

Supreme Court of India

Rasmiranjan Das vs Sarojkanta Behera And Ors. on 24 July, 1998

Equivalent citations: AIR 1999 SC 2166, JT 1999 (9) SC 384, 1998 II OLR SC 326, (2000) 10 SCC 502

Bench: S V Manohar, D Wadhwa

ORDER

1. Leave granted.

2. The High Court has set aside the selection of the appellant to the post of Clerk in Sailo Gram Panchayat High School only on the ground that out of five members of the Selection Committee, one of the members was related to the appellant. The State has filed an affidavit setting out that the selection was properly made after a written test and an interview. Rule 31(1) of the Orissa Education (Establishment, Recognition & Management of Private High Schools) Rules, 1991 prohibits participation in selection by a near relation of any candidate. In the present case, the degree of relationship between the appellant and the member of the Selection Committee is remote by six degrees. Therefore, the appellant cannot be considered a near relation of the member of the Selection Committee. Since this is the sole ground for setting aside the selection by the High Court, we set aside the order of the High Court.

3. The appeal is accordingly allowed. In the circumstances, since this is a legal aid matter, there will be no order as to costs.