

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

*Sanjit Kumar Khandayatray* ..... *Petitioner*  
In person

-versus-

*Union of India and others* ..... *Opp. Parties*  
Mr. P.K. Parhi, ASGI

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE B. P. ROUTRAY**

**ORDER**

**15.09.2021**

**Order No.**

03.

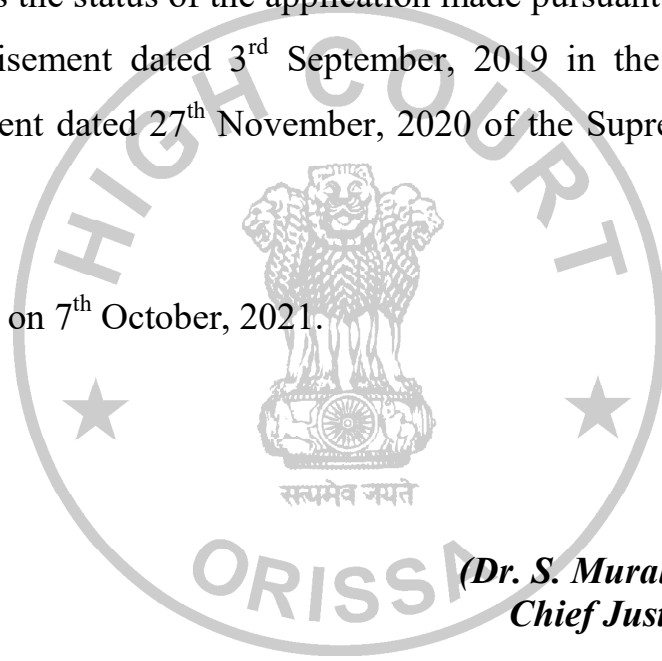
1. It is pointed out by the Petitioner appearing in person that the fresh advertisement issued on 12<sup>th</sup> July, 2021 for the post of Presiding Officers of the Debts Recovery Tribunal (DRTs) introduces a new eligibility criteria viz., that a person would not be qualified for appointment as Presiding 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 12<sup>th</sup> February, 2020 and that by judgment dated 27<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 12<sup>th</sup> July, 2021 as well as the status of the application made pursuant to the earlier advertisement dated 3<sup>rd</sup> September, 2019 in the light of the judgment dated 27<sup>th</sup> November, 2020 of the Supreme Court of India.

4. List on 7<sup>th</sup> October, 2021.



**(Dr. S. Muralidhar)**  
**Chief Justice**

**( B.P. Routray)**  
**Judge**