

DQ (DISCRETIONARY QUOTA)

A 2001 Supreme Court judgment states that:

'When a State property as distinct from a private property is being dealt with by a Minister, then it is of paramount importance that such public property must be dealt with for public purpose and in the public interest.'

It further states: **'The disposal of a public property undoubtedly takes the character of a trust and, therefore, in the matter of such disposal, there should not be any suspicion of lack of principle.'**

According to the Supreme Court, such discretion (*Centre for Public Interest Litigation vs Union of India, SCC.382*) can be used only to allot land to:

'The dependent of a person who has made a supreme sacrifice for the nation, but has not been properly rehabilitated so far, member of a family which has been a victim of unforeseen circumstances (terrorist attack, earthquake, flood etc), physically handicapped person, defense/paramilitary/police personnel/ other Central/State government employees who are permanently disabled on duty, immediate next of kin, namely widow, parents, children of those who lost their lives in abnormal circumstances, eminent professionals, outstanding sportsmen, artists, literary personnel and women of high achievement in distress, and individual cases of extreme hardship, which in the opinion of the government are extremely compassionate and deserve sympathetic consideration in view of special circumstances of the cases'.

Filed a representation to Hon'ble Home Minister MHA New Delhi, Hon'ble Prime Minister PMO DOPT North Block , Chief Minister Odisha vide letter dated 27/07/2019 regarding appointment of DGP in Odisha as well as other Constitutional and Statutory posts in Odisha where it is suggested not to appoint officers/persons who violated Hon'ble Supreme Court guidelines to avail DQ land from the Ministers of Odisha. Copy of the representation was served to the President Supreme Court Bar Association and the President Orissa High Court Bar Association vide RO872311260IN, RO872311273IN, RO872311287IN, EO435903483IN and EO435903497IN.

It is pertinent to mention that Constitutional guidelines ie separation of power is violated in Odisha DQ allotment . All India Service Rule for cadre officers is also violated as the cadre officers through their REQUEST LETTERS to the Minister in their official capacity in official letter head have requested for personal gain and not for public interest.

So it is requested to take appropriate step as per law and as per Supreme Court decision mentioned above in the appointment of DGP and other Constitutional and Statutory posts in Odisha.

Filed a representation regarding the above matter to Hon'ble Chief Justice of India to take suo moto notice of the matter. Copy of the representation was served to the Editor NDTV for public awareness via RO872311344IN and RO872311358IN.