



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.2225 of 2023

*Chandrakanta Nanda and others*

....

*Appellants*

Mr. R. Sarangi, Advocate

*-versus-*

*State of Odisha and others*

....

*Respondents*

Mr. Saswat Das, A.G.A.

Mr. S.P. Sarangi, Advocate

**CORAM:**

**THE CHIEF JUSTICE**

**MISS JUSTICE SAVITRI RATHO**

**ORDER**

**24.09.2024**

**Order No.**

08. This matter is taken up through Hybrid mode.

2. The present writ appeal has been filed assailing a judgment dated 17.07.2023 passed in W.P.(C) No.2920 of 2014 and batch by a learned Single Judge of this Court whereby the learned Single Judge has dismissed the writ petitions filed under Article 226 of the Constitution of India.

3. Learned counsel appearing on behalf of the appellants assailing the impugned judgment has submitted that the appellants had participated in a process of selection pursuant to an advertisement issued by CESU in the year 2011. A select list of 203 persons was published based on selection conducted pursuant to the said advertisement. The name of these appellants figured in the list of successful candidates. He has submitted that after their selection, the CESU came out with a notice to the following effect:

*“The Advertisement No.20125 dated 13.06.2011 and consequential selection for contractual tenure post of*



*Diploma Engineers-Electrical (on contract) is hereby cancelled due to unavoidable reasons.”*

4. Learned counsel appearing on behalf of the appellants has submitted that the service condition of the employees of CESU is governed by the statutory rules which have not been taken note of by the learned Single Judge while dismissing the writ petition. He has argued that backdoor appointments have been made in the year 2012 against the vacancies which were advertised in 2011.

5. We do not find any merit in the present writ appeal for two reasons. Firstly, an employer has a right to cancel a process of selection and we do not find any illegality in the decision of the CESU in cancelling the advertisement. Secondly, merely because the appellants name figured in the select list based on an advertisement, they did not acquire any indefeasible right to be appointed against the post advertised which had contractual tenure.

6. We do not find any illegality in the impugned judgment requiring this Court's interference. This writ appeal is accordingly dismissed.

7. Learned counsel appearing on behalf of the appellants has insisted to hear him as he wants to press into service hundreds of Supreme Court's decision in support of his case. The said submission is hereby rejected.

***(Chakradhari Sharan Singh)***  
***Chief Justice***

***(Savitri Ratho)***  
***Judge***

*S.K. Guin/P.A.*