

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 4084 of 2014

Laxmidhar Sahoo

.....

Petitioner

Mr. A.K. Mohanty-A, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

28.10.2022

Order No.

12.

This matter is taken up through hybrid mode.

2. Heard Mr. A.K. Mohanty-A, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition assailing the order dated 27.11.2013 passed in O.A. No. 1823 of 2013 and batch, by which the Odisha Administrative Tribunal, Cuttack Bench, Cuttack by observing that since in the meantime the impugned notifications dated 18.05.2013 and 31.05.2013 have already been implemented on engagement of officers as against the newly created posts of District Education Officer, Additional District Education Officer, Block Education Officer and Assistant Block Education Officers, if there shall be any difficulty faced by any of the cadre teachers, they shall be at liberty to approach the departmental authority at the first instance by way of filing a representation highlighting their grievances along with detailed particulars relating to number of posts they are occupying and the number of posts occupied by the other class of teachers, who are said to have been beneficiaries of the present notification/letters

and in case such a representation is filed by the respective applicants, the authority concerned shall do well to consider the said representation and dispose of the same on its own merit in accordance with law for which the Tribunal expressed no opinion and in case the decision of the authority concerned goes against such applicant (s), he/they shall be at liberty to approach appropriate forum/the tribunal for redressal of their grievances in accordance with law and, by holding so, the tribunal has disposed of the original applications.

4. Mr. A.K. Mohanty-A, learned counsel for the petitioner contended that since notice as against opposite parties no.5 and 6 could not be made sufficient, the petitioner wanted to take notice against the said opposite parties by substituted service under Order-5, Rule-20 of the CPC.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that the order so passed by the tribunal is not prejudicial to the interest of the petitioner and if at all it is prejudicial to him, then for the first instance the petitioner has to approach the concerned departmental authority. But, as it reveals, the petitioner has not approached the departmental authority till date in pursuance of the order passed by the tribunal. Therefore, the order impugned being not prejudicial to the interest of the petitioner, the petitioner should not have challenged the same in the present writ petition.

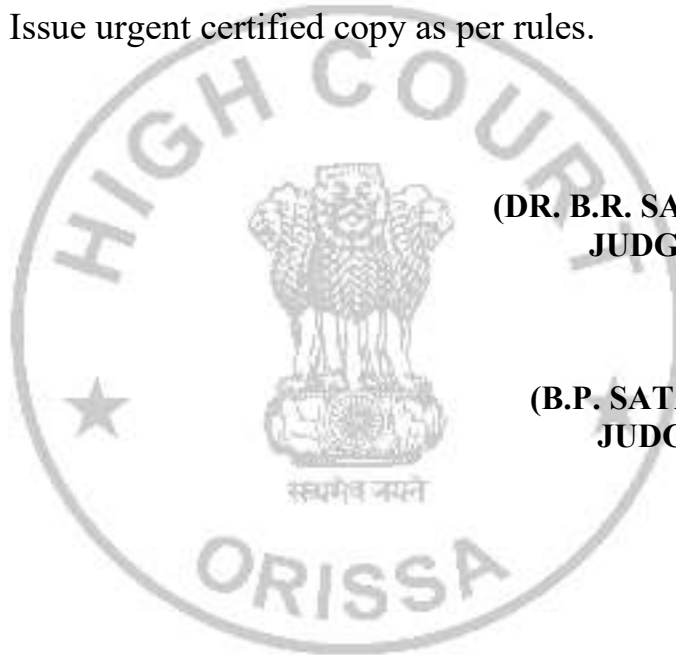
6. Having heard learned counsel for the parties and after going through the records, this Court finds that the order passed by the tribunal is not prejudicial to the interest of the petitioner. If at all he is being aggrieved by the said order, liberty was granted by the

tribunal to approach the departmental authority. As such, when this Court called upon Mr. A.K. Mohanty-A, learned counsel for the petitioner to disclose whether the petitioner has approached the departmental authority or not, it is stated that he has no instructions. In any case, since the tribunal has already granted liberty to the petitioner to approach the departmental authority, the petitioner may approach the authority concerned, if he is so aggrieved, and if any adverse order is passed by the authority, the petitioner may approach the appropriate forum in accordance with law, in pursuance of the order passed by the tribunal.

7. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

Ashok/Debasish



(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE