

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3308 of 2022

Jagabandhu Mohanty

.... ***Petitioner***
Mr.S.D.Routray, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr.B.Mohanty, Standing Counsel,
S & ME

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.02.2022

Order No.

01. 1. This matter is taken up through Hybrid arrangement (virtual/physical mode).
2. Heard learned counsel for the parties.
3. The sole contention of the Petitioner in the present writ application is that although there was an earlier direction by the Orissa Administrative Tribunal vide order dated 07.03.2017 to consider the case of the Petitioner for appointment as Hindi Teacher, the Director, Secondary Education vide Order dated 26.11.2021 has rejected the case of the Petitioner on the ground that the Petitioner does not fulfill the eligibility criteria as he has not acquired the requisite training qualification by 06.04.2015. Such a ground, according to the learned counsel for the Petitioner, is contrary to the direction of this Court in *Satyabrata Nayak and others-vrs.-State of Odisha and others* im WPC(OAC) No.902 of 2016 and batch of other cases vide common judgment dated 15.09.2021. The attention of this

Court was drawn that the observation of this Court in Paragraphs-12 and 13 have not taken into consideration while passing the impugned order by the Director, Secondary Education.

4. Learned Standing Counsel for School & Ms Education department, however submits that the said judgment delivered by this Court was not brought to the notice of the authority while considering the case of the Petitioner. Further he submits that the case can be reconsidered in the light of the judgment in the case of Satyabrata Naysk (supra)

5. Having heard learned counsel for the parties, this Court is of the opinion that the Director, Secondary Education while passing the impugned order has not considered the law laid down in the Satyabrata Nayak (supra). Therefore, the order dated 26.11.2021 is unsustainable in the eye of law and accordingly the same is set aside in respect of the Petitioner.

6. Further, the Director, Secondary education is directed to consider the case of the Petitioner afresh keeping in view the judgment of this Court in the case of Satyabrata Nayak (supra) within a period of six weeks from the date of production of certified copy of this order.

7. It is needless to mention here that the authority shall consider the case of the Petitioner strictly in accordance with law and in the light of the judgment in the case of Satyabrata Nayak (supra) and shall dispose of the same by a speaking and reasoned order. Decision so taken be communicated to the petitioner within 10 days thereafter.

8. With the aforesaid observation the writ application stands disposed of.