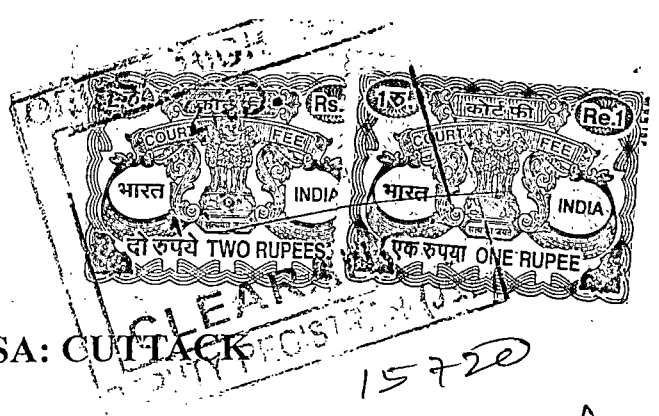
Case No : **WA /0**

Received From : Petitioner

Filed By: ADVOCATE FOR PETITIONER

Document(s) Filed :

- 1- Advocate welfare
- 2- Authentication Fee --- Court Fee -Rs.3 (15720/2024)
- 3- RECEIPT (GOVT)



IN THE HIGH COURT OF ORISSA: CUTTACK

D-W-A. No. 18436 of 2024 (WA No-1215/m)

Lizasmitha Nayak

..... Petitioner

-Versus-

State of Orissa 1003


..... Opp. Party

MEMO

As per defect pointed out by SR A. fee of Rs. 2.25/- and
Hologram of Rs. 50/-
is filed herewith for removal of defect.

Cuttack

Date: 13/05/24


Advocate for the Petitioner



IN THE HIGH COURT OF ORISSA, CUTTACK
RVWPET/FAO/WA/WP(C)/CONTC/IA NO-

D. WA - 18436/24

Lizasmitha Nayak

PETITIONER

VRS

20/02/24

STATE OF ORISSA

OPP. PARTY

RECEIPT MEMO

RECEIVED THE WRIT PETITION/CONTEMPT/FAO/WA/IA/ADDITIONAL/COUNTER/
REJOINDER AFFIDEVIT/ EXTRA COPIES _____ SET WITH ANNEXURE.

CUTTACK
DATE

24/4/2024

SCHOOL AND MASS EDUCATION
OFFICE OF THE ADVOCATE GENERAL



SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

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Branch No :

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Date Of Receiving : 15/05/2024

Time : 12:37:21 PM

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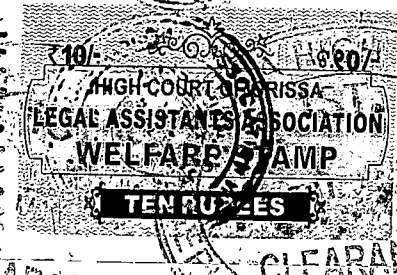
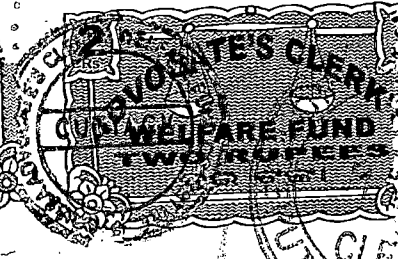
Case No : **WA 1215/2024**

Received From : Petitioner

Filed By: M/S BUDHADEV ROUTRAY (SENIOR ADVOCATE)

Document(s) Filed :

4- Appearance Memo



IN THE HIGH COURT OF JUDICATURE, ORISSA
CUTTACK

MEMORANDUM

W A No. 1215 OF 204 2024

Lizemita Nayak

Appellant (s)

Petitioner (s)

VERSUS

State of Orissa

Respondent (s)

Opposite Party (s)

To

The Deputy Registrar,
High Court of Orissa, Cuttack

Sir,

I have the honour to authorise **Sri BUDHADEV ROUTRAY** Senior Advocate to plead on behalf of the Appellant in the above mentioned case and request that the fact may kindly be noted.

Yours faithfully

Amrit Kumar Saha
ADVOCATE 0-844/08

Date 14/05/24

I agree

(BUDHADEV ROUTRAY)
SENIOR ADVOCATE

Court No. C.J.C

Forest Admission

IN THE HIGH COURT OF ORISSA, CUTTACK

MENTION MEMO

1. NUMBER OF THE CASE

: W.A. No. 1211 / 2024
1215

2. NAME OF THE PARTIES

Tapaswini Tena

PETITIONER/APPELLANT

-VERSUS-

State of Orissa

OPP. PARTY(IES)/RESPONDENT

3. PARTY SEEKING POSITION

PETITIONER/OPP. PARTY/
RESPONDENT/APPELLANT

4. NAME OF THE ADVOCATE SEEKING

SRI. DURGESH NARAYAN RATH
& ASSOCIATES

5. NAME OF THE ADVOCATES

APPEARING FOR THE OPP. PARTY PARTIES :

STATE

6. MENTION FOR

: Forest Admission

7. REASON FOR THE MENTION

The Appellant have been filed the writ appeal for challenging the illegal action of the opp. party. Hence urgency kindly may be listed on tomorrow.

8. DATE ON WHICH POSTING IS SOUGHT

: 16.05.2024

9. WHETHER ANY CAVEAT HAS BEEN FILED
OR NOT

10. INDICATE WHETHER THE MATTER IS IN THE
LIST BEFORE ANY OTHER BENCH

CUTTACK

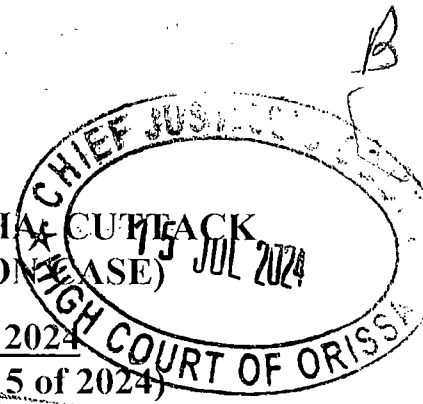
DATE: 15/05/24

SIGNATURE OF THE ADVOCATE

SCANNED

IN THE HIGH COURT OF ODISHA, CUTTACK
(ORIGINAL JURISDICTION CASE)

I.A. No. 5757 of 2024
(Arising out of W.A. No. 1215 of 2024)



Lizasmita Nayak Petitioner
Vrs.

State of Orissa and others Opposite parties

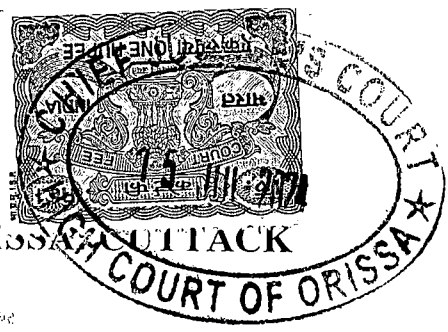
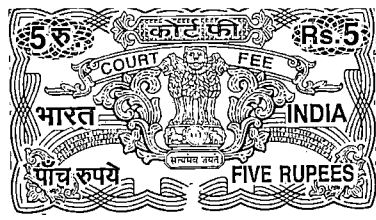
INDEX

Sl. No	Description of documents	Pages
	I.A. Application	1- 9
1.	Annexure-1/A A copy of order dated 05.07.2024 passed in Misc. Case No. 24 of 2024 communicated on 10.07.2024	10-13

By the petitioner through
Cuttack

Dt. 14.7.2024

ADVOCATE
SHRI DURGESH NARAYAN RATH
ENROLMENT No. O-1650/2000,
MOB:-9861041020



IN THE HIGH COURT OF ORISSA, CUTTACK

I.A. No. 575 of 2024
(Arising out of W.A. No. 1215 of 2024)

IN THE MATTER OF:

An application under Rule 27 A
of Chapter VI read with Chapter
XV of the Orissa High Court
Rules.

AND

IN THE MATTER OF:

An application for stay of the
order dated 05.07.2024 passed
in Misc. Case No. 24 of 2024,
arising out of Judgment dated
28.03.2024 passed in W.P.(C)
No. 720 of 2016.

AND

IN THE MATTER OF:

Lizasmita Nayak Petitioner.

Versus

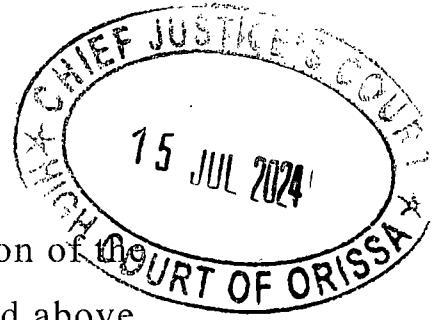
State of Orissa and others.
..... opposite parties

To

The Hon'ble the Chief Justice of Orissa
High Court and His Lordship's Companion
Justices of the said Hon'ble Court

Pradipta Kumar Mohanty
PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

*Answer
Adr*



The Humble petition of the
Petitioner, named above.

MOST RESPECTFULLY SHEWETH:

1. That the appellant by means of this writ appeal has assailed the legality and propriety of the judgment dated 28.03.2024 passed by the Hon'ble Single Judge in W.P.(C) No. 720 of 2016 since the same has been passed affecting the right and livelihood of the appellant and in clear non-application of mind. The appellant was the opposite party no.4 in the said writ petition. It is also alleged by the appellant that the writ petitioners by misrepresentation of facts mislead this Hon'ble Court and accordingly the order dated 28.03.2024 has been passed by the Hon'ble Single Judge.

2. That it is respectfully submitted that the Hon'ble Single Bench took up the matter on 28.03.2024 and after hearing learned counsel for the parties passed the judgment on 28.03.2024 by allowing the writ petition filed by the present respondents 4 and 5 by quashing the order passed by Collector and by directing the respondents 2 and

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PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

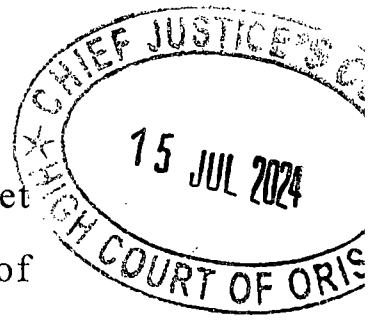
3 to re-cast the merit list by excluding the vocational/ Upasastri candidates (opposite party nos. 4 and 5 of the writ petition) and by issuing appropriate order of engagement in favour of petitioners therein either as Sikshya Sahayaks or in any equivalent post without any further delay.

3. That it is respectfully submitted that the writ appeal filed by the appellant was taken up on 20.05.2024 and on the said date, this Hon'ble Court observed that as jointly requested on behalf of the parties, list this matter on 03.07.2024 along with other connected matters and W.A. No.1326 of 2024. In the meanwhile, let the pleadings and other documents be exchanged amongst the parties.

4. That it is respectfully submitted that thereafter the matter was taken up on 03.07.2024, on which date, this Hon'ble Court was pleased to issue notice to the respondents and observed that learned Addl. Government Advocate accepts notice on behalf of Respondents No.1 to 3 and learned counsel appearing for the private Respondent accepts

Alisa
Dr


PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995




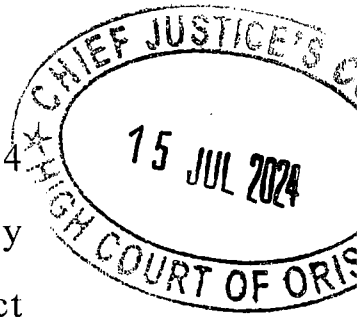
notice on behalf of private Respondents, let required number of copies of the memo of appeal be served upon the learned counsel for the above noted Respondents within a week. Accordingly, this Hon'ble Court adjourned the case to 24.07.2024.

5. That it is respectfully submitted that in compliance to the direction of this Hon'ble Court dated 03.07.2024, extra copies of the writ appeal was served on learned counsel appearing for the respondents on 05.07.2024.

6. That it is respectfully submitted that after the notice was made sufficient on the respondents and the respondents were aware of the pendency of the writ appeal before this Hon'ble Court, surprisingly an order was passed by the Respondent no.2, Collector & District Magistrate Bhadrak on 05.07.2024 in Misc. Case No. 24 of 2024 arising out of judgment dated 28.03.2024 passed by the Hon'ble High Court of Orissa in W.P.(C) No. 720 of 2016, even though there is no provision of filing any misc. case before the Respondent

Always
Do


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Regd.No-ON-04/1995

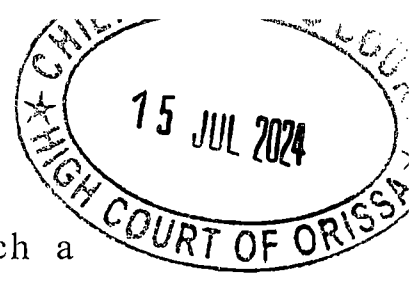


no.2 arising out of Judgment dated 28.03.2024 passed in W.P.(C) No. 720 of 2016, by directing the Respondent No.3, the District Project Co-ordinator, Samagra Sikshya, Bhadrak to take immediate step as per law to implement the judgment dated 28.03.2024 of the Hon'ble High Court passed in W.P.(C) No. 720 of 2016. A copy of the said order was communicated by the Respondent no. 3 on 10.07.2024 is annexed to the I.A. as Annexure-1/A.

7. That it is respectfully submitted that when the matter is pending before this Hon'ble Court and legality and propriety of the order of the Hon'ble Single Judge is to be decided in the Writ Appeal by the Hon'ble Division Bench and the respondents have already appeared in the said writ appeal and notices have already been issued on the said respondents fixing the date of hearing to 24.07.2024, the respondent no.2 should not have proceeded with the matter and directed for taking immediate step for implementation of the order of the Hon'ble Single Judge dated 28.03.2024 passed in

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Regd.No-ON-04/1995




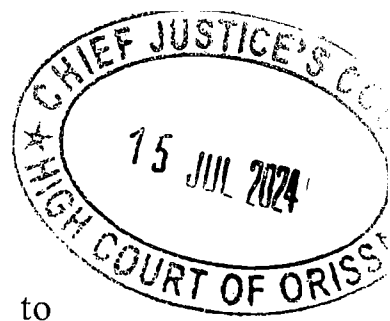
W.P.(C) No. 720 of 2016. Therefore, such a direction of the respondent no.2 amounts to interfering with the judicial proceeding pending before this Hon'ble Court. Hence the order passed by the respondent no.2 under Annexure-1/A is liable to be stayed and the respondents 2 and 3 may be directed not to proceed further pending final decision of the writ appeal. Hence this I.A.

P R A Y E R.

Under the above circumstance, it is therefore humbly prayed that the Hon'ble Court may be graciously pleased to pass an order, pending final decision of the writ appeal, by directing the respondents, more particularly the respondent nos. 2 and 3 not to proceed further pursuant to the order passed by the respondent no.2 dated 05.07.2024 in Misc. Case No. 24 of 2024 arising out of judgment dated 28.03.2024 passed by the Hon'ble High Court of Orissa in W.P.(C) No. 720 of 2016 under Annexure-1/A to the I.A.

*AWAO
Dg*


PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995



And this Hon'ble Court be pleased to pass any further order/order or direction/ directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

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

By the petitioner through

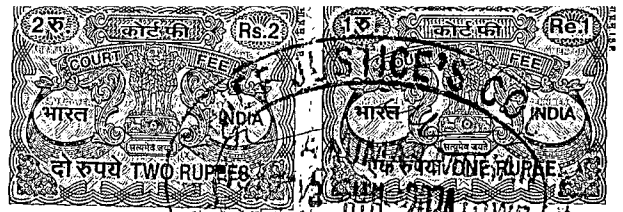
Cuttack

DT. 14.7.2024

A handwritten signature in dark ink, appearing to be "AWAQ", written over the printed name of the Advocate.

Advocate

A handwritten signature in dark ink, appearing to be "Pradipta", written above the printed name of the Notary.
PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995



IN THE HIGH COURT OF ORISSA: CUTTACK

I.A. No. 5154 of 2024
(Arising out of W.A. No. 1215 of 2024)

IN THE MATTER OF :

Lizasmita Nayak Petitioner
Vrs.

State of Odisha and others Opposite Parties

AFFIDAVIT

1. Name and : Lizasmita Nayak, aged about
address 37 years, D/o-Kartik Ch.
Nayak, At-Bachhada, P.O-
Jagannathpur, Bachhada,
Dist-Bhadrak
2. Father's Name : Kartik Ch. Nayak
3. Occupation Level-V (A) Teacher
4. Number of :
proceeding pending
in the High Court or
would be instituted
(Caveat)
5. Statements of facts : As per the averments
made in the I.A.
6. The facts stated above are true to the best of my
knowledge and belief of the deponent.

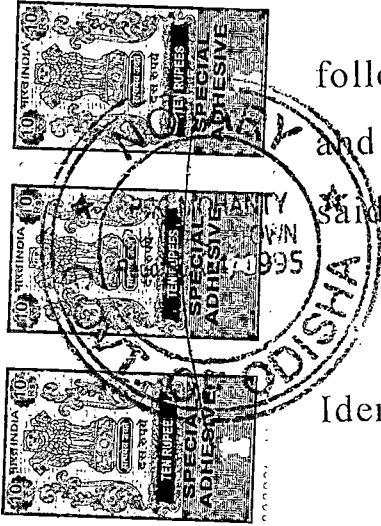
*Always
Do*

M
PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

DECLARATION

I, Lizasmita Nayak, aged about 37 years, D/o-Kartik Ch. Nayak, At-Bachhada, P.O-Jagannathpur, Bachhada, Dist-Bhadrak, do solemnly affirm and state that I am the petitioner in this I.A. and that the facts stated above are true to my own knowledge and are true to the best of my information, which I obtained from the personal sources.

I believe the information to be true for the following reasons : Basing upon official records and information. Solemnly declare at the above said this 14th day of July, 2024.



Identified by

Lizasmita Nayak

A. K. Saa

ADVOCATE

DEPONENT

Solemnly affirm before me by Lizasmita Nayak, who is identified before me by Shri A. K. Saa, Adv., whom I personally know.

This 14th day of July, 2024.

14/07/2024

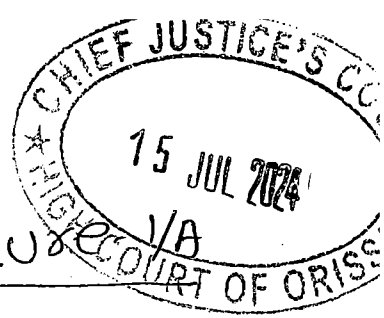
NOTARY PUBLIC, CUTTACK

PRADIPTA KUMAR MOHANTY

Notary, Cuttack Town

Regd.No-ON-04/1995

A. K. Saa
ADVOCATE



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: BHADRAK
(Judicial Section)

Letter No. 4331/Judl.

Dated 10/07/2024

To:

The Superintendent,
High Court of Orissa, Cuttack.

Sub:-

WP(C) No.720/2016 filed by Jayantilata sahoo & Others-vrs-State of Odisha & Others(Misc Case No.24/2024).

Sir,

I am directed to enclose herewith the Order No.01 dated 05.07.2024 of the Collector, Bhadrak in compliance to the Order No.22 dated. 28.03.2024 of the Hon'ble High Court of Orissa passed in WP(C) No.720/2016 filed by Jayantilata sahoo & Others-Vrs-State of Odisha & Others.

Yours faithfully,

Deputy Collector (Judl)
Collectorate, Bhadrak

Memo No. 4332/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. 4333/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. 4334/Judl.

Dated 10/07/2024

Copy along with enclosure forwarded to District Project Coordinator, Samagra Shiksha, Bhadrak for information and necessary action.

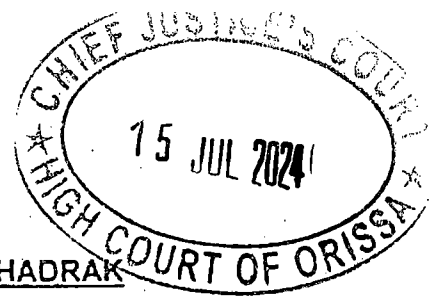
Deputy Collector (Judl)
Collectorate, Bhadrak

11
Memo No. 4235/Judl.

Dated 10/07/2024

Copy along with enclosure forwarded to all Petitioners and opposite Party No.4
and 5.

Ken, 10/7/24
Deputy Collector (Judl)
Collectorate, Bhadrak



12 -

IN THE COURT OF COLLECTOR & DISTRICT MAGISTRATE, BHADRAK

MISC CASE No. 24 of 2024

(Arising out of Order No.22 Dated 28.03.2024 passed by the Hon'ble High Court of Orissa in WP(C) No.720/2016)

In the matter of:-

Jayantilata Sahoo & othersPetitioner

-Vrs-

State of Odisha & othersOpposite Parties

Perused Order NO.22 Dated. 28.03.2024 wherein the Hon'ble High Court in WP(C) No. 720 of 2016 titled as Jayantilata & others -vrs- State of Odisha & others has given order which is reproduced as under;

"Therefore, in view of the reason stated in the detailed judgement passed in Surekha Samal (supra), 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 and 5) 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 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 to recast the merit list by excluding the Vocational/ Upasastri candidates (opposite party Nos. 4 and 5) 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.

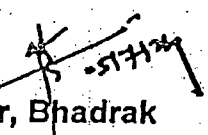
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Honco, the District Project Co-ordinator, Samagra Sikshya, Bhadrak is hereby instructed to take immediate steps as per law to implement the Judgement Dated. 28.03.2024 of the Hon'ble High Court passed in W.P.(C) No. 720 of 2016.

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

Copy attested
AWD
Rdr

5/ SCANNED

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO: 448079

Date:

16-Jul-24

TIME:

10:55

CASETYPE:

WA

No:

1215

YEAR:

2024

PETITIONER / APPELLANT:

LIZASMITA NAYAK

RESPONDENT / OPP PARTY:

STATE



PETITION & MEMO



IA



EXTRA COPY



COUNTER



ADDL

SET:



REJOINDER



CONSOLIDATED

MISC. COPY

ADDL. STANDING
COUNSEL

DB

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)-

12/5/2024

Lizaspita Nayak

PETITIONER

VRS

STATE OF ORISSA

2 others

OPP PARTY

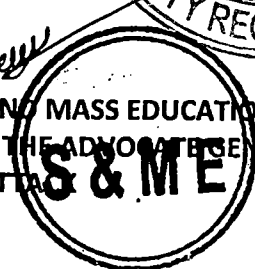
RECEIPT MEMO

RECEIVED THE WRIT PETITION/CONTEMPT/FAO/WA/IA/ADDITIONAL/COUNTER/
REJOINDER AFFIDEVIT/ EXTRA COPIES 3 SET WITH ANNEXURE.

CUTTACK
DATE

5/7/2024

SCHOOL AND MASS EDUCATION
OFFICE OF THE ADVOCATE GENERAL
CUTTACK



SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 5

Branch No : WRIT APPEAL

Receipt No : 88621/2024

Date Of Receiving : 23/07/2024

Time : 11:23:23 AM

Filing No : D- WA 18436/2024

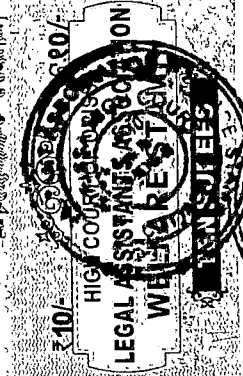
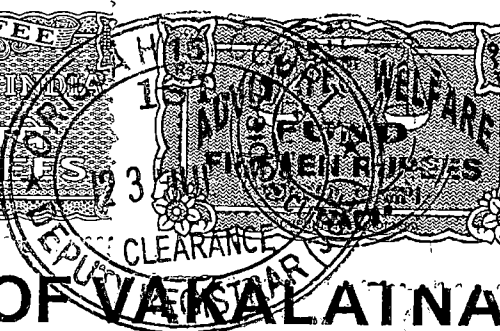
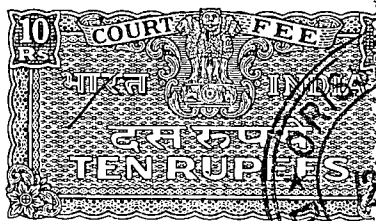
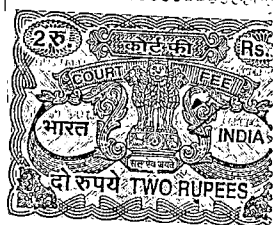
Case No : WA 1215/2024

Received From : Respondent

Filed By: M/S MAHENDRA KUMAR SAHOO

Document(s) Filed :

7- Vakalatnama --- Court Fee -Rs.12 (21283/2024)



FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA

W.A. NO 1215/2024

of 20

Between

LIZASmita Nayak

Petitioner / Appellant

- VERSUS -

State of Orissa & others

Opp. Parties / Respondents

5

KNOW ALL MEN BY THESE PRESENTS, that by this VAKALATNAMA

I/We Jyoti Mayee Nayak aged about 44 years
W/o Sukanta Kumar Nayak AT Chimal
Dist Gajapati via ERSL Dist Bhubaneswar

Plaintiff / Defendant / Appellant /

Respondent / Petitioner / Opp Party in the aforesaid Suit / Appeal case do hereby appoint and retain

MAHENDRA KUMAR SAHOO

Roll No - 894/92 (9437227056) &

AUROBINDA SAHOO Roll No - 1315/2008 (9937167681)

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 my/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 I hold
no brief for the other side.

Advocate

Accepted as above

Advocate

Accepted as above

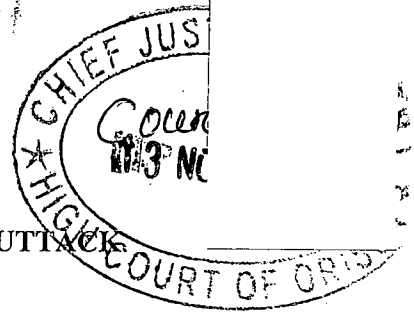
Advocate

Accepted as above

Jyoti Mayee Nayak
Signature of Executants



SCANNED



IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

I.A. NO 813/ /2024.

(Arising out of Writ Appeal (Civil) No.1215/2024)

In the matter of:-

Lizasmita Nayak

..

Appellant

-Versus-

State of Orissa and others

..

Respondents

And

In the matter of:-

Akshay Kumar Mohanty and Others

... Intervener-Petitioners

I N D E X

Sl.No.	Description of documents.	Pages
1.	Intervention petition.	01 - 02 10
2.	<u>Annexure-1.</u> Copy of the relevant merit list of Sikshya Sahayak under Bhadrak Education District-II Arts C.T. category in respect of SEBC (W)	11 - 13
3.	<u>Annexure-2.</u> Copy of the common order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases	- 14 -
4.	<u>Annexure-3.</u> Copy of the order dtd.21.8.2015 passed by the Collector, Bhadrak.	15 - 27
5.	<u>Annexure-4.</u> Copies of the order dtd.22.04.2024 passed in W.A No.412/2024 and order dtd.31.07.2024 passed in W.A.No.814/2024	28 - 32
6.	VAKALATNAMA.	

Cuttack

By the Intervener-petitioners through

Date : 13/11/24

Advocate.

IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

I.A. NO 8/31 /2024.

(Arising out of Writ Appeal (Civil) No.1215/2024)

In the matter of:

An application for intervention under order-1, Rule-10 of C.P.C. read with Chapter-VI Rule 27(a) of the Orissa High Court Rules;

And

In the matter of :-

Lizasmita Nayak

..

Appellant.

-Vrs-

State of Orissa and others

..

Respondents.

And

In the matter of:

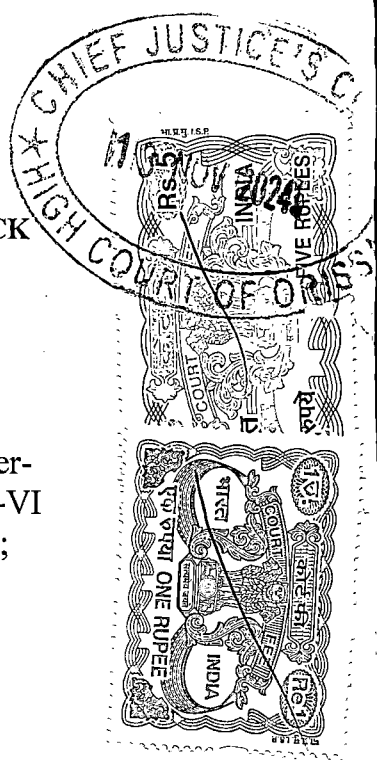
1. Sita Sundari Das, aged about 39 years,
D/o. Narayan Chandra Das,
At.- Sadanandapur, P.O.-Bhuyanwash
Via-Guanmal, Dist.- Bhadrak, PIN-756163.
2. Akshay Kumar Mohanty, aged about 39
years, S/o. Anadi Charan Mohanty,
At./P.O.-Balimunda, Via-Naikanidihi, Dist.-
Bhadrak, PIN-756164.
3. Kumuda Ranjan Sahoo, aged about 38 years,
S/o. Kamalakanta Sahoo, At-Sankbaru,
P.O.-Barapur, Via-Anantapur,
Dist.-Bhadrak, PIN-756046.

.... Intervener-Petitioners

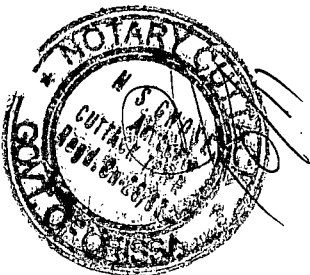
To

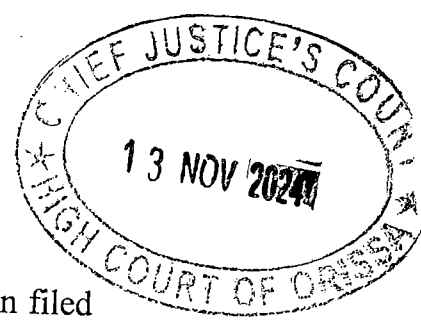
The Hon'ble Chief Justice of Orissa High Court
and His Lordship's other Companion Justices of
the said Hon'ble Court ;

The humble petition of the
above named Interveners ;



Handwritten signature/initials.





Most Respectfully Sheweth :-

1. That the aforesaid writ appeal has been filed by the appellant challenging legality and propriety of the judgment dtd.28.3.2024 of the Hon'ble Single Judge passed in W.P.(C) No.720/2016 disposed of along with W.P.(C) No.18706/2015 involving the same and identical issue [under the above two writ petitions, wherein, one common impugned order dtd.21.8.2015 passed by the Collector, Bhadrak, was under challenge, the said impugned order dtd.21.8.2015 was passed after hearing all the parties by the Collector in compliance of the earlier common direction / order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of around 32 Writ cases pertaining to the vocational and Upasastri candidates got selected basing upon suppression of fact of earlier passing +2 Arts / Science / Upasastri soon after completion of H.S.C. in contravention of the provisions of law].

2. That it is respectfully submitted that the intervener petitioner No.1 & 2 were not only the applicants for the post of Sikshya Sahayak advertised on 27.1.2011 but also got placement in the provisional merit list. A copy of the relevant provisional merit list of Sikshya Sahayak under Bhadrak Education District-II is filed herewith as **Annexure-1**.

3. That it is respectfully submitted that in the provisional merit list, initially no such vocational and Upasastri candidates, (those have acquired such



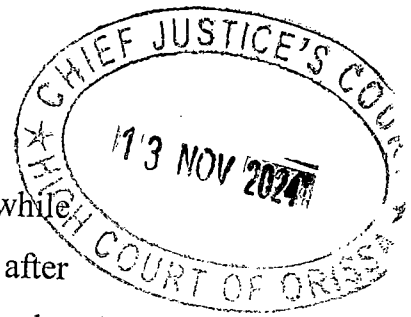
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(13/11/24)

vocational and Upasastri qualification over and above their earlier +2 Arts / Science/ Commerce and Upasastri pass), were not included. But in subsequent stage, the District Authorities included all those vocational and Upasastri candidates, as a result of which, on the strength of their higher percentage of mark obtained in the Vocational courses / Upasastri Courses, they got placement in the final merit list, whereas the present Intervener-Petitioners were not included in the final merit list, as a result, the same was challenged initially before this Hon'ble High Court in W.P. (C) No.7478/2011 by similarly situated affected bonafide candidates, which was disposed of on 24.3.2011 with a direction for disposal of the representation of the petitioners.

4. That it is respectfully submitted that on receipt of the aforesaid order dtd.24.3.2011, the district authorities initiated enquiry, but without completing the enquiry and without correcting the merit list, again proceeded to take step to issue engagement orders in respect of Vocational and Upasastri candidates, for which, at that juncture, some of the similar situated bonafide candidates like of Intervener-Petitioners, had approached again this Hon'ble High Court in W.P. (C) No.18256/2011, which was disposed of on 15.7.2011 with a direction that the State Opp. Parties shall not appoint candidates against whom the enquiry is pending till it is complete.



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5. That it is respectfully submitted that while the matter stood thus, the district authorities after conducting inquiry issued disengagement notices to the Vocational and Upasastri candidates (those obtained such qualification in suppression of earlier +2 Arts, Science, Commerce and Upasastri pass).

6. That it is relevant to mention here that both the group of the candidates again came to this Hon'ble High Court by filing their respective writ applications raising rival claims to each others. All those cases, being clubbed together, were disposed of by a common order dtd.5.5.2015 in a batch of around 32 Writ Applications. A copy of the common order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases is filed herewith as Annexure-2.

It is relevant to mention here that the Hon'ble High Court, in the aforesaid order under Annexure-2 after hearing the rival claims of the respective group of writ petitions, was pleased to dispose of the batch of 32 writ applications with a clear observation that "it is needless to mention that if the petitioners have committed fraud by submitting the +2 Vocational course certificates contrary to the CHSE 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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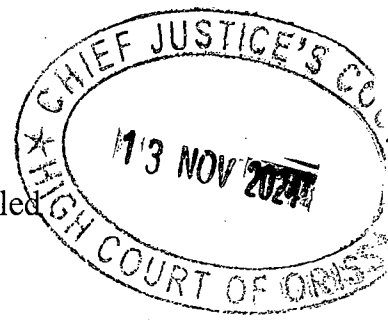
7. That it is respectfully submitted that none of the petitioners of both the rival groups (one group of Vocational and Upasastri candidates challenging disengagement notices and other group challenging their entry into the final merit list and consequential engagement issued to them) had neither raised any objection / exception to the aforesaid common order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases. In pursuant to the aforesaid common order of this Hon'ble High Court, the Respondent No.2, Collector, Bhadrak after hearing both the sides through their respective advocates and considering all the materials placed, recorded the following findings:-

"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".

Although the order dtd.21.8.2015 passed by the Collector, Bhadrak, is available in the aforesaid writ appeal at running Page-102, but for instant appreciation, a copy of the common order dtd.21.8.2015 passed by the



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[Signature]



Collector, Bhadrak (in respect of D.I-1 & D.I-11 is filed herewith as Annexure-3.

8. That it is respectfully submitted that when the Collector, Bhadrak while recording finding against the Vocational and Upasastri candidates got engagement in suppression of fact, on the other hand, did not disengage them and thereby rejected the prayer for engagement of bonafide candidates (whose name initially was in the provisional merit list). Therefore, some of the bonafide candidates being aggrieved by the aforesaid order of the Sub-Collector, under annexure-3, challenged the same in two writ petitions bearing W.P. (C) No.18706/2015 and another W.P. (C) No.720/2016 in respect of both the D.I-1 & D.I -11.

9. That it is respectfully submitted that after hearing, both the W.P. (C) No.18706/2015 & W.P. (C) No.720/2016 were disposed of by the common judgment dtd.28.3.2024, which has been challenged in the writ appeal/ batch of writ appeals under Annexure-3, by the Vocational and Upasastri candidates, those had acquired such qualification by suppressing the fact of earlier +2 Arts, +Science and +2 Commerce pass. In the aforesaid background of the case and in the event, the prayer of the appellants (fake candidates having double certificates) are allowed, then there is every likelihood of prejudicing the interest of the Intervener- Petitioners like of the private respondents.



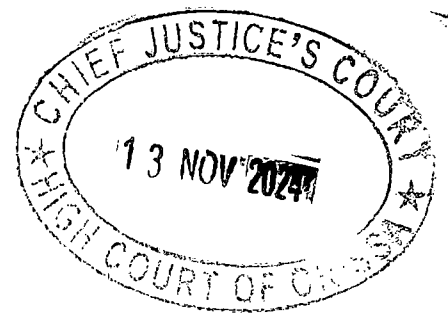
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10. That it is respectfully submitted that the issue involved in the aforesaid writ appeal / a batch of writ appeals has already attended finality in the eye of law in view of the order dtd.22.4.2024 passed in identical writ appeal bearing W.A No.412/2024 and order dtd.31.07.2024 passed in W.A.No.814/2024. For appreciation, copies of the order dtd.22.04.2024 passed in W.A No.412/2024 and copy of the order dtd.31.07.2024 passed in W.A.No.814/2024 are filed herewith as Annexure-4 series.

11. That it is respectfully submitted that the Intervener-Petitioners, despite their name and position finding place in the provisional merit list, have been subsequently deprived of from engagement/appointment as Sikhya Sahayak, at the instance of the appellant (vocational and upasastri candidates). Therefore, the intervener-petitioner are being similarly situated like of private respondents in the aforesaid writ appeal are necessary parties. Therefore in the aforesaid circumstances, & in the event, any adverse final order is passed in the aforesaid pending writ appeal/ batch of writ appeals, then certainly the Intervener petitioners being earlier in the provisional merit list shall also be highly prejudiced like of private respondents (who are the petitioners before the single judge), for which, the Intervener-Petitioners have filed this intervention application.



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(A-01)



PRAYER.

Under the above facts and circumstances of the case, it is humbly prayed that this Hon'ble High Court be pleased to allow this application by impleading the intervener petitioners as Respondents to the aforesaid writ appeal and be pleased to give an opportunity of hearing in the aforesaid writ appeals for proper and effective adjudication of the common issues involved in the aforesaid writ appeals so as to enable them to have the same benefits of the judgment under challenge.

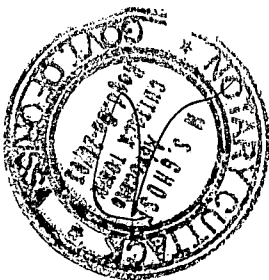
And for which act of kindness, the petitioner shall as in duty bound ever pray.

Cuttack

By the Intervener Petitioners through

Date. 10/11/24


Advocate.



IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

I.A. NO _____/2024.

(Arising out of Writ Appeal (Civil) No.1215/2024)

In the matter of;-

Lizasmita Nayak

..

Appellant

-Vrs-

State of Orissa and others

..

Respondents

And

In the matter of:-

Akshay Kumar Mohanty and Others

... Intervener-Petitioners

AFFIDAVIT.

1. I, Akshay Kumar Mohanty, aged about 39 years, At./P.O.-Balimunda, Via-Naikanidihi, Dist.-Bhadrak, PIN-756164, on being duly authorized by Others, do hereby solemnly affirm and state as follows :-

2. Father's Name;- Anadi Charan Mohanty,

3. Number of proceedings pending in the High Court or would be instituted (Caveat): No

4. Statement of facts: As per averments in the Intervention application.

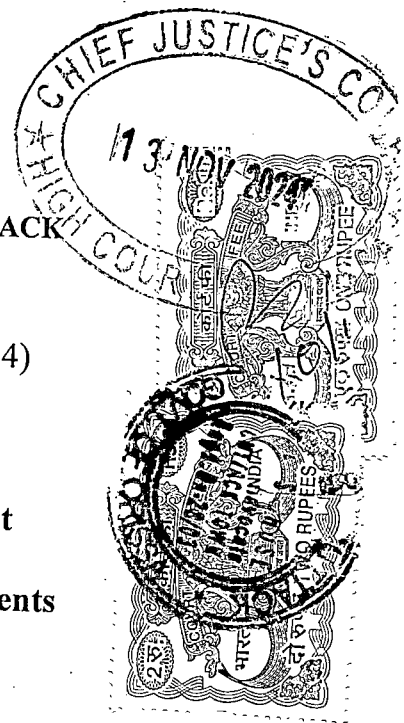
5. The facts stated are true to the best of my knowledge and belief of the deponent.

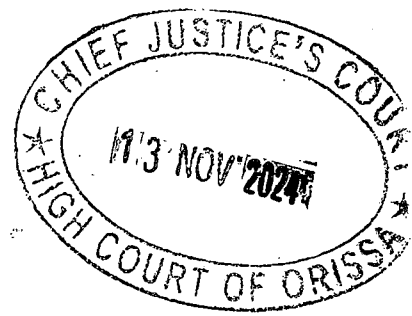
DECLARATION

I am the Petitioner above named do hereby solemnly affirmation that the facts stated in Paragraphs 1 to 11 are true to my own knowledge and Paragraph 1 to 11 are true to the best of my information which I obtained from the official sources as well personal sources.



(Handwritten signature)





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 10th day of November 2024.

Identified by
Nirmal Chandra Das
Advocate's Clerk

Akshay Kumar Mohanty

Deponent

Solemnly affirm before me by Akshay Kumar Mohanty, who is identified before me by Ajay Kumar Panda, Advocate's Clerk, whom I personally known.

This is the 10th day of November, 2024.

Netaji Sabyasachi Ghose
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

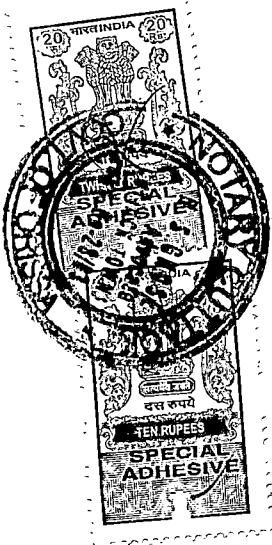
CERTIFICATE

Certified that due to non availability of catridge papers, white papers have been used.

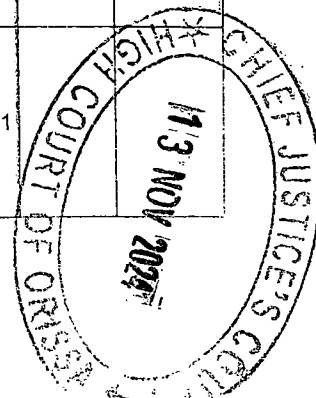
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Dtd. 10.11.2024

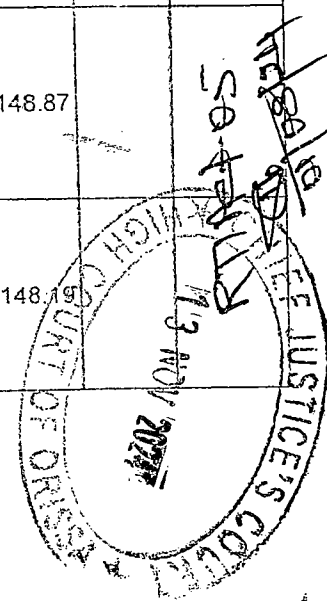
[Signature]
Advocate
of the Intervener-Petitioners



Sl No.	Index No.	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Certi. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	CT Percentage	Total	PH/Ex.Ser./Sports	Remarks
20	357	SUKANTI DATTA	H-GOLAK PR. DATTA	AT-BALIKTIRATA, PO-ANANTAPUR, DIST-BLS, 756046	04.05.77	F	SEBC	148/11	207/11	TW/8298/10	1000	644	64.40	1250	781	62.48	126.88		
21	4	AKSHAYA K. MOHANTY	F-ANADI CH. MOHANTY	AT/PO-BALIMUNDA, VIA-NAIKANIDIHA, DIST-BDK	01.04.85	M	SEBC	388/09	5755/10	C/142/09	900	501	55.67	1250	883	70.64	126.31		
22	126	RASMITA SAHU	H-SUJIT BEHERA	AT/PO-JAGANNATHPUR, VIA-ANANTHAPUR, PS-BASUDEVPUR	13.04.86	F	OBC	85/11	523/11	WT/1221/11	900	483	53.67	1250	896	71.68	125.35		
23	61	BISWAMBAR BEHERA	F-BANAMBAR BEHERA	AT-TENTULIKID, PO-AYATAN, PS-RAJKANIKA, DIST-KENDRAPARA, 754237	12.06.82	M	SEBC	413/10	594/11	T/7060/06	900	493	54.78	1250	879	70.32	125.10		
24	31	USHARANI SAHOO	H-PRUTHIRAJ SAHOO	AT-RADHANATHPUR, PO-MANDARI, DIST-BDK	15.04.87	F	SEBC	1218/10	5894/10	WC/1898/08	900	523	58.11	1250	830	66.40	124.51		



Sl No.	Index No.	Name of the Applicant	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste cert. No. Date	Resident Certi. No.	Employment Exchange Regn. No.	+2 Full Mark	+2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	CT Percentage	Total	PH/Ex.Ser./Sports	Remarks
1	166	PRINKLE OJHA	F-MAHENDRA NATH OJHA	AT/PO-SUNDARPUR,VIA KUPARI,DIST-BLS	01.06.84	F	SEBC	50/11	158/11	TW/507/11	1000	757	75.70	1250	997	79.76	155.46		
2	80	BATA KRISHNA BAL	F-ISWAR CH. BAL	AT-KANATIA,PO-MANGALPUR,VIA TIHIDI,756130	01.04.81	M	SEBC	630/02	343/11	T/161/11	600	465	77.50	1250	919	73.52	151.02		
3	131	SITA SUNDARI DAS	F-NARYAYAN CH. DAS	AT-SADANANDAPUR,PO-BHUYANWASH,P S-TIHIDI	19.03.85	F	GEN		301/11	TW/1760/08	600	446	74.33	1250	940	75.20	149.53		
4	41	ROJI PRADHAN	F-RATIKANTA PRADHAN	AT-SUDARSANPUR, PO-SUAN,VIA-ERAM,DIST-BDK	06.01.91	F	SEBC	39/11	91/11	WT/584/11	600	442	73.67	1250	940	75.20	148.87		
5	45	JYOTISHREE JYOTIRMAYEE BARIK	F-BANAMALI BARIK	AT/PO-BHAIRABPUR,VIA-BASUDEVPUR,756125	14.01.92	F	OBC	18/11	112/11	WT/593/11	600	437	72.83	1250	942	75.36	148.19		



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DRAFT LIST OF APPLICANTS ALONG WITH INFORMATION SUBMITTED BY THEM FOR THE POST OF SS-2011, BHADRAK

Sl. No.	Father/Husband's Name	Permanent Address	Date of Birth	Sex	Category	Caste Cert. No. Date	Reside nt Cert. No.	Employment and Exchange Regd. No.	*1 Full Mark	*2 Mark Obtained	Percentage	Full Mark CT	Mark Obtained CT	CT Percentage	Total	PH/Ex. Ser. or Sports	Remarks
142	H. PARSURAM SAHOO	AT-MULKAIDA PO-ANANTAPUR VIA- SORO DIST-BLS	12.01.70	F	GEN		155/11	WT/210/09	900	455	50.67	1050	585	55.71	108.38		
143	H. KRUSHNA CH. DASH	AT-BADA OSTIA PO-BALIGAN VIA- CHANDABALI	01.05.67	F	GEN		111	WT/200/03	900	419	46.55	1050	483	46.00	92.56		
144	F. JAGADHAR SENAPATI	AT-MANGARAJPUR PO-PS-TIHIDI DIST-BDK	12.05.90	F	GEN		203/11	WT/148/03	900	546	60.67	1250	857	70.96	131.63		
145	F. SRINANTA SAHOO	AT-SANKHARA PO-BARAPUR VIA-ANANTAPUR DIST-BDK	20.12.88	F	GEN		915/11	WT/253/10	1000	731	73.10	1250	798	63.84	135.94		(41)
146	F. KAMALA KANTA SAHOO	AT-SANKHARA PO-BARAPUR VIA-ANANTAPUR DIST-BDK	14.06.64	M	GEN		918/11	Tr/6420/10	500	448	49.78	1250	785	62.80	112.58		
147	F. GOBINDA CH. DASH	AT-SANKHARA PO-BARAPUR VIA-ANANTAPUR DIST-BDK	16.05.67	F	GEN		6120/10	WT/2100/08	900	501	55.67	1250	980	78.40	134.07		
148	F. DHANESWAR PANDA	AT-FAKIRPUR PO-SAHAPUR VIA-PIRAHAT PS-TIHIDI	26.04.90	M	GEN		621/11	Tr/4111/11	600	425	70.83	1250	881	66.88	139.71		
149	F. GOURA HARI DAS	AT-KAMARIA PO-MANGALAPUR VIA-TIHIDI	19.03.83	M	SC	1657/09	4611/10	Tr/6270/06	900	425	47.22	1250	865	69.20	116.42		
150	F. BIJAYA KU RANA	AT-BAGADA BINAYAKPUR PO-KIAPADA VIA-BRAHMANGAN	07.10.90	F	OBC	21/11	132/11	WT/219/11	900	427	47.44	1250	755	60.48	107.92	Ex. Ser.	
151	F. DRONA PR DAS	AT-KHARIDA BINAYAKPUR PO-BIJAYAKPUR PS-BASUDEVPUR	05.11.69	M	SEBC	254/99	777/10	Tr/205/10	900	411	45.67	1050	463	43.14	88.81		

14 Annexure - 2

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

W.P.(C) No. 50772014 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 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 VocationalUpa Sastri certificates from the C.H.S.E.

According to the petitioners since those candidates had earlier appeared in 2 ArtsScienceCommerce 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.

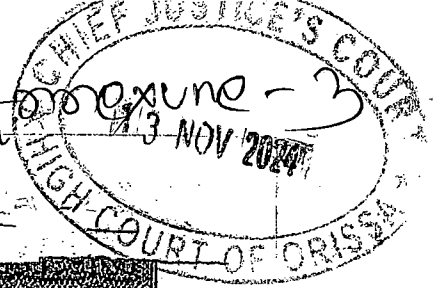
However this Court has not expressed any opinion on the merit of the case.

The writ petitions are accordingly disposed of.

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

Sd/- B.P. Ray J.

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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 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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
11-09-015	17-09-015	18-09-015	16-09-015	19-09-015

**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 SamalPetitioner

-Vs-

State of Odisha & Others Opp. Parties.

ORDER

21.08.2015

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

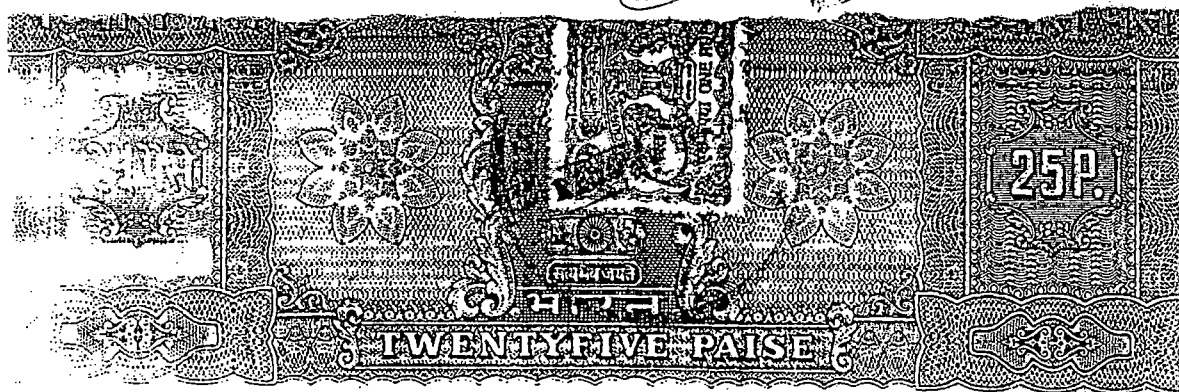
IMPAIRED BY
K. K. Singh

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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

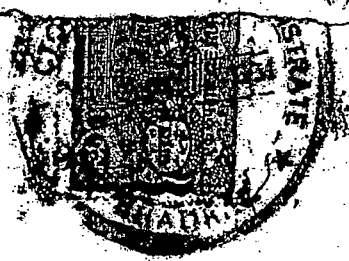


प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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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- 18 -

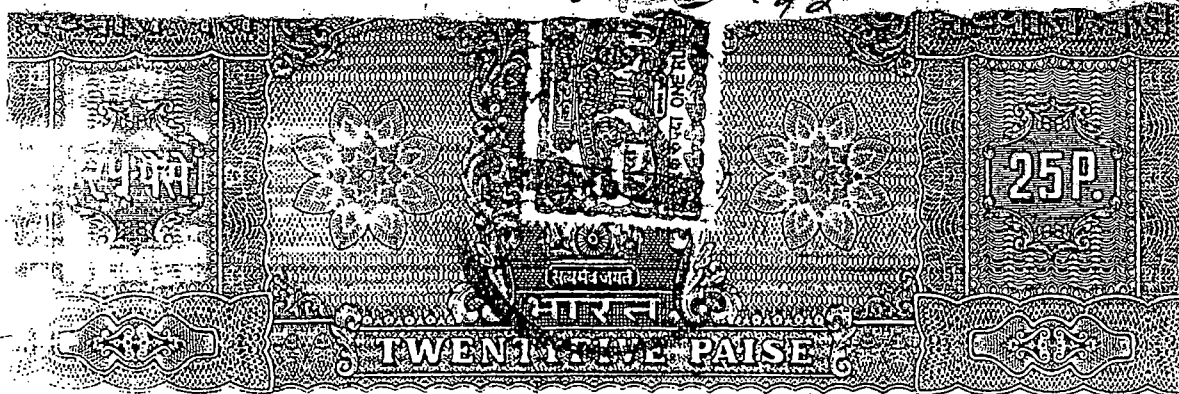


the fake Vocational and Upashastri candidates and praying for engagement as Sikshya Sahayak. To clarify the meaning of fraud and misrepresentation/concealment of facts they cited the provisions of Contract Act, 1872 that fraud means the active concealment of a fact by one having knowledge or belief of 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

COMPARED BY
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CHIEF JUSTICE'S COURT
17/3/2017



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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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

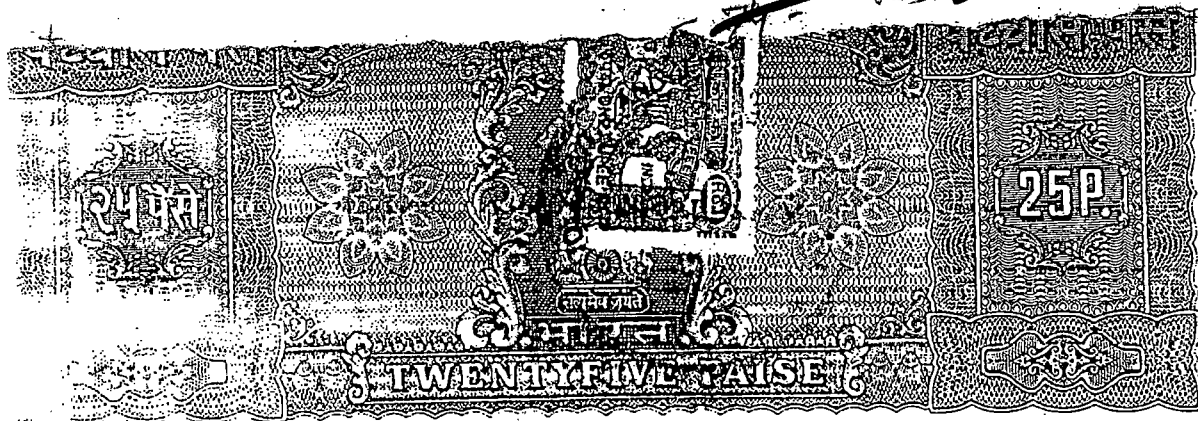


be admitted to the annual examination in vocational courses, if he/she completed in any Higher Secondary School/Junior College recognized by the council as a vocational centre a regular course in a vocational subject for not less than two academic years after passing the High School Certificate Examination 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.

COMPARED BY
Kmy 1/10/17

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

-21- 103-



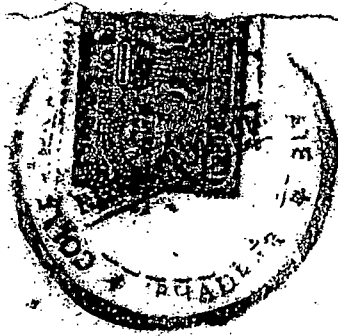
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Sikshya Sahayak. Hence, their engagement should be terminated and FIR should be lodged against them and they are not allowed to receive their salary and they should be ousted from their Sikshya Sahayak posts and the deserving candidates like the petitioners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

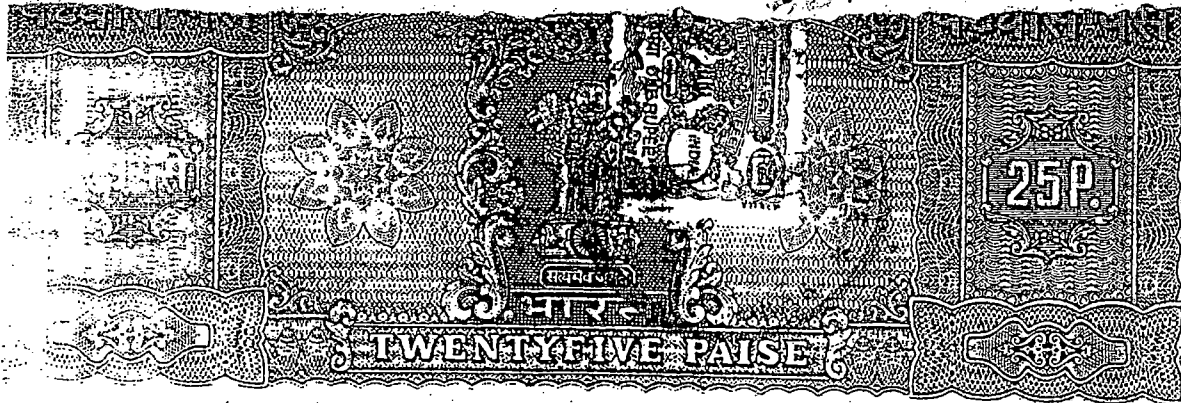
The learned advocate for the petitioners in W.P. (C) No.32023 of 2011 and others similar writ petitions Mr. R.N.Mishra submits that, the petitioners in aforesaid writ petitions have neither violated any rule or regulation of the CHSE nor have they committed any fraud in submitting the Vocational/Upasastri pass certificates as alleged by Surekha Samal and others. He also states that, as per the Black's law dictionary fraud

COMPARED BY
R. N. Mishra

means, (i) a knowing misrepresentation or 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 20th century dictionary fraud means deceit, imposture, a cheat. As per the major law lexicon (4th 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,



(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.3077/14 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.

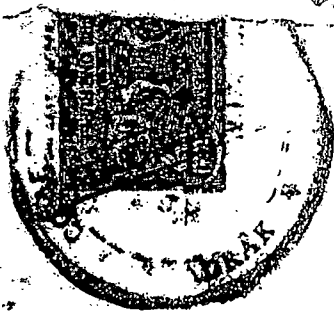


प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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(I) OLR- 226. He also submits 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/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

COMPARED BY
Rmyad

CHIEF JUSTICE'S COURT
11/3 NOV 2024
HIGH COURT OF ODISHA

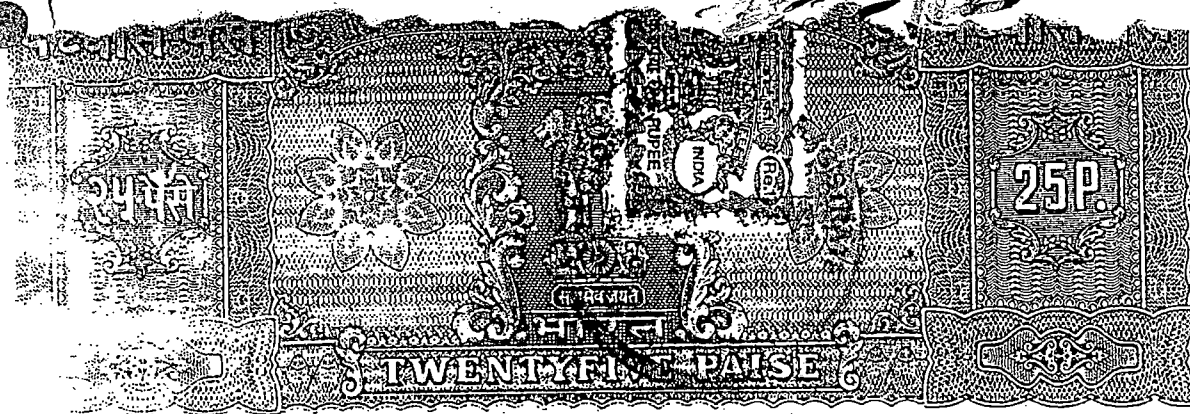


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candidates then also it cannot be recalled or cancelled by CHSE, Odisha now after about eight to ten years, moreover when all the candidates changed their position by virtue of such certificate and settled in their life. The claim of the vocational/upasastri 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 W.A. 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 an 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(o)/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/upasastri candidates cannot be used against them as it was

IMPARTED BY
KING



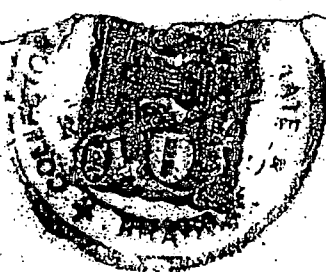
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taken on coercion. The employee and employer relationship is that a Lamb & Lion relationship. The poor employee cannot have any bargain power before employer. Unless such candidates have given any undertaking they could not have given engagement. So 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 Sikshya Sahayaks having vocational/upasastri 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 post of Shiksha 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.....

Here two things are very crucial for the entire issue.

- (1) The students obtaining the Vocational certificates after completing +2 ARTS/Science/Commerce or concurrently having two



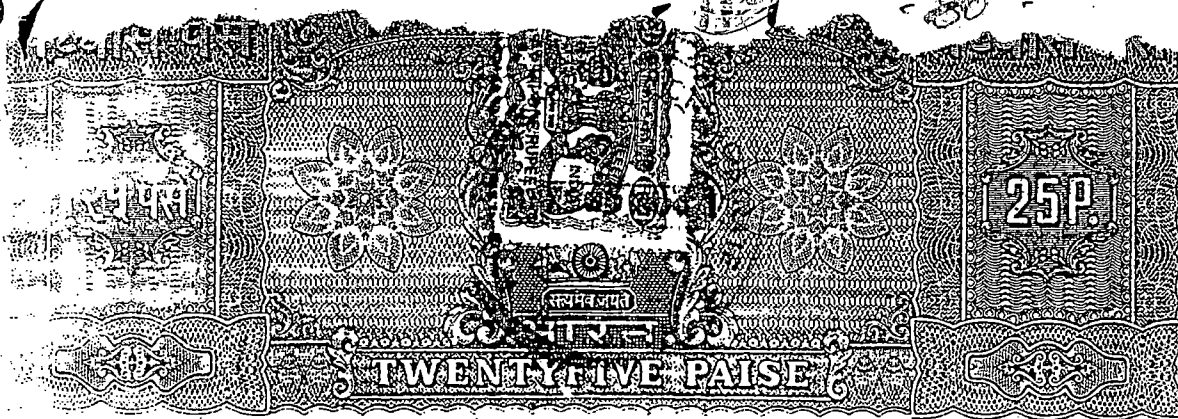
courses and obtaining certificates. But their certificates have not been withdrawn or cancelled by the competent authorities.

(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



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 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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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.

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 27.08.2015

COMPARED BY

Km...

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

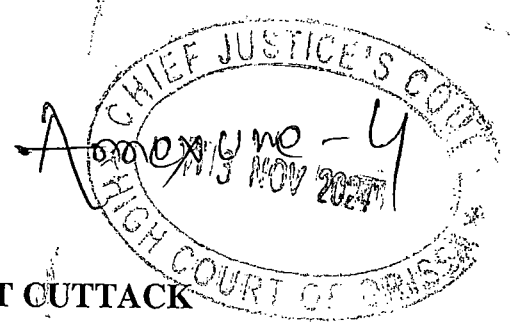
Khagendra Madhu
HEAD CLERK 15.9.15
RECORD ROOM
Collectorate, Bhadrak

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Deputy Collector
Record Room, Collectorate,
Bhadrak

Deputy Collector
Record Room, Collectorate,
Bhadrak

AD

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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 412 of 2024

Rajkishore Barik and Another

....

Appellants

Mr. Pradeep Kumar Khuntia, Advocate

-versus-

State of Odisha and Others

....

Respondents

Mr. R.N. Mishra, Addl. Government Advocate

Mr. Nirmal Chandra Das, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

22.04.2024

Order No.

03.

This matter is taken up through Hybrid mode.

2. In the present intra-Court appeal, the appellant has questioned the illegality of an order dated 21.02.2024 passed by a learned Single Judge of this Court whereby the writ petition i.e. W.P.(C) No.18225 of 2023 filed by the appellants has been dismissed. The appellants were petitioners No.4 and 5 in the said writ petition.

3. The controversy related to recruitment for the post of Live Stock Inspector pursuant to an advertisement issued by the District Chief Veterinary Officer, Jagatsinghpur district. The appellants were shortlisted after following the recruitment process. Apparently, based on certain allegations made by the participants in the selection process, the certificates obtained by the appellants were scrutinized by the authorities. The same were found to have been fraudulently obtained.

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4. The learned Single Judge, after having examined the pleadings/ counter pleadings on record, concluded in paragraphs 8.1 and 8.2 as under:

“8.1. As found from the record and as admitted by the Petitioners, all the Petitioners after passing their High School Certificate Examination, prosecuted their +2 Arts course under the Council and passed the said examination successfully in the year 1996, 2000 and 2004 respectively vide Annexure-1 series, 2 series & 3 series. As found from the record, Petitioner Nos. 2 & 3 by taking a false plea that they have lost their SLC certificate because of white ant, moved the concerned school authority vide Annexure-A/14 for issuance of duplicate SLCs. After obtaining such duplicate SLCs, they got themselves admitted to prosecute +2 vocational course and passed the same in the year 2013 and 2011 respectively. Since by taking a false stand before the school authority vide Annexure-A/14, Petitioner Nos. 2 & 3 obtained duplicate SLCs and prosecuted their +2 vocational stream under the Council to which they are otherwise not eligible in view of the provisions contained under Regulation 123, benefit of such qualification is not to be extended. Not only that in view of the clear provision contained under Regulation 123, a candidate is only eligible to get himself admitted to prosecute +2 vocational course after passing his High School Certificate Examination.

8.2. Since Petitioners after passing their HSC Examination prosecuted +2 Arts course and passed the same under the Council, as per the considered view of this Court, qualification of +2 vocational course so acquired by the Petitioners in the year 2013 and 2011 respectively vide Annexure-1 to 3 series, cannot be used by them to get the benefit of appointment as Live Stock Inspector as eligible Gomitra candidate. Petitioner Nos. 2 & 3 to get themselves admitted to prosecute +2 vocational stream, have committed fraud on the School as well as on the Council. Placing reliance on the decisions of the Hon'ble Apex Court in the case of *S.P. Chengalvaraya Naidu & Indian Oil*



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Corporation Ltd. as well as the provisions contained under Regulation 123, this Court is of the view that Petitioners are not eligible and entitled to get any relief as fraud vitiates everything. This Court accordingly dismiss both the writ petitions and vacate the interim order dt.21.06.2023. While vacating the interim order, this Court directs Opp. Party Nos. 3 & 4 to comply with the direction issued by this Court on 26.06.2023 in W.P.C.(OA) No.1587 of 2016 within a period of two (2) weeks from the date of receipt of this order.”

5. Learned counsel appearing on behalf of the appellants has not disputed the findings of fact recorded by the learned Single Judge as noted above. He has, however, submitted that the appellants did not remember as to whether they had physically obtained the certificates from the Council of Higher Secondary Education of having passed +2 vocational certificates or the same had been destroyed by white ants. He has submitted that the second course certificate in such circumstance ought not to have been rejected.

6. There being no dispute about the fact as concluded by the learned Single Judge that the appellants had obtained duplicate higher secondary course certificate fraudulently, we don't find any reason to interfere with the impugned judgment of the learned Single Judge.

7. The appeal stands dismissed being devoid of merit.

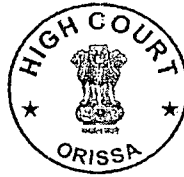
(Chakradhari Sharan Singh)
Chief Justice

Signature Not Verified

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Signed by: SANJAY KUMAR JENA
Designation: SECRETARY
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 25-Apr-2024 14:35:56

(M.S. Raman)
Judge

11/11



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A.No.814 of 2024

Dilip Kumar Pradhan

....

Appellant

Mr.S.P.Mishra, Sr. Advocate

-versus-

State of Odisha & others

....

Respondents

Mr.Biswabihari Mohanty, Advocate

Mr.Saswat Das, AGA

(for Respondents 1 to 5)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SAVITRI RATHO

ORDER

31.07.2024

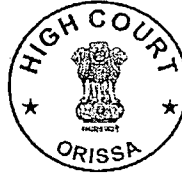
Order No.

02. This matter is taken up through Hybrid mode.

2. In the present intra-court appeal, the appellant has put to challenge an order dated 21.02.2024 passed by a learned Single Judge in W.P. (C) No.18225 of 2023 where he was petitioner No.3.

3. A common order had been passed in W.P. (C) No.16810 of 2016 and W.P.(C) No.18225 of 2023 by the learned Single Judge dismissing the two writ petitions.

4. The controversy which was the subject matter of the two writ petitions related to the recruitment to the post of Live Stock Inspector, pursuant to an advertisement issued by the District Chief Veterinary Officer, Jagatsinghpur District. A candidate who had completed +2 was not entitled to get admission in the vocational course. The appellant was shortlisted during the recruitment process. Based on allegations received, the certificate of the vocational course on which the appellant had relied on for his selection, was



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found to have been fraudulently obtained as he had pursued the vocational course after passing +2 course and in order to get admission into the vocational course, he had obtained duplicate School Leaving Certificate (in short 'SLC') by taking a false plea that the original SLC had been lost.

5. The learned Single Judge dismissed the writ petitions holding that the qualification of vocational course could not be utilized by the petitioners for appointment as Live Stock Inspector as eligible Gomitra candidate, as in order to get admission in the vocational course, fraud had been committed on the school and the college.

6. The Division Bench of this Court by an order dated 22.04.2024 passed in **W.A. No.412 of 2024** which had been filed by **Rajkishore Barik** and **Manoranjan Maity**, who were the petitioners No.4 and 5 in **W.P. (C) No.18225 of 2023**, dismissed the writ appeal by order dated 22.04.2024 and upheld the said order dated 21.02.2024 of the learned Single Judge.

7. In such view of the matter, we find no reason to take a different view that what has been taken in case of *Rajkishore Barik (supra)*.

8. The Writ Appeal is accordingly dismissed.

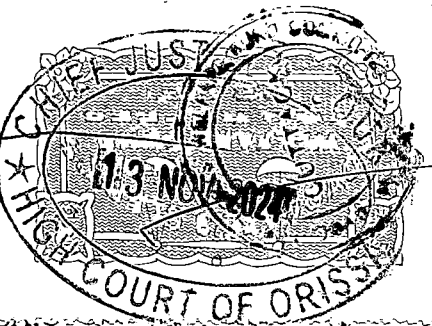
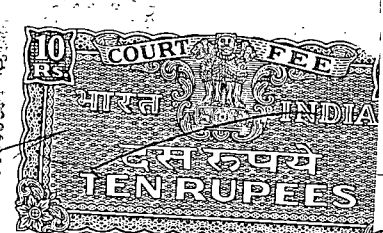
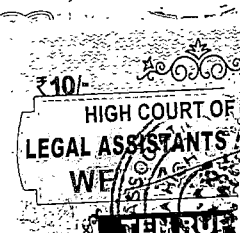
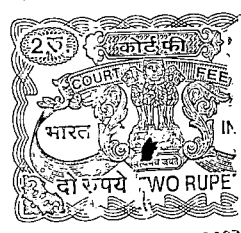
(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

Signature Not Verified

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Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 02-Aug-2024 16:18:52

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FORM OF VAKATNAMA
IN THE HIGH COURT OF JUDICATURE ORISSA
IA No. /2024
Arising out of writ Appeal (Civil) NO - 1215 /2024
Appellant/Petitioner/Applicant
Lizasmata Nanyal
Respondent/ Opp. Party/Defendant
State of Orissa and others FOR INTERVENER
Know all men by these presents, that by this Vakalatnama.

I/we 1) Sita Sundari Das aged about 39 years. D/O - Nanayan Ch Das
At Sadar Mahalanagar, P.O. - Bhubaneswar, Dist. - Bhubaneswar

2) Akshay Kumar Mahanty aged about 39 years.
S/o Anadi Ch. Mahanty At P.O. - Baunundi, Dist. - Bhubaneswar

3) Kumuda Ranjan Sahoo aged about 28 years.
S/o Karan Ranjan Sahoo At - Sonit Barua, P.O. - Barapada, Dist. - Bhubaneswar

Petitioner/Appellant
/ Respondent/Opposite Party in the aforesaid Case/ Revision/Appeal case in the aforesaid case do hereby Retain
NIRMAL CHANDRA DAS, ADVOCATE, B.C.E. NO. 0-2058/1995
MOB: 7750011805

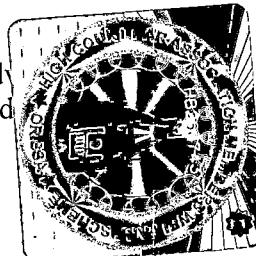
(Advocates) to appear for me in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any monies that may be payable to me/us in the said case and also in applications for review in appeals, before the Orissa High Court order and in applications for leave to Appeal to the Hon'ble Supreme Court of India. I/we authorise my/our Advocate(s) to admit any compromise lawfully entered in the said case.
Dated the 10/11/2024

Received from the executants satisfied and Accepted as I hold no brief for the other side.

Advocate Accepted as above Advocate Accepted as above
Advocate Accepted as above Advocate Accepted as above

Advocate Accepted as above Advocate Accepted as above
Advocate Accepted as above Advocate Accepted as above

Advocate Accepted as above Advocate Accepted as above
Advocate Accepted as above Advocate Accepted as above



Signature of the Executants

SCANNED

IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

I.A. NO 8/32 /2024.

(Arising out of Writ Appeal (Civil) No.1215/2024)

Lizasmita Nayak

..

Appellant.

-Versus-

State of Orissa and others

..

Respondents.

And

In the matter of:-

Kausalya Palai and Another ... Intervener-Petitioners

I N D E X

Sl.No.	Description of documents.	Pages
1.	Intervention petition.	01 - 10
2.	<u>Annexure-1.</u> Copy of the relevant merit list of Sikshya Sahayak under Bhadrak Education District-II Arts C.T. category in respect of SEBC (W)	- 11 -
3.	<u>Annexure-2.</u> Copy of the common order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases	12
4.	<u>Annexure-3.</u> Copy of the order dtd.21.8.2015 passed by the Collector, Bhadrak.	13 - 25
5.	<u>Annexure-4.</u> Copy of the order dtd.15.3.2024 passed in I.A. No.3015/2024 Arising out of W.P. (C) No.720/2016.	- 26 -
6.	<u>Annexure-5 Series.</u> Copies of the order dtd.22.04.2024 passed in W.A No.412/2024 & the order dtd.31.07.2024 passed in W.A.No.814/2024	27 - 81.
6.	VAKALATNAMA.	

Cuttack

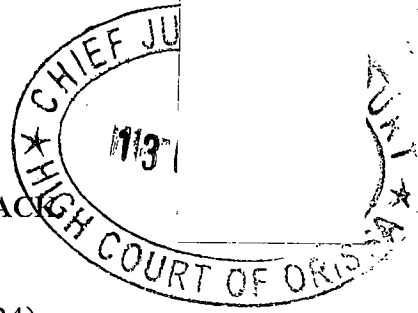
By the Intervener-petitioners through

Date :

13/11/24

Advocate.

[Signature]



IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK.

I.A. NO 8/32/2024.

(Arising out of Writ Appeal (Civil) No.1215/2024)

In the matter of:

An application for intervention under order-
1, Rule-10 of C.P.C. read with Chapter-VI
Rule 27(a) of the Orissa High Court Rules;

And

In the matter of :-

Lizasmita Nayak

..

Appellant.

-Vrs-

State of Orissa and others

..

Respondents.

And

In the matter of:

1. Kausalya Palai, aged about 38 years,
D/o. Late Bhaskar Chandra Palai, At/P.O.-
Padhuan, Via-Anantapur, P.S.-Basudevpur,
Dist.- Bhadrak.
2. Jayashree Rout, aged about 40 years,
W/o. Susanta Kumar Rout, At.-Artung, P.O.-
Barapur, Via-Anantapur, P.S.-Basudevpur,
Dist.-Bhadrak.

.... Intervener-Petitioners

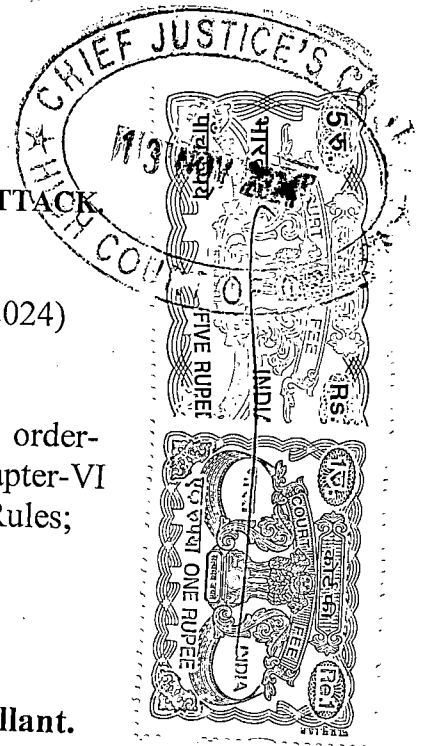
To

The Hon'ble Chief Justice of Orissa High Court
and His Lordship's other Companion Justices of
the said Hon'ble Court ;

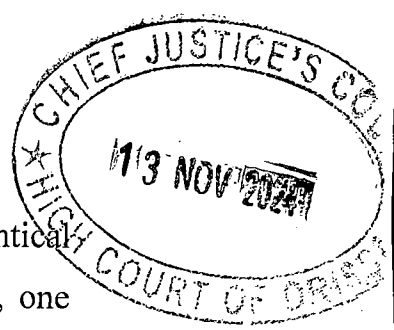
The humble petition of the
above named Interveners ;

Most Respectfully Sheweth :-

1. That the aforesaid writ appeal has been filed
by the appellant challenging legality and propriety of the
judgment dtd.28.3.2024 of the Hon'ble Single Judge
passed in W.P.(C) No.720/2016 disposed of along with



2/2



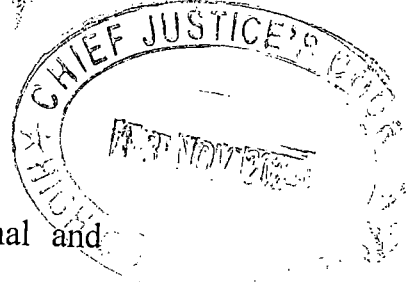
W.P.(C) No.18706/2015 involving the same and identical issue [under the above two writ petitions, wherein, one common impugned order dtd.21.8.2015 passed by the Collector, Bhadrak, was under challenge, the said impugned order dtd.21.8.2015 was passed after hearing all the parties by the Collector in compliance of the earlier common direction / order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of around 32 Writ cases pertaining to the vocational and Upasastri candidates got selected basing upon suppression of fact of earlier passing +2 Arts / Science / Upasastri soon after completion of H.S.C. in contravention of the provisions of law].

2. That it is respectfully submitted that the intervener petitioner No.1 & 2 were not only the applicants for the post of Sikshya Sahayak advertised on 27.1.2011 but also got placement in the provisional merit list of SEBC Women category at Sl. No.1 & 3 respectively. A copy of the relevant provisional merit list of Sikshya Sahayak under Bhadrak Education District-II Arts C.T. category in respect of SEBC (W) is filed herewith as Annexure-1.

3. That it is respectfully submitted that in the provisional merit list, initially no such vocational and Upasastri candidates, (those have acquired such vocational and Upasastri qualification over and above their earlier +2 Arts / Science/ Commerce and Upasastri pass), were not included. But in subsequent stage, the



[Handwritten signature]



District Authorities included all those vocational and Upasastri candidates, as a result of which, on the strength of their higher percentage of mark obtained in the Vocational courses / Upasastri Courses, they got placement in the final merit list, whereas the present Intervener-Petitioners were not included in the final merit list, as a result, the same was challenged initially before this Hon'ble High Court in W.P. (C) No.7478/2011 by similarly situated affected bonafide candidates, which was disposed of on 24.3.2011 with a direction for disposal of the representation of the petitioners.

4. That it is respectfully submitted that on receipt of the aforesaid order dtd.24.3.2011, the district authorities initiated enquiry, but without completing the enquiry and without correcting the merit list, again proceeded to take step to issue engagement orders in respect of Vocational and Upasastri candidates, for which, at that juncture, some of the similar situated bonafide candidates like of Intervener-Petitioners, had approached again this Hon'ble High Court in W.P. (C) No.18256/2011, which was disposed of on 15.7.2011 with a direction that the State Opp. Parties shall not appoint candidates against whom the enquiry is pending till it is complete.

5. That it is respectfully submitted that while the matter stood thus, the district authorities after conducting inquiry issued disengagement notices to the

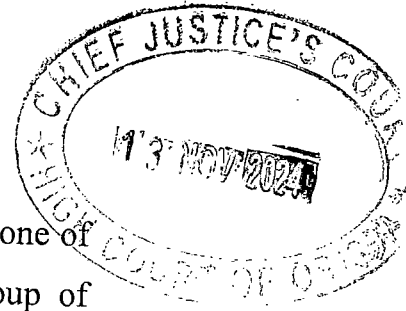


Vocational and Upasastri candidates (those obtained such qualification in suppression of earlier +2 Arts, Science, Commerce and Upasastri pass).

6. that it is relevant to mention here that both the group of the candidates again came to this Hon'ble High Court by filing their respective writ applications raising rival claims to each others. All those cases, being clubbed together, were disposed of by a common order dtd.5.5.2015 in a batch of around 32 Writ Applications. A copy of the common order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases is filed herewith as Annexure-2.

It is relevant to mention here that the Hon'ble High Court, in the aforesaid order under Annexure-2 after hearing the rival claims of the respective group of writ petitions, was pleased to dispose of the batch of 32 writ applications with a clear observation that "it is needless to mention that if the petitioners have committed fraud by submitting the +2 Vocational course certificates contrary to the CHSE 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".



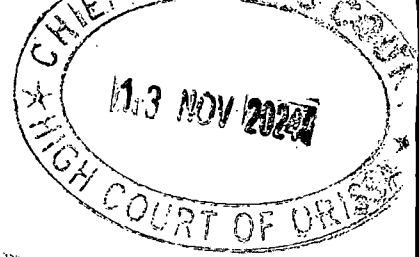


7. That it is respectfully submitted that none of the petitioners of both the rival groups (one group of Vocational and Upasastri candidates challenging disengagement notices and other group challenging their entry into the final merit list and consequential engagement issued to them) had neither raised any objection / exception to the aforesaid common order dtd.5.5.2015 passed in W.P. (C) No.5077/2014 and a batch of cases. In pursuant to the aforesaid common order of this Hon'ble High Court, the Respondent No.2, Collector, Bhadrak after hearing both the sides through their respective advocates and considering all the materials placed, recorded the following findings:-

“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”.

Although the order dtd.21.8.2015 passed by the Collector, Bhadrak, is available in the aforesaid writ appeal at running Page-102, but for instant appreciation, a copy of the common order dtd.21.8.2015 passed by the Collector, Bhadrak (in respect of D.I-1 & D.I-11 is filed herewith as Annexure-3.





8. That it is respectfully submitted that when the Collector, Bhadrak while recording finding against the Vocational and Upasastri candidates got engagement in suppression of fact, on the other hand, did not disengage them and thereby rejected the prayer for engagement of bonafide candidates (whose name initially was in the provisional merit list). Therefore, the bonafide candidates being aggrieved by the aforesaid order of the Sub-Collector, under annexure-3 challenge the same in two writ petitions bearing W.P. (C) No.18706/2015 and another W.P. (C) No.720/2016 in respect of both the D.I-1 & D.I -11.

It is respectfully submitted that while the aforesaid W.P. (C) No.18706/2015 and another W.P. (C) No.720/2016 were pending being clubbed together to be heard, at that juncture, the present two Interveners were also intervened in the aforesaid writ application. The intervention application was allowed vide order dtd.15.3.2024. Net copy of the order dtd.15.3.2024 passed in I.A.No.3015/2024 Arising out of W.P. (C) No.720/2016 is filed herewith as Annexure-4.



9. That it is respectfully submitted that after hearing, both the W.P. (C) No.18706/2015 & W.P. (C) No.720/2016 were disposed of by the common judgment dtd.28.3.2024, which has been challenged in the writ appeal/ batch of writ appeals under Annexure-3, by the

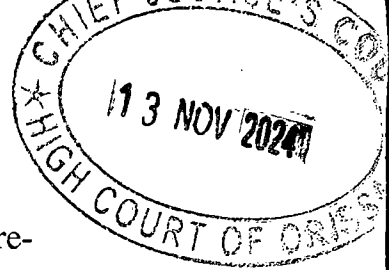


Vocational and Upasastri candidates, those had acquired such qualification by suppressing the earlier +2 Arts, +Science and +2 Commerce pass. In the aforesaid background of the case and in the event, the prayer of the appellants (fake candidates having double certificates) are allowed, then there is every likelihood of prejudicing the interest of the Intervener- Petitioners like of the private respondents.

10. That it is respectfully submitted that the issue involved in the aforesaid writ appeal / a batch of writ appeals has already attended finality in the eye of law, in view of the order dtd.22.4.2024 passed in identical writ appeal bearing W.A No.412/2024 and order dtd.31.07.2024 passed in W.A.No.814/2024. For appreciation, copies of the order dtd.22.04.2024 passed in W.A No.412/2024 and copy of the order dtd.31.07.2024 passed in W.A.No.814/2024 are filed herewith as Annexure-5 series.

11. That it is respectfully submitted that the Intervener-Petitioners, despite their name and position finding place in the provisional merit list, have been subsequently deprived of from engagement/appointment as Sikhya Sahayak, at the instance of the appellant (vocational and upasastri candidates). Therefore, the intervener-petitioner are being similarly situated like of private respondents in the aforesaid writ appeal are necessary parties. It is further humbly submitted that the appellant ought to have arrayed the intervener-petitioners





as respondents in view of the order under annexure-4, which has not been done by the appellant. Therefore in the aforesaid circumstances, & in the event, any adverse final order is passed in the aforesaid pending writ appeal/ batch of writ appeals, then certainly the Intervener petitioners being earlier in the provisional merit list shall also be highly prejudiced like of private respondents (who are the petitioners before the single judge), for which, the Intervener-Petitioners have filed this intervention application.

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 this application by impleading the intervener petitioners as Respondents to the aforesaid writ appeal and be pleased to give an opportunity of hearing in the aforesaid writ appeals for proper and effective adjudication of the common issues involved in the aforesaid writ appeals so as to enable them to have the same benefits of the judgment under challenge.

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

Cuttack

By the Intervener Petitioners through

Date. 10/11/24

Advocate.



IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

I.A. NO _____ /2024.
(Arising out of Writ Appeal (Civil) No.1215/2024)

In the matter of:-

Lizasmita Nayak

..
-Vrs-

Appellant

State of Orissa and others

..

Respondents

And

In the matter of:-

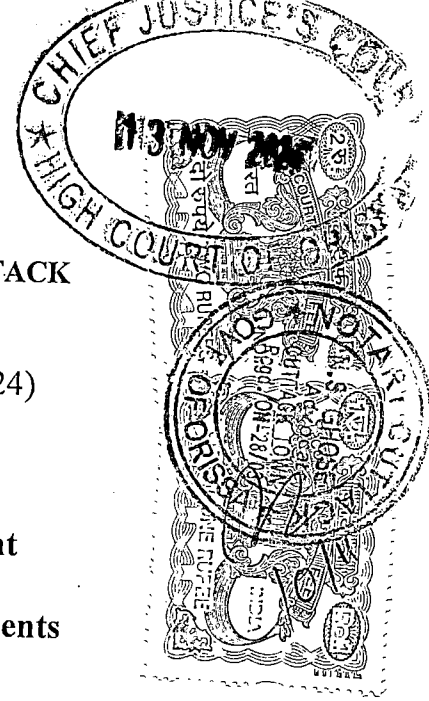
Kausalya Palai and Another ... Intervener-Petitioners

AFFIDAVIT.

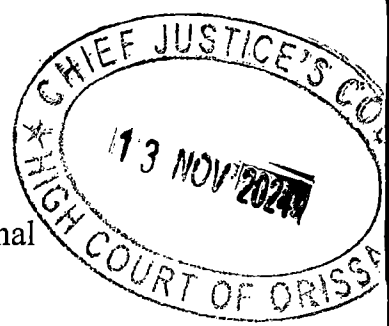
1. I, Kausalya Palai, aged about 38 years, At/P.O.-
Padhuan, Via-Anantapur, P.S.-Basudevapur, Dist.- Bhadrak,
on being duly authorized by another, do hereby solemnly
affirm and state as follows :-
2. Father's Name;- Late Bhaskar Chandra Palai
3. Number of proceedings pending in the High Court
or would be instituted (Caveat): No
4. Statement of facts: As per averments in the
Intervention 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 11 are true to my own knowledge and Paragraph 1 to
11 are true to the best of my information which I



[Handwritten signature]



obtained from the official sources as well personal sources.

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 10th day of November 2024.

Identified by

Advocate

Kausalya Palai

Deponent.

Solemnly affirm before me by Kausalya Palai, who is identified before me by Ajay Kumar Panda, Advocate's Clerk, whom I personally known.

This is the 10th day of November, 2024.

NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
NOTARY PUBLIC, CUTTACK, ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

CERTIFICATE

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

Cuttack

Dtd. 10.11.2024

Advocate
of the Intervener-Petitioners



Sl No.	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	CT Percentage	Total	PH/Ex.Ser./Sports
1	117	KOUSALYA PALEI	F-LATE BHASKAR PALEI	AT/PO-PADHUAN,VIA-ANANTAPUR,DIST-BDK	04.06.86	F	OBC	55/11	305/11	T/3412/09	900	487	54.11	1250	848	67.84	121.95	
2	94	CHANDRIKA BARIK	H-RAMAPRASAD BARIK	AT/PO-KUBERA,DIST-BDK	21.10.83	F	OBC	51/11	281/11	TW/2212/08	900	460	51.11	1250	876	70.08	121.19	
3	53	JAYASHREE ROUT	H-SUSANTA ROUT	AT-ARTUMP,PO-BARAPUR,VIA-BASUDEVPUR,756046	18.03.84	F	SEBC	87/04	6325/10	WT/3009/08	900	456	50.67	1250	859	68.72	119.39	
4	132	JAYANTILATA SAHOO	H-ABHAYA KU. BEHERA	AT/PO-ALABAGA,VIA-ERTAL,DIST-BDK	02.06.82	F	SEBC	81/2011	750/11	TW/1435/09	900	430	47.78	1250	845	67.60	115.38	SPORTS
5	238	JYOTIRMAYEE NAYAK	H-SUKANTA KISHROE NAYAK	AT-CHINOL,PO-GUAGADIA,VIA-ERTAL,DIST-BDK	16.05.78	F	SEBC	57/04	682/11	CW/4665/23	900	436	48.44	1250	831	66.48	114.92	

- 12 - Annexure - 2

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

W.P.(C) No. 50772014 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 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 VocationalUpa Sastri certificates from the C.H.S.E.

According to the petitioners since those candidates had earlier appeared in 2 ArtsScienceCommerce 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.

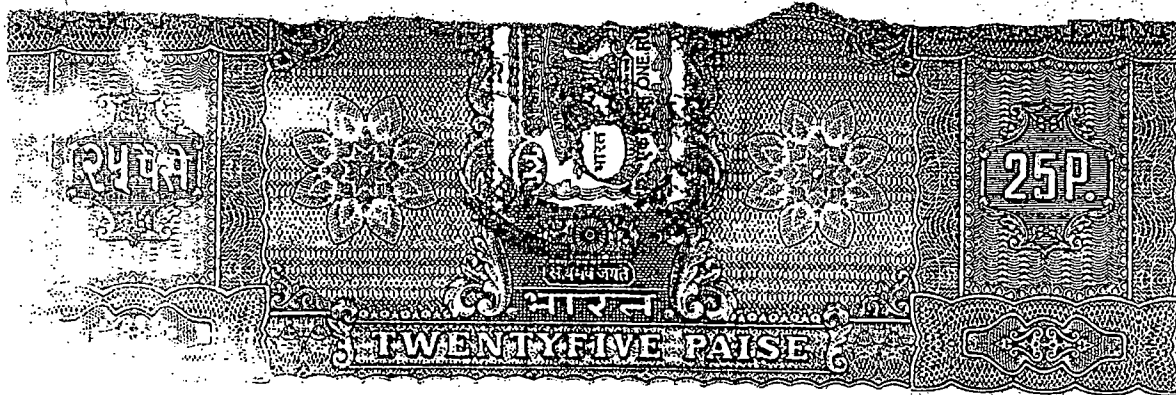
However this Court has not expressed any opinion on the merit of the case.

The writ petitions are accordingly disposed of.

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

Sd/- B.P. Ray J.

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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 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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
11-09-015	17-09-015	18-09-015	16-09-015	19-09-015

**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 SamalPetitioner

-Vrs-

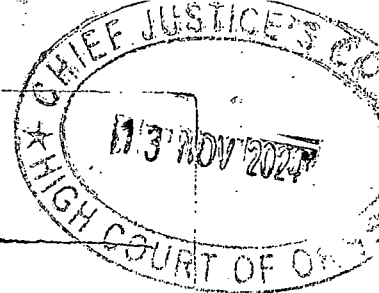
State of Odisha & Others Opp. Parties.

ORDER

21.08.2015

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.

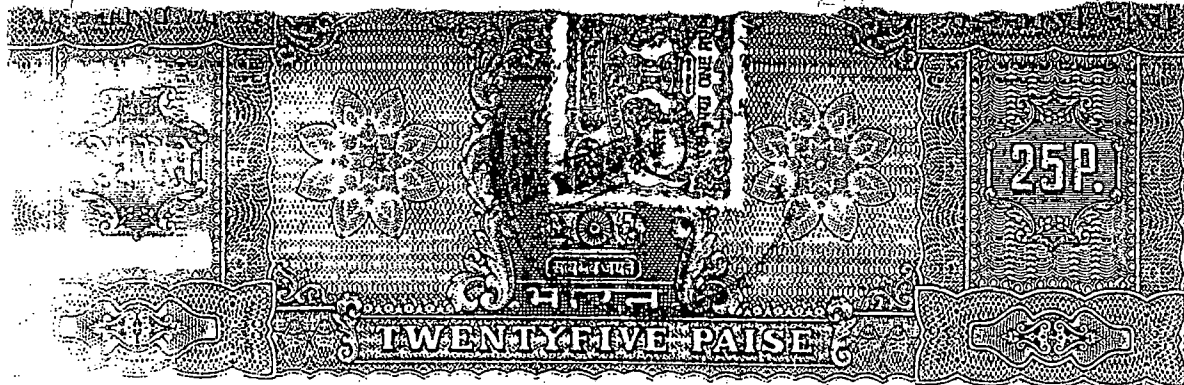
In brief, the issue involved in this case is three fold. Firstly, the claim of Surekha Samal and others in W.P.(C) No. 5077/2014, 10872/2013, 11112/2013 & 21461/2013 and in similar writ petitions that they have not been selected and engaged as Sikshya Sahayak despite the fact that they deserve consideration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



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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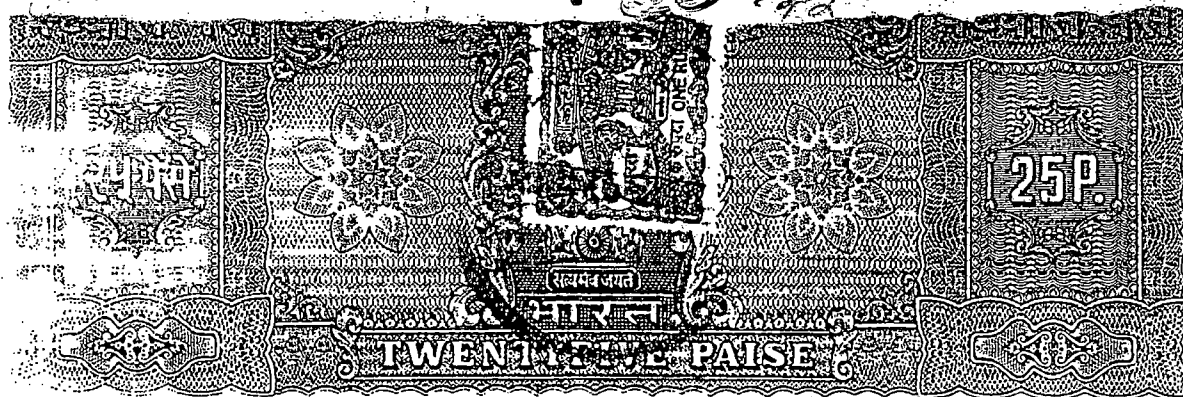
प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

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

COMPARED BY
K. M. 18

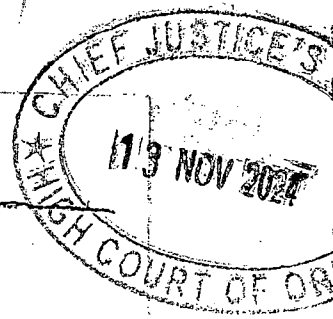


the fake Vocational and Upashastri candidates and praying for engagement as Sikshya Sahayak. To clarify the meaning of fraud and misrepresentation/concealment of facts they cited the provisions of Contract Act, 1872 that fraud means the active concealment of a fact by one having knowledge or belief of 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



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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

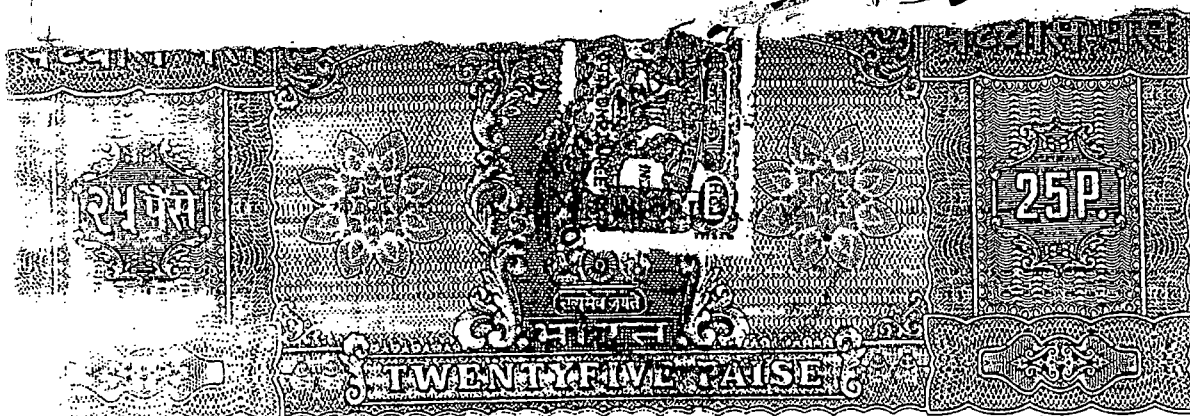
Regulations, 1982. As per regulation-107, any registered student of the council may be admitted to the annual examination in Arts, Science, Commerce courses, if he/she has completed in one or more affiliated institutions, recognized for the purpose of such examinations a regular courses of study, on 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



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.

COMPARED BY
Kmy 9/10/24

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



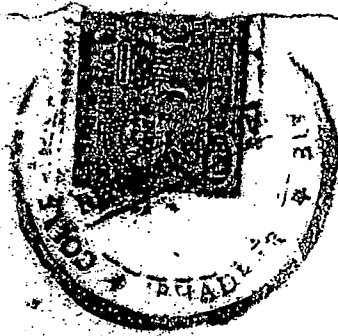
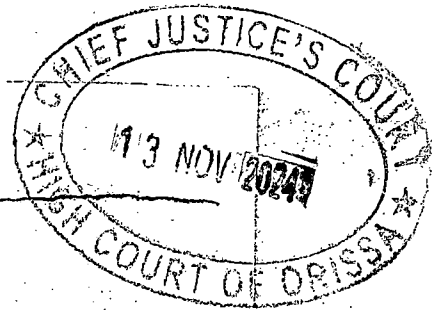
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Sikshya Sahayak. Hence, their engagement should be terminated and FIR should be lodged against them and they are not allowed to receive their salary and they should be ousted from their Sikshya Sahayak posts and the deserving candidates like the petitioners 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

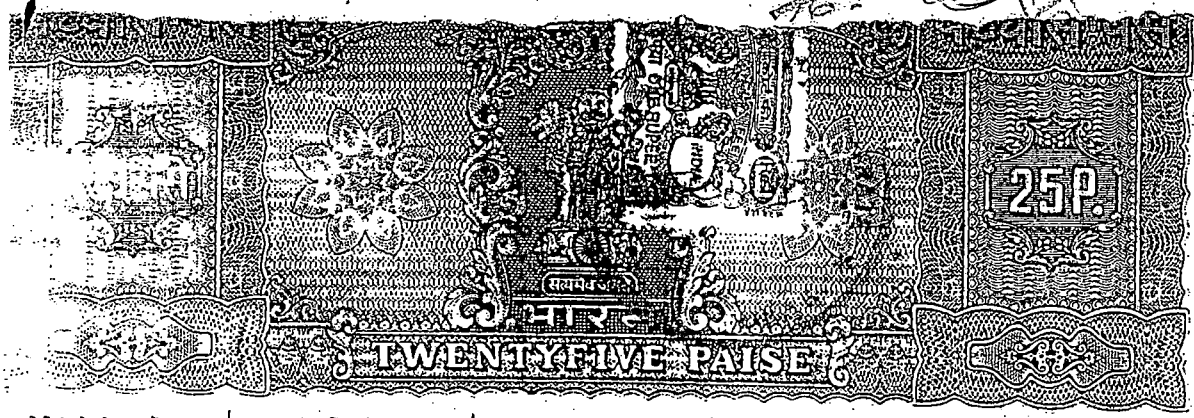
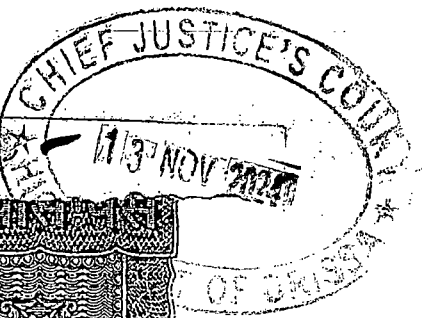
COMPARED BY
K. M. J.

means, (i) a knowing misrepresentation or 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 20th century dictionary fraud means deceit, imposture, a cheat. As per the major law lexicon (4th 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,



(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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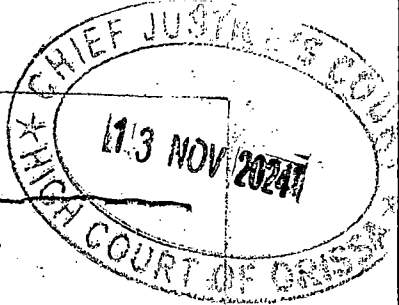
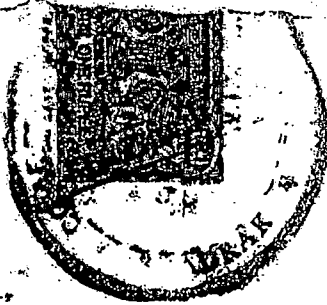


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As such said candidates were allowed to apply for the post of SS. From the aforesaid facts it is crystal clear that there is no illegality or irregularity committed by those candidates having both +2 Arts/Science and +2 vocational qualifications from 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(I) OLR- 226. He also submits 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/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

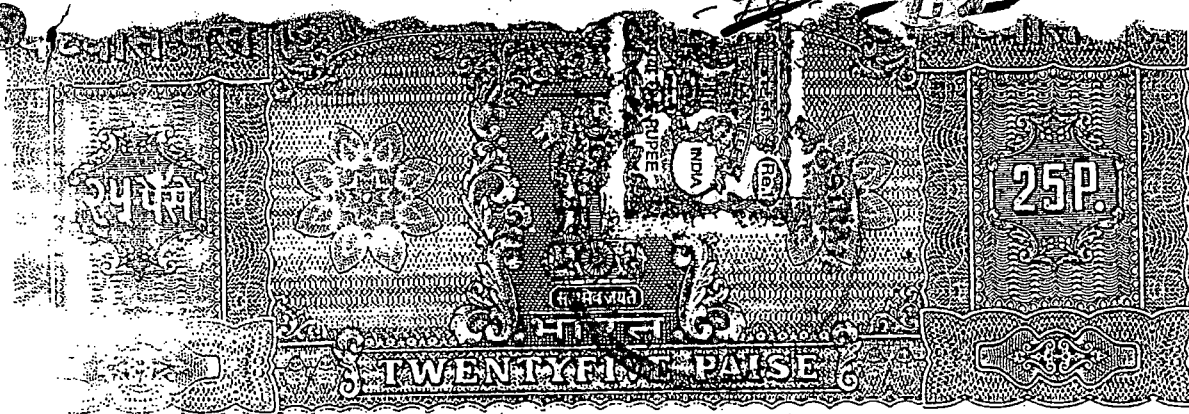
COMPARED BY
Raj

22



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 an 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(o)/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/upasastri candidates cannot be used against them as it was

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Kuy 18/11/24



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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

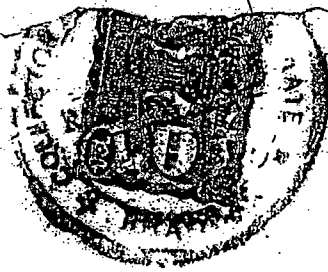
taken on coercion. The employee and employer relationship is that a Lamb & Lion relationship. The poor employee cannot have any bargain power before employer. Unless such candidates have given any undertaking they could not have given engagement. So such undertaking is redundant. Finally, he submits 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 Sikshya Sahayaks having vocational/upasastri 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.....

Here two things are very crucial for the entire issue.

- (1) 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.

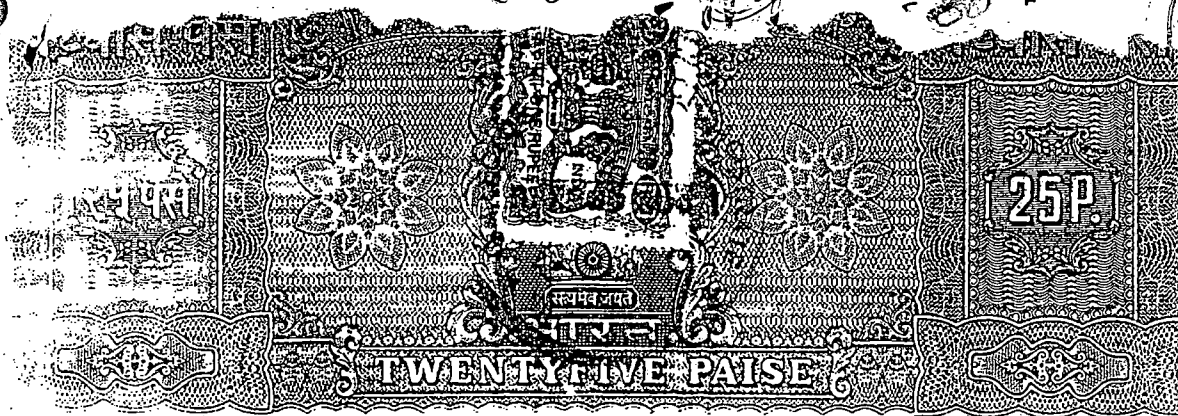
(ii) Secondly, it is the prerogative of the Examination conducting authority to cancel or withdraw the certificates issued by them and this Court has no jurisdiction to pass any comment on that.

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.

COMPARED BY
11/11/11

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



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि 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 को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

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 27.08.2015

COMPARED BY
Km...

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

Khagendra Prasad
HEAD CLERK
RECORD ROOM
Collectorate, Bhadrak

[Signature]
Deputy Collector
Record Room, Collectorate,
Bhadrak

Deputy Collector
Record Room, Collectorate,
Bhadrak

26
IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 720 of 2016

Jayantilata Sahoo & Anr

...

Petitioners

Mr. D.N.Rath, Advocate

-Versus -

State of Odisha and Others

....

Opposite Parties

*Additional Government
Advocate*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.03.2024

I.A. No. 3015 of 2024

Order No.

21.

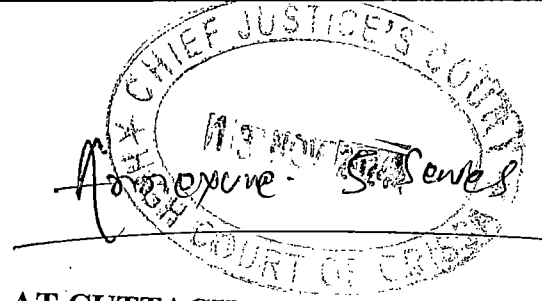
1. This matter is taken up through hybrid mode.
2. This is an application for intervention, learned counsel for the petitioner submits that he has no objection if intervention petition is allowed.
3. Considering the submissions and the grounds on which, the prayer for intervention is made, the same is allowed.
4. The intervenors be impleaded as Opposite Party Nos. 6 and 7.
5. I.A. is disposed of.

(Sashikanta Mishra)
Judge

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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 412 of 2024

Rajkishore Barik and Another

....

Appellants

Mr. Pradeep Kumar Khuntia, Advocate
-versus-

State of Odisha and Others

....

Respondents

Mr. R.N. Mishra, Addl. Government Advocate
Mr. Nirmal Chandra Das, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER

22.04.2024

03.

This matter is taken up through Hybrid mode.

2. In the present intra-Court appeal, the appellant has questioned the illegality of an order dated 21.02.2024 passed by a learned Single Judge of this Court whereby the writ petition i.e. W.P.(C) No.18225 of 2023 filed by the appellants has been dismissed. The appellants were petitioners No.4 and 5 in the said writ petition.

3. The controversy related to recruitment for the post of Live Stock Inspector pursuant to an advertisement issued by the District Chief Veterinary Officer, Jagatsinghpur district. The appellants were shortlisted after following the recruitment process. Apparently, based on certain allegations made by the participants in the selection process, the certificates obtained by the appellants were scrutinized by the authorities. The same were found to have been fraudulently obtained.



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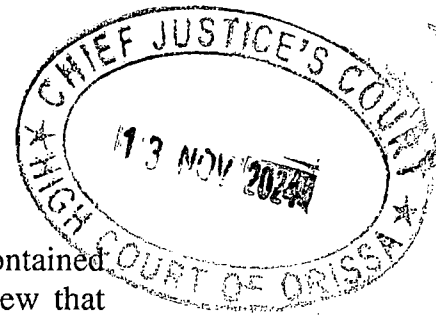
4. The learned Single Judge, after having examined the pleadings/ counter pleadings on record, concluded in paragraphs 8.1 and 8.2 as under:

“8.1. As found from the record and as admitted by the Petitioners, all the Petitioners after passing their High School Certificate Examination, prosecuted their +2 Arts course under the Council and passed the said examination successfully in the year 1996, 2000 and 2004 respectively vide Annexure-1 series, 2 series & 3 series. As found from the record, Petitioner Nos. 2 & 3 by taking a false plea that they have lost their SLC certificate because of white ant, moved the concerned school authority vide Annexure-A/14 for issuance of duplicate SLCs. After obtaining such duplicate SLCs, they got themselves admitted to prosecute +2 vocational course and passed the same in the year 2013 and 2011 respectively. Since by taking a false stand before the school authority vide Annexure-A/14, Petitioner Nos. 2 & 3 obtained duplicate SLCs and prosecuted their +2 vocational stream under the Council to which they are otherwise not eligible in view of the provisions contained under Regulation 123, benefit of such qualification is not to be extended. Not only that in view of the clear provision contained under Regulation 123, a candidate is only eligible to get himself admitted to prosecute +2 vocational course after passing his High School Certificate Examination.

8.2. Since Petitioners after passing their HSC Examination prosecuted +2 Arts course and passed the same under the Council, as per the considered view of this Court, qualification of +2 vocational course so acquired by the Petitioners in the year 2013 and 2011 respectively vide Annexure-1 to 3 series, cannot be used by them to get the benefit of appointment as Live Stock Inspector as eligible Gomitra candidate. Petitioner Nos. 2 & 3 to get themselves admitted to prosecute +2 vocational stream, have committed fraud on the School as well as on the Council. Placing reliance on the decisions of the Hon'ble Apex Court in the case of *S.P. Chengalvaraya Naidu & Indian Oil*



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Corporation Ltd. as well as the provisions contained under Regulation 123, this Court is of the view that Petitioners are not eligible and entitled to get any relief as fraud vitiates everything. This Court accordingly dismiss both the writ petitions and vacate the interim order dt.21.06.2023. While vacating the interim order, this Court directs Opp. Party Nos. 3 & 4 to comply with the direction issued by this Court on 26.06.2023 in W.P.C.(OA) No.1587 of 2016 within a period of two (2) weeks from the date of receipt of this order.”

5. Learned counsel appearing on behalf of the appellants has not disputed the findings of fact recorded by the learned Single Judge as noted above. He has, however, submitted that the appellants did not remember as to whether they had physically obtained the certificates from the Council of Higher Secondary Education of having passed +2 vocational certificates or the same had been destroyed by white ants. He has submitted that the second course certificate in such circumstance ought not to have been rejected.

6. There being no dispute about the fact as concluded by the learned Single Judge that the appellants had obtained duplicate higher secondary course certificate fraudulently, we don't find any reason to interfere with the impugned judgment of the learned Single Judge.

7. The appeal stands dismissed being devoid of merit.

(Chakradhari Sharan Singh)
Chief Justice

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Designation: SECRETARY
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 25-Apr-2024 14:35:56
SK Jena

(M.S. Raman)
Judge

Handwritten signature of M.S. Raman



30

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A.No.814 of 2024

Dilip Kumar Pradhan

....

Appellant

Mr.S.P.Mishra, Sr. Advocate

-versus-

State of Odisha & others

....

Respondents

Mr.Biswabihari Mohanty, Advocate

Mr.Saswat Das, AGA

(for Respondents 1 to 5)

CORAM:

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

ORDER

31.07.2024

Order No.

02.

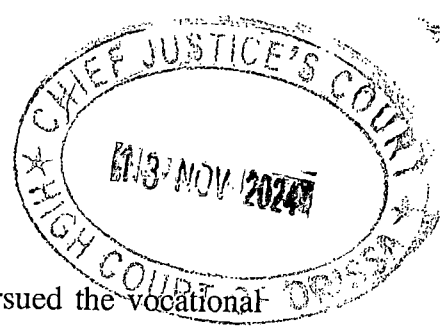
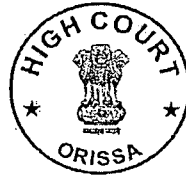
This matter is taken up through Hybrid mode.

2. In the present intra-court appeal, the appellant has put to challenge an order dated 21.02.2024 passed by a learned Single Judge in W.P. (C) No.18225 of 2023 where he was petitioner No.3.

3. A common order had been passed in W.P. (C) No.16810 of 2016 and W.P.(C) No.18225 of 2023 by the learned Single Judge dismissing the two writ petitions.

4. The controversy which was the subject matter of the two writ petitions related to the recruitment to the post of Live Stock Inspector, pursuant to an advertisement issued by the District Chief Veterinary Officer, Jagatsinghpur District. A candidate who had completed +2 was not entitled to get admission in the vocational course. The appellant was shortlisted during the recruitment process. Based on allegations received, the certificate of the vocational course on which the appellant had relied on for his selection, was

N/S



found to have been fraudulently obtained as he had pursued the vocational course after passing +2 course and in order to get admission into the vocational course, he had obtained duplicate School Leaving Certificate (in short 'SLC') by taking a false plea that the original SLC had been lost.

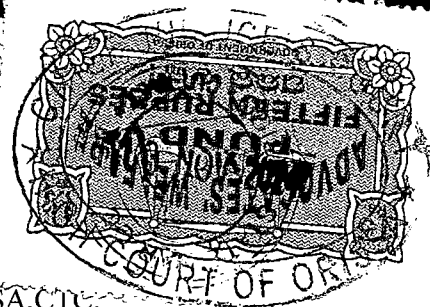
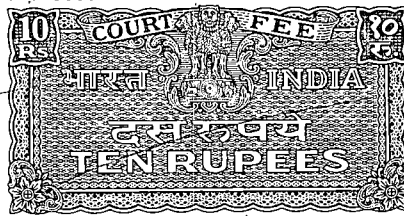
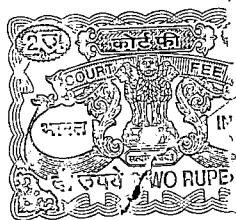
5. The learned Single Judge dismissed the writ petitions holding that the qualification of vocational course could not be utilized by the petitioners for appointment as Live Stock Inspector as eligible Gomitra candidate, as in order to get admission in the vocational course, fraud had been committed on the school and the college.
6. The Division Bench of this Court by an order dated 22.04.2024 passed in **W.A. No.412 of 2024** which had been filed by **Rajkishore Barik** and **Manoranjan Maity**, who were the petitioners No.4 and 5 in **W.P. (C) No.18225 of 2023**, dismissed the writ appeal by order dated 22.04.2024 and upheld the said order dated 21.02.2024 of the learned Single Judge.
7. In such view of the matter, we find no reason to take a different view that what has been taken in case of **Rajkishore Barik (supra)**.
8. The Writ Appeal is accordingly dismissed.

(Chakradhari Sharan Singh)
Chief Justice

Signature Not Verified

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Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 02-Aug-2024 16:18:52

(Savitri Ratho)
Judge



FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE ORISSA, C.T.C.

W.A. No 1215/2024/2024

Lizasmitha Nayak

Appellant/Petitioner/Applicant

-Versus-

State of Orissa and Respondent/ Opp. Party/Defendant

Know all men by these presents, that by this Vakalatnama.

FOR INTERVENER

I/we Kausarya Palai, aged about 28 years.
D/o - Late Bhaskar Ch. Palai, At/PO - Padham
via Haranapur, Dist. Bhubaneswar

(2) Jayashree Rout, aged about 30 years
W/o - Susanta Kumar Rout, At - Hatimg
PO - Banapur, Dist. Bhubaneswar

Petitioner/App

pellant / Respondent/Opposite Party in the aforesaid Case/ Revision/Appeal case in the aforesaid case do hereby Retain... MISS. DIPTI REKHA NANDA ADV. EN-D-217/1986, 989132624, MISS. ANANYA MISHRA ADV. EN-D-5480/2018 MOD-977696703, MOD-986132624, MOD-977696703.

.....(Advocates) to appear for me 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 monies that may be payable to me/us in the said case and also in applications for review in appeals, before the Orissa High Court order and in applications for leave to Appeal to the Hon'ble Supreme Court of India. I/we authorise my/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated the 11/11/2024

Received from the executant(s) satisfied and Accepted as I hold no brief for the other side.

Advocate Accepted as above

Advocate Accepted as above

Advocate Accepted as above

Advocate Accepted as above

Advocate Accepted as above

Advocate Accepted as above

Kausarya Palai

Jayashree Rout

Signature of the Exe

