



GOVT. OF ODISHA

DEPARTMENT OF AGRICULTURE & FARMERS' EMPOWERMENT

DIRECTORATE OF SOIL CONSERVATION AND WATERSHED DEVELOPMENT: ODISHA:

BHUBANESWAR.

DSCWD-NFE-CASE-0017-2023 1281 /SC&WD, Dt: 06.2.2024

To,

The Secretary,
Odisha Staff Selection Commission,
Unit-II, Bhubaneswar-751001.

Sub: Regarding implementation of orders dated 20.07.2023 of Hon'ble High Court of Orissa in W.P(C) No.22679 of 2023.

Ref: Your Letter No.446/OSSC Dated 31.01.2024.

Sir,

In inviting a kind reference on subject cited above, I am to say that:

1. In the instant case W.P(C) No.22679/2023 filed by Devaranjan Dang & Others -Vrs- State of Odisha & Others the PWC has been submitted to Advocate General, Odisha, Cuttack vide this office Letter No.10556/SC&WD, dated 05.12.2023 (copy enclosed). The counter is yet to be filed in the case.

2. The copy of the Letter No.2211/A&FE dated 01.02.2024 of Agriculture & Farmers' Empowerment Department, Odisha, Bhubaneswar Regarding implementation of order dated 20.07.2023 of Hon'ble High Court of Orissa in W.P(C) No.22679 of 2023 is enclosed herewith, wherein DA&FE has submitted compliance as follows:

"In the instant case, it is humbly submitted that any preferential treatment in case of higher qualification/higher qualified would amount to violate the principles of Article-14 of the Constitution as the candidate's eligibility is evaluated on the basis of essential qualification prescribed for the post. Hence, the matter may be placed before the Hon'ble court in the next date as there is no need of keeping 75 posts to be filled up by special category candidates."

Moreover, this office is not aware of the categories of the 75 candidates who have filed the WPC No.22769/2023. Hence it is not possible to provide the category wise vacancies including Special category vacancies of the 75 posts.

This is for your information and necessary action

Yours faithfully,


05/02/24
Director,

SC & WD-cum-ex-officio,
Additional Secretary.

P.T.O.



Court Matters Urgent/By e-Mail
ODISHA STAFF SELECTION COMMISSION

EMAIL:orissassc@gmail.com

No. 446 /OSSC;

Date:-31.01.2024

From

Sri R.L. Singh,
Secretary

To

The Director of Soil Conservation &
Watershed Development,
Odisha, Bhubaneswar

Sub- Regarding implementation of orders dated 20.07.2023 of Hon'ble High Court of Orissa in WP(C) No.22679 of 2023.

Sir,

In inviting a reference to the captioned subject, I am directed to say that the Hon'ble High Court of Orissa vide order No.-1 dated.20.07.2023 passed the following order in I.A NO.10811 of 2023 arising in WP(C) No.22679 of 2023:-

"As an interim measure, it is directed that the Opposite party No.4 is at liberty that the selection process shall continue pursuant to Annexure-12 Advertisement, however, 75 posts in the category of Soil Conservation Extension Worker (SCEW) shall not be filed up till the next date."

It may be worthwhile to mention here that the Preliminary Examination for the post of Combined Higher Secondary (10+2) Group-B and Group-C specialist post in which 245 vacancies was Advertised against the post of Soil conservation Extension Worker has already been conducted on 17.12.2023.

It is therefore requested to please clarify on the following points for taking further necessary action at this end.

1. Please supply a copy of the counter filed in this case and to please state present status of the case.
2. Furnish the details breakup of the category-wise vacancies including Special category vacancies (75 posts) not to be filled.

This may please be treated as **top-priority**.

Yours faithfully,


Secretary



OSSC-EXAM-CASE-0026-2023/01/2024

DEPARTMENT OF AGRICULTURE & FARMERS' EMPOWERMENT

No. DAFE-RESH-MISC-0037-2023

2211

A&FE Dated 1.2.2024

From,

Sri Dayanidhi Nayak,

OSD-cum-Additional Secretary to Government.

To,

The Addl. Standing Counsel,

O/o the Advocate General,

Odisha, Cuttack

Sub: W.P.(C) No.22679 of 2023 filed by Devranjan Dang & Ors-Vs- State Odisha & Others.

Sir,

In inviting a reference to your letter No.74152 dated.21.12.2023 on the subject cited above, I am directed to say that W.P.(C) No.22679 of 2023 has been filed by Sri Devranjan Dang & Others-Vrs-State of Odisha & Others wherein Principal Secretary, Department of Agriculture & Farmers' Empowerment has been impleaded as OP No.1.

The petitioners in the aforementioned writ petition have challenged the advertisement dated.13.06.2023 published by the OSSC for recruitment to the various posts like Soil Conservation Extension Worker / Technical Assistant / Amin and prayed to provide preference to diploma students of Agro-Polytechnic in the post of Soil Conservation Extension Worker (SCEW).

The Hon'ble Court earlier vide Order dated.20.07.2023 have directed the Committee constituted pursuant to Order No.10489 / A & FE, dated.15.05.2023 of the A & FE Department to submit its report within a period of 4 (four) weeks.

In this context, it is to mention here that the recommendation made by the Committee needs thorough scrutiny, especially in light of the provisions of Article 14 of the Constitution, the intent of which is to guarantee the right to equality before the law and equal protection of the laws to all persons within the territory of India. The article prohibits the government from granting special benefits or privileges to any individual or group of individuals unless it is for the public good. This means that the government cannot use its power to favour one group over another.



As per the Odisha Sub-Ordinate Soil Conservation Service(Method of Recruitment and Conditions of Service of persons appointed to different Group-C & D posts) issued by the Agriculture & F.E. Department Resolution No.11804 dated.27.07.2015, the essential qualification prescribed for Soil Conservation Extension Worker(SCEW) is +2 Science or +2 Vocational Course in Agriculture related subjects i.e. Crop Production/Horticulture/Repair & Maintenance of Power Driven Farm Machinery(PDFM) from any of the recognised Board/Council or Institution.

Since the entry qualification for the Agro-Polytechnic Diploma programme is +2 Science and the persons holding Diploma Agro-polytechnic course are having +2 Science qualification, they are eligible for the post of Soil Conservation Extension Worker(SCEW) and they can take part in the recruitment process for such posts like other +2 Science candidates.

In the instant case, it is humbly submitted that any preferential treatment in case of higher qualification/higher qualified candidates would amount to violate the principles of Article 14 of the Constitution as the candidate's eligibility is evaluated on the basis of essential qualifications prescribed for the post.

It is, therefore, requested to place the above facts before the Hon'ble High Court of Odisha on behalf of the Principal Secretary, Department of Agriculture & Farmers' Empowerment.

Yours faithfully,



OSD-cum-Additional Secretary to Government.