

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3837 of 2022

Nihar Ranjan Sethy

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

21.09.2022

Order No

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. A.K. Chhatoi, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.
3. The present writ Petition has been filed with the following prayer:-

“In view of above facts and circumstances stated above the petitioner prays that, this Hon'ble Court may be pleased to admit the Writ Application, issue a writ in the nature of writ of Mandamus or any other appropriate writ/ writs, direction/ directions, order/ orders, issue appropriate order directing the opp. parties to allow to remain the 'outstanding' remark in the CCR folder of the petitioner for the year 2018-19 by declaring that the downgrading remark of 'Good' recorded by the Collector, Keonjhar without giving any justification is nonest /invalid in terms of the instructions in the circulars issued by the G.A. Department as at Annexures-7, 8 and 9.”

4. It is submitted that without following the relevant provision contained under Clause (XIII) Book circular No. 46 the Accepting

Authority i.e. Collector, Keonjhar has given the remark 'Good' in respect of the CCR of the Petitioner for the year 2018-19. It is submitted that the Reporting Authority as well as the Counter Signing Authority though has given the remark 'Outstanding' for the self same period, but the Accepting Authority i.e. Collector, Keonjhar without assigning any reason and without following the aforesaid provision as contained in Book Circular No. 46 has simply given the remark 'Good' in respect of the said period.

5. Even though a counter affidavit has been filed by the Opp. Parties and a rejoinder has filed by the Petitioner, but this Court after going through the materials available on record finds that the Accepting Authority i.e. Collector, Keonjhar-O.P. No. 4 without assigning any reason and without following the aforesaid provision contained under the Book Circular has marked the CCR of the Petitioner for the said period as 'Good'.

6. Therefore, this Court is inclined to quash the said remark of the Accepting Authority i.e. Collector, Keonjhar as indicated in Annexure-6. While quashing the same, this Court directs the O.P. No. 4 to take a fresh decision on the same strictly in accordance with the provision contained under the aforesaid provisions of Book Circular No. 46. Such a fresh decision shall be taken within a period of six (6) weeks from the date of receipt of this order.

7. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha