

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5138 of 2022

Jhunubala Das

....

Petitioner

-versus-

Collector, Jajpur & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

13.10.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Sahoo, learned counsel for the Petitioner and Mr. A.P. Das, learned counsel for the State.

3. The Petitioner is aggrieved by the order of termination passed by the Collector, Jajpur on 14.02.2022 under Annexure-8. It is submitted that the Petitioner was engaged as a Master in Book Keeper in Kumari Gram Panchayat Level Organization under the scheme floated by Odisha Livelihood Mission.

4. It is submitted that while continuing as such alleging her participation in the last Panchayat Election, the Petitioner was issued with a show cause by the B.D.O., Dharmasala under Annexure-4.

5. It is further submitted that on receipt of the reply under Annexure-5, B.D.O., Dharmasala vide letter dtd.07.02.2022 under Annexure-4 while issuing a warning to the Petitioner, observed that the Petitioner will be terminated from her service, if she takes part in any such activities in future. It is submitted that subsequently the

Collector –cum- District Magistrate, Jajpur issued a show-cause on the self same issued on 11.02.2022 under Annexure-6.

6. Mr. Sahoo submitted that even though the Petitioner made a detailed representation under Annexure-7, but the Collector without considering the same in its proper perspective passed the order of termination under Annexure-8.

7. Mr. Sahoo also brought to the notice of this Court the report submitted by the B.D.O., Badachana available at Page 17 under Annexure-6. In the said report it has been indicated that on considering the allegation against the Petitioner, the Petitioner was assessed to show-cause and the participation of the said Petitioner in the election process was not proved.

8. In view of such report of the BDO, as per the considered opinion of this Court, the Collector should not have terminated the Petitioner without giving reasonable opportunity of hearing.

9. Mr. Das, learned ASC on the other hand submitted that since the Petitioner participated in the last Gram Panchayat Election process, he has been rightly terminated.

10. Heard learned counsel for the Parties. Taking into account the materials available on record and the report of the B.D.O., Dharmasala, this Court is of the opinion that the Collector, Jajpur while passing the impugned order on 14.02.2022 has not considered the said report in its proper perspective. Therefore, this Court has got no hesitation in quashing the said order.

11. While quashing the same, this Court directs the Collector, Jajpur, O.P. No. 1 to take a fresh decision by giving a personal

hearing to the Petitioner and to take into consideration the report of the BDO, Dharmasala issued vide letter No. 605 dtd.07.02.2022.

12. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

