

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1848 of 2020

Subha Santosh Mishra

....

Petitioner

Mr. P.K. Satapathy, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

Mr. G. Mukherhi, Sr. Advocate for O.P.

Nos.5&6

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

14.08.2023

I.A. No.9737 of 2022

Order No.

- 11.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This I.A. has been filed by the Opposite Party No.5 for recalling the order dated 12.01.2022.
 3. Heard Mr. P.K. Satapathy, learned counsel for the petitioner and Mr. G. Mukharji, learned senior counsel for the Opposite Party Nos.5 and 6.
 4. Mr. G. Mukharji, learned senior counsel appearing for the Opposite Party Nos.5 and 6, at the outset, submitted that before passing the order dated 12.01.2022, the Opposite Party Nos.5 and 6 by not giving any opportunity of hearing. He further submitted that neither name appears in the order-sheet nor the order-sheet is conclusive the fact that the opportunity of hearing by passing the

order dated 12.01.2022.

5. On perusal of the order record, it appears that the Opposite Party Nos.5 and 6 have filed the detailed counter affidavit, this Court on examination of the records observed that in view of the order passed in W.P.(C) No.35724 of 2021 on 12.01.2022 disposing of the said writ application with a direction to the Director, Elementary Education, Opposite Party No.2 to consider the grievance petition of the petitioner dated 20.09.2021 pending before him within a period of two months by passing a speaking and reasoned order.

6. Since it was alleged by learned counsel appearing for the petitioner in W.P.(C) No.35724 of 2021 that the representation of the petitioner is not disposed of and challenging the same, the petitioner approached this Court, this Court vide order dated 12.01.2022 dispose of the writ application that the order it has been indicated hereinabove. Further since the dispute involved in W.P.(C) No.35724 of 2021 as well as W.P.(C) No.1848 of 2022 are essential the same this Court vide order dated 12.01.2022 dispose of the with the observation that in view of the order passed in W.P.(C) No.35724 of 2021, no order is required to be passed in the said writ application.

7. Mr. Mukherji, learned senior counsel appearing for the Opposite Party Nos.5 and 6 submitted that pursuant to the order dated 12.01.2022, the Director, Elementary Education has already passed order by which the Opposite Party Nos.5 and 6 are aggrieved.

8. On a careful consideration of the submissions made by learned counsels appearing for the parties, this Court is of the considered view that no order be passed on merits upon the matter, however, the writ applications were disposed of only by directing the Opposite Parties to dispose of the writ application of the petitioner and to take

final decision in the matter. In the event any final decision is taken and the Opposite Party Nos.5 and 6 are aggrieved by such order in any manner, it is open for them to challenge the same by filing a separate writ application. However, considering the submissions, made by Mr. Mukherji, learned senior counsel appearing for the Opposite Party Nos.5 and 6 that the order dated 12.01.2022 shall provide an opportunity of hearing, this Court is inclined to recall the order dated 12.01.2022.

9. Accordingly, the order dated 12.01.2022 is hereby recalled and the matter be placed before the appropriate assigned Bench for further consideration.

Jagabandhu



*(A.K. Mohapatra)
Judge*

Signature Not Verified

Digitally Signed
Signed by: JAGABANDHU BEHERA
Designation: Secretary-in-Charge
Reason: Authentication
Location: OHC, CUTTACK
Date: 15-Aug-2023 12:32:26

