

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 177 of 2016

Rajshree Jena

....

Appellant

Mr. B. K. Pattanaik, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Manoj Kumar Khuntia, Additional Government Advocate
for State

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

10.10.2022

Order No.

02. 1. The present appeal is directed against an order dated 11th March, 2016 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.2371 of 2016.
2. The services of the Appellant, who was appointed as a Junior Clerk-cum-Cashier in the Dhauli College of Art and Crafts, Bhubaneswar by a letter dated 27th October 1997, were terminated by a letter dated 5th February, 2011 of the Governing Body. Contending that this was in violation of principles of natural justice, the Appellant filed W.P.(C) No. 25014 of 2012, which was disposed of by the learned Single Judge by an order dated 13th May, 2014 directing the Commissioner-cum-Secretary to dispose of the Appellant's grievance by giving her an opportunity of hearing.
3. Pursuant to the above order, the Commissioner-cum-Secretary to Government, Department of Tourism & Culture (Culture) passed an order on 30th July, 2015 upholding the order of termination but issuing certain consequential directions as under:

“a) Principal-cum-Joint Secretary Dhauli College of Art & Craft (OP No.4) is directed to refund Rs.10,000/- taken as donation at the time of joining of Ms. Jena and release all her claims including arrear salary, if any.

b) Regarding opening of the rented house and return of the articles said to have been locked by the college authorities in the room allotted to the petitioner, she is advised to lodge FIR as per law with appropriate authorities, if she so desires.

c) As it is purely an internal matter of the college involving maintenance of discipline and decorum of the educational institution, in my considered opinion the GB has acted in the best of interest of the institution after duly examining and discussing the matter in detail in its meeting held on 31.1.2011. Since as OP No.1, I have no role in engagement/disengagement/management etc., I consider it is appropriate not to interfere with the decision of the G.B.”

4. The learned Single Judge has in the writ petition filed by the Appellant challenging the above order of the Commissioner declined to interfere with it.

5. This Court has heard the submissions of learned counsel for the Appellant and perused the impugned order of the learned Single Judge.

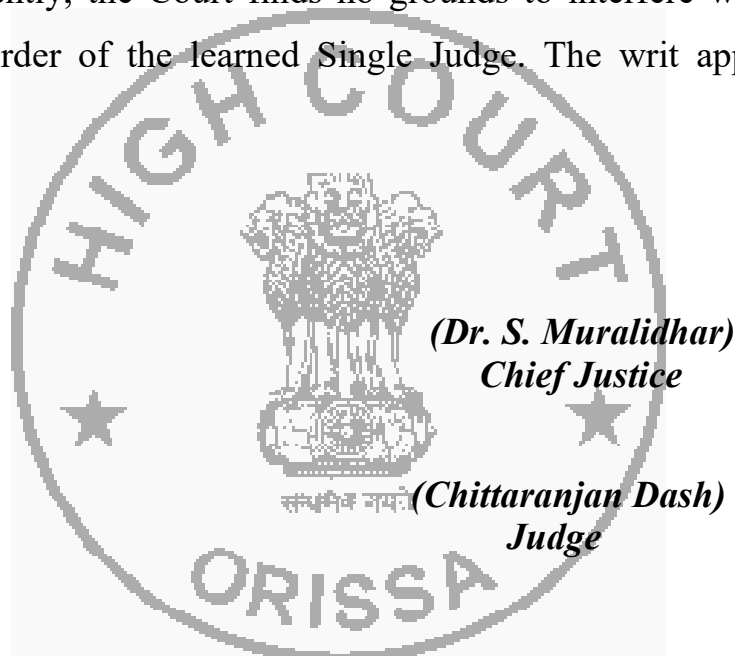
6. Whatever may have been the grievance of the Appellant as regards violation of principles of natural justice, it cannot survive after the first round of the writ petition where the matter was asked to be considered by the Commissioner after giving the Appellant an opportunity of being heard.

7. As regards the merits of the allegation, the Appellant has no satisfactory answer even in the present memorandum of appeal regarding her long period of absence, which compelled the Governing Body to take the extreme step terminating her services.

Indeed, the learned Commissioner was also not satisfied with the explanation offered by the Appellant and thereby the Commissioner declined to interfere with the decision of the Governing Body.

8. In the considered view of the Court, the Appellant had sufficient opportunity to show that the charges for which her service was terminated were unfounded, but she had not been able to convince either the Commissioner or the learned Single Judge, who have concurrently agreed on the merits of the termination order.

9. Consequently, the Court finds no grounds to interfere with the impugned order of the learned Single Judge. The writ appeal is dismissed.



M. Panda/S. K. Guin