

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.8971 OF 2009

Susil Kanta Pradhan

....

Petitioner

Mr.S.K.Mishra, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
9.12.2022**

Order No.

5. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“Therefore, it is prayed that the Hon’ble Court may be pleased to issue rule nisi to the opp. Parties as to why the final order passed by the State Level Scrutiny Committee, vide Annexure-6 and the letter for implementation of final order, vide Annexure-7 concerning the Petitioner, shall not be quashed on the grounds stated in the writ petition and the opp. Parties showing no cause or insufficient cause or cause not to the satisfaction of the Hon’ble Court, the writ petition may be allowed.”

3. Referring to the notice at Annexure-4, learned counsel for the Petitioner claims, in issuing this notice, the Petitioner was directed to appear before the undersigned for adducing evidence on 17.1.2009 but this notice was served on the Petitioner on 22.1.2009, i.e., after expiry of the date. Through Annexure-5 the Petitioner

remained constrained to request the concerned Authority for re-fixation of the date of appearance. It is alleged, even though such request was made by the Petitioner on 27.1.2009 through Registered Post got appended at Page-17 of the Brief, the Authority did not postpone the matter rather decided the same behind back of the Petitioner, vide Annexure-6. As a result, the consequential order is also at Annexure-7 in taking out the Caste Certificate of the Petitioner. The Petitioner is in enjoyment of the interim order of this Court dated 18.11.2009, which is continuing as of now. In the above background, learned counsel for the Petitioner seeks intervention of this Court in the order at Annexure-6 being ex parte as well as the consequential order at Annexure-7.

4. Mr.Ghosh, learned Additional Government Advocate for the State in oral submission has no scope to dispute the notice given to the Petitioner, vide Annexure-4 to have reached Petitioner late, for recording of the Competent Authority in Annexure-6, Mr.Ghosh has also no scope for disputing the matter has been decided ex parte.

5. In the circumstance, for the ex parte order involved is going to seriously affect the Petitioner, this Court interfering with the impugned order at Annexure-6 sets aside the same. Accordingly, consequential order at Annexure-7 is also interfered with and set

aside. However, for there is requirement of re-consideration of the dispute involving Annexure-6, the matter is remitted to the State Level Scrutiny Committee for undertaking a re-exercise on the dispute involving the Petitioner involving alleged Fake Certificate Case No.68/2008. The Petitioner is directed to produce a copy of this order before the Competent Authority and take the date of hearing.

6. With this observation, the Writ Petition stands disposed of.

M.K.Rout



(Biswanath Rath)
Judge