

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4194 of 2022

Govinda Chandra Bhanja ***Petitioner***

Mr. S.K. Mishra, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Mr. Biswajit Mohanty, S.C. for S. & M.E. Deptt.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

10.02.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This writ petition has been filed by the Petitioner to grant RACP benefits to the Petitioner as per for Finance Department Resolution dated 06.02.2013 under Annexure-2 as well as the clarification dated 23.08.2017 under Annexure-3 in the light of the judgment in O.A. No.1668 of 2017 (*Ashok Kumar Mohapatra vs. State of Odisha and others*), which has been subsequently carried to the Hon'ble Supreme Court in SLP(C) No.15573 of 2020, disposed of on 04.01.2021 and prays for computing the training qualification dtd.30.10.1998, i.e. the entire period of service rendered during pre-taken over period and take a decision within a stipulated period of time.
3. Entertaining a previous writ petition, this Court issuing notice in clear term indicated regarding the authority under which

restriction clause has been imposed in the impugned order. Learned Standing Counsel for School and Mass Education Department makes a statement before this Court that after issuing the notice in the earlier writ application, the Department on reconsideration of the issue involved has been pleased to take out the condition attached therein thereby withdrawing the letter dated 13.04.2021 (Annexure-4). Therefore, there is no existence of letter dated 13.04.2021.

4. Now considering the limited prayer to consider the case of the Petitioner in the light of the judgment in O.A. No.1668 of 2017 confirmed in W.P.(C) No.6698 of 2020 and further confirmed in SLP(c) No.15573 of 2020, the writ petition stands disposed of directing the Competent Authority to dispose of the case of the Petitioner applying the decision in O.A. No.1668 of 2017 confirmed in W.P.(C) No.6698 2020 and further confirmed in SLP(C) No.15573 of 2020 by undertaking the entire exercise within a period of two months from the date of communication.

5. Petitioner is directed to serve an extra copy of the brief on learned Standing Counsel for School & Mass Education Department for communication purpose.

6. The writ petition is accordingly disposed of.

7. Issue urgent certified copy on proper application.

(A.K. Mohapatra)
Judge