

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6478 of 2022

***Birendra Kumar Nayak and
another***

....

Petitioners

Mr. U.C. Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, A.S.C.

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

11.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned counsel for the State.
3. The present writ petition has been filed by the petitioners with the following prayer :-

“In view of the above, it is therefore, prayed that this Hon’ble Court may graciously be pleased to:

a) Issue Rule Nisi calling upon the Opp.Parties to show cause as to why the petitioner shall not be allowed for up gradation/promotion from the post from Junior Clerk to Senior Clerk in accordance with annexure-1.

b) if the Opp. Parties failed to show cause or show insufficient or false cause made the Rule NISI absolute and allow this writ petition with cost; And pass such other suitable and further orders as this Hon’ble Court may deem fit and proper in the interest of Justice.”

4. It is submitted by learned counsel for the petitioners that the petitioners have filed representation before the Director-cum-Special Secretary to Government, ST and SC Development Department, Government of Odisha, Bhubanswar under Annexure-6, which still pending before the said Opposite Party No.3 and the said Opposite Party has not taken any decision on the representation of the Petitioners as of now.

5. It is further submitted by learned counsel for the Petitioners that earlier the petitioners have approached this Court, however, learned counsel for the petitioners suggests that the petitioners may be directed to file a fresh representation before the Director-cum-Special Secretary to Government, ST and SC Development Department, Government of Odisha, Bhubanswar-Opposite Party No.3.

6. Learned counsel for the State submits that the matter, if any, is pending before the authority, a direction may be given to the authorities to take a decision on the said matter within a stipulated period of time.

7. Considering the aforesaid submissions made by the parties and limited nature of grievance, this Court disposes of the writ petition at the stage of admission with a direction to the petitioners to file a fresh representation highlighting their grievances along with copies of the relevant documents in support of his claim before the Director-cum-Special Secretary to Government, ST and SC Development Department, Government of Odisha, Bhubanswar-Opposite Party No.3 within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, the same shall be considered in accordance with law and the same shall be disposed by

passing a speaking and reasoned order within a period of three months from the date of filing of fresh representation. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

7. It is made clear that in the event the authorities come to a conclusion that the Petitioner is eligible, the case of the Petitioner shall be considered as expeditiously as possible within the stipulated time by this Court.

8. With the aforesaid observation/direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

