

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 3128 of 2022
Managing Committee, Petitioner
Benudhar Bidyapitha

Mr. Niranjan Lenka, Advocate

-versus-

State of Odisha & others Opp. Parties

Mr. Debasish Mohapatra, SC (School
and Mass Education)

CORAM:
JUSTICE M.S. SAHOO

Order No. **ORDER**
25.02.2022

01. 1. This matter is taken up through hybrid mode.
2. The writ petition has been filed by the petitioner-School represented through Managing Committee/Secretary challenging the order dated 01.11.2021 (Annexure-8) passed by opposite party no1-Govt. of Odisha, School and Mass Education Department.
3. It is contended by the learned counsel for the petitioner that the petitioner had filed the appeal against the order passed by the Govt. of Odisha, School and Mass Education Department dated 21.11.2012 communicated by the Deputy Director (NG School) before the Hon'ble Minister, School and Mass Education Department U/s. 5(8) of the Orissa Education Act, 1969 (Amendment 1994). The appeal was numbered as 03 of 2013.
4. It is further submitted that the petitioner had no further information from the Government regarding the status of the appeal and was unaware of any other proceeding in the said appeal and accordingly moved this Court by filing W.P.(C) No.30224 of 2020. This Court vide

order dated 13.11.2020 disposed of the writ petition directing opposite party no.1- Secretary, School and Mass Education Department to dispose of the appeal, if it was still pending.

5. In the present writ petition, the order dated 01.11.2021 communicated vide letter No.21027 dated 05.11.2021 passed by the Principal Secretary to Government, School and Mass Education Department in compliance of the order dated 13.11.2020 passed in W.P.(C) No.30224 of 2020 is under challenge. Paragraph 5 and 6 of the order dated 01.11.2021 are quoted herein for reference:-

“5. That, on the date of hearing the Advocate for the appellant was present and the following orders was passed by the Hon’ble Minister, School and Mass Education:

“As justifiable counter is not filed by the learned counsel, it is rejected.”

6. That, the aforesaid order of Hon’ble Minister in the Appeal Case No.3/2013 has already been communicated to the Secretary, Benudhar Bidyapitha, Dhadasahi, Morada, Dist-Mayurbhanj in this Department Letter No.22163/SME dated 31.10.2015.

In view of the above facts and circumstances, the Appeal No.3/2013 filed by Managing Committee of Benudhar Bidyapitha has already been disposed of by the Hon’ble Minister, School & Mass Education and communicated to the petitioner.”

6. Referring to the above paragraphs of the order dated 01.11.2021 (Annexure-8), learned counsel for the petitioner submits that the petitioner-institution had never received the Letter No.22163/SME dated 31.10.2015 and even after approaching this Court and the subsequent order by the Principal Secretary to the Government, the grievance of the petitioner still remains unaddressed.

7. Learned Standing Counsel submits that it is quite possible that the petitioner did not receive the said letter dated 31.10.2015 that does not ipso facto indicate that no order was passed by the authority.

8. Learned Standing Counsel further submits that though the appeal was filed in the year 2013 and the order by the authority was passed in the year 2015, the petitioner waited till 2020 to approach this Court for redressal of grievances.

9. Learned counsel for the petitioner submits that he may be permitted to challenge the said order communicated vide a letter dated 31.10.2015 in accordance with law and the authorities may provide a copy of the order upon his representation.

10. Having heard learned counsel for the parties, the writ petition is disposed of directing the authorities to provide copy of the letter No.22163/SME dated 31.10.2015 along with the order passed by the appellate authority and so also the other relevant documents as would be sought for by the petitioner by making a proper representation/application.

11. If the petitioner moves the authority within four weeks by making an application through registered post, the authority shall respond to the same within four weeks, thereafter, communicate the petitioner the order/documents by Speed Post/Registered Post with acknowledgement.

(M.S. Sahoo)
Judge