

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20216 of 2013

Ramesh Chandra Das.

.....

Petitioner

Mr.T. Barik, Advocate

Vs.

State of Orissa & Ors.

.....

Opposite parties

Mr. State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

17.03.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. S. Pati on behalf of Mr. T. Barik, learned counsel for the petitioner.

3. The petitioner has filed this writ petition assailing the order dated 10.10.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3700(C) of 2012, by which his claim for adjustment as Assistant Teacher in any M.E. School has been rejected on the ground of limitation.

4. Mr. S. Pati, learned counsel for the petitioner contended that similarly situated persons have been granted benefit by virtue of order passed by the Tribunal, whereas the petitioner has been deprived of getting the benefit. It is contended that the petitioner may be permitted to approach the authority stating that the similarly situated persons have been extended the

benefit, so that the grievance of the petitioner can be reconsidered by the authority in accordance with law.

5. Mr. P.P. Mohanty, learned Additional Government Advocate contended that the claim of the petitioner has been rightly rejected on merit and on the ground of limitation by the Orissa Administrative Tribunal vide order dated 10.10.2012 passed in O.A. NO.3700(C) of 2012. Therefore, this Court may not interfere with the said order passed by the tribunal and, accordingly, the writ petition may be dismissed in limine.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that claiming his adjustment as Assistant Teacher in any M.E. School, the petitioner had approached the Orissa Administrative Tribunal by filing O.A. NO.3700(C) of 2012, but his claim has been rejected on the ground of limitation. Even though the said O.A. has been rejected on the ground of limitation, but question remains, if similarly situated persons have been granted the said benefit, the petitioner should not be discriminated.

7. In that view of the matter, while quashing the order dated 10.10.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.3700(C) of 2012, this Court directs that let the petitioner file a fresh representation within a period of fifteen days from today ventilating his grievances before the authority, and in the

event the petitioner files such representation along with a copy of this order, the authority shall consider and pass appropriate order in accordance with law within a period of three months thereafter.

8. With the above observation and direction, the writ petition stands disposed of.

9. Issue urgent certified copy as per rules.

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(**DR. B.R. SARANGI**)
JUDGE

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(**SAVITRI RATHO**)
JUDGE

Alok /Sukanta

