

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17513 of 2012

Bisweswar Mishra

....

Petitioner

Mr. S. Mishra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. T.K. Praharaj, Standing Counsel

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
09.05.2022**

Order No.

- 11.
1. This matter is taken up through Hybrid mode.
 2. The petitioner in the cause title describes himself as follows and has prayed the following:-

*“Sri Biswaswar Mishra, aged about 52 years,
S/o- Late Dibakar Mishra, Member,
Education Agency, Silpanchal Mahila Mahavidyalaya
(+2), Talcher, At- Brahmin Sashan, P.O.- Talcher
Town, Talcher, Dist: Angul”*

“

Prayer

*The petitioner above named, therefore prays
that this writ application may kindly be
admitted and after hearing parties, appropriate
writs may kindly be issued, directing Opposite
party Nos.1 to 4 (i) to initiate a fruitful fact
finding enquiry/investigation in a time bound
manner (ii) to take action as per law, (iii) to take
steps to rehabilitate/accommodate the innocent
staff of +3 wing of Silpanchal Mahila
Mahavidyalaya, Talcher (who might have
joined the institution in good faith, perhaps not
being aware of the above forgery/fabrication
made by O.P. No.6) so as to protect their service
by taking steps to increase the approved
strength of seats and opening new subjects in
the +2 wing of Silpanchal Mahila
Mahavidyalaya, Talcher, as the staff of +3*

wing of the said college are being victimized by Opp. No.6 due to the inaction/tacit support of Opp. Party Nos. 1 to 4 and (iv) further Opp. Party No.5 may kindly be directed to initiate an independent enquiry/investigation to find out the criminal culpability in a time bound manner to bring the culprits to book and (v) all other order/s, direction/s, writ/s as deemed fit and proper may kindly be passed/issued so as to get complete justice.”

3. From the writ petition, as it is presented before this Court, it is apparent that the petitioner is neither a staff nor employee of the institution which has not been made a party in the writ petition though relief is claimed for employees and staff of the institution i.e. Silpanchal Mahila Mahavidyalay (+2), Talcher as well as Silpanchal Mahila Mahavidyalay (+3), Talcher.

4. The petitioner has referred to +2 wing at para-1 and 3 and has referred to Para-4, 5 and 9, +3 wing of the petitioner's institution.

%. The petitioner's prayer to the extent that “.....to take steps to rehabilitate/accommodate the innocent staff of +3 wing of Silpanchal Mahila Mahavidyalaya, Talcher (who might have joined the institution in good faith, perhaps not being aware of the above forgery/fabrication made by O.P. No.6) so as to protect their service by taking steps to increase the approved strength of seats and opening new subjects in the +2 wing of Silpanchal Mahila Mahavidyalaya” indicates how vague the writ petition has been presented as none of the affected parties are impleaded nor described anywhere in the writ petition.

6. It is fairly submitted by the learned counsel for the petitioner that though initially at the stage of filing of the writ petition on 27.03.2015, the petitioner was a member of

the Education Agency (Silpanchal Mahila Mahavidyalaya) but subsequently he is no more a member.

7. Misc. Case No.15174 of 2015 was taken up by the Division Bench on 31.08.2015 and the prayer was rejected.

In the said Misc. Case, the following prayer was made:-

“The petitioner prays that the verification of original documents under Annexure-12, scheduled to be held on dated 01.09.2015 as far as it relates to the college in question, described at Sl. No.31 of the schedule for verification, may kindly be stayed during the pendency of the writ application.”

8. Subsequently, the Division Bench by order dated 07.03.2022 have observed as follows:-

“In considered view of the Court after hearing learned counsel for the petitioner, this petition cannot be treated as a Public Interest Litigation (PIL) since the petitioner is personally involved in this matter in seeking relief for himself.”

9. The above finding of the Division Bench that the petitioner is personally involved in the matter seeking relief for himself would be apparent from the prayer as quoted above as well as averments made in paragraphs-1, 3, 9, 13, 15 and 16 of the writ petition.

10. In such view of the matter, learned counsel for the petitioner was requested to bring to the notice of this Court: which is the order impugned in the writ petition by which the petitioner could have been affected inasmuch as the narrations as well as prayer of the writ petition indicate regarding the staff and employees to be affected.

11. It is fairly submitted by the learned counsel for the petitioner that he is not an employee of the institution and he is espousing the cause of the persons, who in fact have not been named nor any prayer is made by them.

12. Learned counsel for the petitioner seeks liberty to withdraw the writ petition with a further liberty to approach the authority for redressal of any grievances in accordance with law.

13. Accordingly, the writ petition is disposed of as withdrawn with the liberty as prayed for.

14. It is clarified that this Court has not expressed any opinion regarding merits of the case in any manner whatsoever.

Copy of the order be uploaded.

(M.S. Sahoo)
Judge

RJ

