

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.22236 of 2021

Sanjib Kumar Khandayatray ***Petitioner***
Petitioner appears in person
-versus-
Union of India and others ***Opposite Parties***
Mr. P.K. Parhi, ASGI along with
Mr. D.R. Bhokta, CGC

CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUTRAY

ORDER
07.10.2021

Order No.
04.

1. On the previous date, the following order was passed.

“1. It is pointed out by the Petitioner appearing in person that the fresh advertisement issued on 12th July, 2021 for the post of Presiding Officers of the Debts Recovery Tribunal (DRTs) introduces a new eligibility criteria viz., that a person would not be qualified for appointment as Presiding Officer of the DRT, unless he, is, or has been, a District Judge. It is submitted that this criteria was introduced by the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 dated 12th February, 2020 and that by judgment dated 27th November, 2020 of the Supreme Court of India in W.P.(C) No.804 of 2020 (*Madras Bar Association v. Union of India*) it has been clarified that the aforementioned 2020 Rules would be prospective in operation.

2. The Petitioner states that pursuant to an earlier advertisement issued on 3rd September, 2019 he had already applied for the very same post where the eligibility criteria was that the applicant “is, or has been or is qualified to be, a District Judge”. Consequently, the Petitioner questions the fresh advertisement by the Opposite Parties and seeks a direction to them to

consider his pending application submitted pursuant to the advertisement dated 3rd November, 2019.

3. Issue notice. Mr. Parhi accepts notice on behalf of Opposite Parties and states that he will seek instructions of the current status of the fresh advertisement issued on 12th July, 2021 as well as the status of the application made pursuant to the earlier advertisement dated 3rd September, 2019 in the light of the judgment dated 27th November, 2020 of the Supreme Court of India.

4. List on 7th October, 2021.”

2. Mr. P.K. Parhi, learned ASGI states that he is still awaiting the instructions.

3. Issue notice. Mr. Parhi accepts notice on behalf of Opposite Party Nos.1 to 3. Required number of copies be served on him within a week.

4. Reply positively be filed on or before 1st December, 2021. Rejoinder be filed before the next date.

5. List on 20th December, 2021.

I.A. No.10202 of 2021

6. All actions taken in the meanwhile will be subject to the outcome of the writ petition.

7. I.A. is disposed of.

8. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge