

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.3475 OF 2022

P.Bijaya

....

Petitioner

Mr.D.Mohapatra, Adv.

-versus-

S.Jageswari & ors.

....

Opposite Party(s)

Mr.S.Das, Adv. for O.P.1
Mr.S.Ghose, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
4.2.2022**

Order No.

01. 1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties.
3. The Writ Petition involves an allegation that finding difficulty in producing proper Record to establish her case, the Petitioner applied under Annexure-5 for calling for the extract of Admission Register, copy of School Leaving Certificate and other documents, more specifically, vide Annexure-5 for the purpose of determination of the proceeding, vide Annexure-6.
4. Taking this Court to the observation of the Authority in Annexure-6, Mr.Mohapatra, learned counsel for the Petitioner

alleged that there is relevancy for calling of the documents in the determination of the subject involved and the Competent Authority ought to have accepted such Application and decided accordingly instead the Authority rejected the genuine claim of the Petitioner.

5. It is at this stage of the matter, Mr.S.Das, learned counsel for O.P.1 contesting the submission on his appearance claimed that this Opposite Party has already produced the required document being asked for by the Petitioner and since the documents are already available with the Competent Authority, there is no difficulty in considering such document.

6. Mr.Ghose, learned Additional Standing Counsel however submitted that in the event such document is already available, there is no harm in considering the same. Mr.Ghose, however did not dispute to the claim of Mr.Mohapatra, learned counsel for the Petitioner that the documents asked for are relevant for proper consideration of the issue involved.

7. This Court looking to the claims of the rival parties while observing that there is wrong/mechanical rejection of the Application of the Petitioner but however taking into account that the documents called for by the Petitioner are already available with

the competent Authority being submitted by O.P.1, finds, in the event the desired documents are available, the same may be taken care of and order, as appropriate, involving the dispute may be passed finally. It need be observed, even though there is no calling for such documents, O.P.1 volunteered to produce such documents. Considering the relevancy for determination of the dispute involving the documents involved herein, in the event the documents are already available on the Records of the Authority, same may be taken into consideration. It may also be observed, if no such documents are available, the same may be called for from the Authority concerned by the Competent Authority and thereafter the matter will be finally adjudicated but taking into consideration the said documents. It is further observed, the observation made in the impugned order shall not be taken into account in the final adjudication of the proceeding involved herein.

8. With the above observation, this Court interferes with Annexure-6 to the extent indicated herein above. The Writ Petition stands disposed of accordingly.

9. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of

the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout

