

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 1188 of 2019

State of Odisha and others

.....

Petitioners

Mr. S. Jena, Standing Counsel S&ME

Vs.

Radha Krishna Nayak and others

.....

Opposite Parties

Mr. L.K. Mohanty, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

21.07.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Jena, learned Standing Counsel for School and Mass Education Department appearing for the Petitioners and Mr. L.K. Mohanty, learned Counsel appearing for Opposite Party No.1.

3. The State and its functionaries have filed this Writ Petition seeking to quash the Order dated 14.03.2018 passed in O.A. No.452 of 2018 under Annexure-2, by which the Odisha Administrative Tribunal, Principal Bench, Bhubaneswar has directed the Petitioners to consider the grievance of Opposite Party No.1 taking into account the contents of the Original Application, as well as the annexures, particularly Annexure-8, and pass appropriate Order within a period of two months.

4. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department appearing for the Petitioners contended that the grievance of Opposite Party No.1 was directed to be considered by the Authority by virtue of the Order dated 14.03.2018 passed by the Tribunal which has been assailed in the present Writ Petition.

5. Mr. L.K. Mohanty, learned Counsel appearing for Opposite Party No.1 contended that the Tribunal has not adjudicated the matter in proper perspective, rather left open the issue to the Authority to consider the grievance of the Opposite Party No.1 in the light of the Order dated 04.12.2017 passed in O.A. No. 1136 (C) of 2016 and

batch. Therefore, it is incumbent upon the Petitioners to consider the grievance of Opposite Party No.1 in the light of the aforesaid Order. Instead of considering the same, the present Writ Petition has been filed only to harass the Opposite Party No.1.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the Order dated 14.03.2018 was passed by the Tribunal directing the Petitioners to consider the grievance of the Opposite Party No.1 in the light of the Order dated 04.12.2017 passed in O.A. No. 1136 (C) of 2016 and batch. Therefore, the Authority has to consider the grievance of the Opposite Party No.1 in the light of the aforesaid Order. Instead of considering the same, this Writ Petition has been filed, though the Order passed by the Tribunal is innocuous one.

7. It appears that the State, in each and every case passed by the Tribunal, is approaching this Court by filing Writ Petitions without any basis and without any application of mind, even though the State-Authorities are no way aggrieved by the Order passed by the Tribunal. Thereby, the State, by filing such frivolous applications which do not require any adjudication, is unnecessarily burdening the Court.

8. Resultantly, this Court is not inclined to entertain this Writ Petition, which is accordingly dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE