

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No. 92 of 2019

Susant Kumar Sahu

.... ***Appellant***
Mr. K.K. Swain, Advocate

-versus-

Prasanna Kumar Dash

.... ***Respondent***
Mr. Sameer Kumar Das, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

Order No.

ORDER
23.11.2022

04. 1. The present writ appeal is directed against an order dated 1st December, 2019 passed by the learned Single Judge disposing of W.P.(C) No. 22207 of 2011 filed by the Respondent No.1 whereby the order dated 15th April, 2010 of the State Education Tribunal in Appeal Case No.14 of 2007 filed by the present Appellant as well as the subsequent order dated 23rd October, 2010 declining to recall the said order was set aside by the learned Single Judge and the matter was remanded to the State Education Tribunal for a fresh disposal of the appeal in accordance with law.
2. It must be noticed at this stage that while directing notice to issue in the present appeal on 19th March, 2019 the impugned order of the learned Single Judge was stayed. The reason that weighed with the Single Judge in setting aside the aforesaid mentioned orders of the Education Tribunal was that the notice purportedly served on the Respondent, i.e. the main contesting party in the appeal before the Tribunal, was not the one issued by the Tribunal itself but it was only

the private notice of the present Appellant which was shown to have been refused by the Respondent. It was rightly held by the learned Single Judge that the said notice could not have been construed to be a document of the State Education Tribunal in the appeal filed by the present Appellant.

3. Having heard learned counsel for the parties, the Court is unable to find any legal error having been committed by the learned Single Judge that calls for interference.

4. It is directed that the aforementioned Education Appeal No.14 of 2007 filed by the present Appellant will be listed before the State Education Tribunal on 19th December, 2022 on which date both parties i.e. the Appellant and Respondent No.1 will remain present there through their respective counsel. The Education Tribunal is requested to proceed with the hearing of the appeal on merits and dispose it of as expeditiously as possible preferably within a period of four months from that date.

5. The writ appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge