

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 7435 of 2022
Balunkeswar Dev Govt. High School, Khurda **Petitioner**

Mr. U.K.Samal, Advocate
-versus-

State of Odisha and others **Opposite Parties**

Mr. Rajesh Kumar Tripathy, ASC
for OPs.1 to 6
Mr. J. Biswal along with Mr. S.D.Routray, Advocate
for O.Ps.7 to 11

CORAM:
JUSTICE M.S.SAHOO

ORDER
20.4.2022

Order No.

3. 1. This matter is taken up by hybrid mode.
2. On 31.3.2022 after hearing learned counsel for the parties, the following order was passed :

“Learned counsel for the petitioner submits that the petitioners are aggrieved by the order dated 2.3.2022 (Annexure-6) passed by the Opposite Party No.3, District Education Officer, Khurda.

3. Raising a grievance against the said order, it is contended by learned counsel for the petitioner that order is contrary to paragraph-3(ix) of the guidelines issued by Government in the Department of School & Mass Education dated 14.5.2018 which provides as indicated herein :

“(ix) In case of dispute in naming of the Nodal School after merger, the Headmaster of the Nodal School shall organize a joint meeting of the SMCs/SMDCs of all the schools in the merger group. The name decided in the Joint meeting shall be submitted to the Govt. through the DEO and Govt. shall consider for approval of the name.”;

and it is contended that the said guideline has not been followed as though the Government is the authority to consider the approval of the name of the school, the District Education Officer has passed orders.

4. It is submitted by learned counsel for O.Ps.7 to 11 that the matter was kept pending before the DEO after the proceeding was initiated in the year 2022, order No.2 dated 7.12.2020 of the said proceeding has been annexed to the writ petition, marked as Annexure-4.

Due to long pendency of the matter, the Opposite Parties approached this Court in W.P.(C) No. 19783 of 2020 and the writ petition was disposed of on 31.8.2020 with the following order :

“This matter is taken up through Video conferencing.

Heard learned counsel for the petitioners.

Considering the submission of learned counsel appearing for the petitioners and as this court finds there is an allegation that the dispute involving Annexure-4 is unnecessarily kept pending for long time, this writ petition stands disposed of with a direction to the Opposite Party No.3 to complete the exercise involving Annexures 4 & 5 within a period of two months from the date of communication of this order by the petitioners but, however, providing opportunity to all concerned.”

6. It is submitted by learned counsel for petitioners that in the earlier order dated 31.8.2020 passed by this Court in the aforesaid writ petition, directed the O.P. No.3-DEO “to complete the exercise” after giving opportunity of hearing to all concerned.

7. It is, therefore, submitted that by applying the order of the Hon’ble Court, the DEO should have submitted the findings to the Government as prescribed in paragraph-3(ix) of the guidelines dated 14.5.2018.

8. Learned Standing Counsel submits that in any event the authorities have to follow the guidelines issued by the Government and there cannot any second opinion on the said issue.

9. Learned counsel for the opposite parties 7 to 11 seeks further time to obtain instruction.

10. As prayed for, list on 20.4.2022.”

7. Today when the matter is taken up, learned counsel for the petitioner reiterates the submissions as noted in the order dated 31.3.2022.

8. Learned counsel for O.Ps.7 to 11 submits that they are affected by long pendency of the dispute before the authorities regarding the finalization of the name of the School.

9. Considering the submissions at the Bar and paragraph-3(ix) of the guidelines issued by the Government in the Department of School & Mass Education dated 14.5.2018 as quoted above, this Court is of the considered view that by following the guideline, District Education Officer (O.P.No.3) could not have passed the impugned order dated 2.3.2022 (Annexure-6 to the preceding writ petition i.e., at page-40).

10. Accordingly, the said order dated 2.3.2022 (Annexure-6) is set aside. The appropriate authority of the Government is directed to take a decision afresh by considering all the relevant materials on record and the guidelines as applicable. The records of the earlier enquiry conducted by the DEO and other authorities shall be submitted before the appropriate authority expeditiously. The adjudicating authority shall intimate the parties regarding the date and time of appearance. All the parties shall cooperate before the authority and the matter be disposed of as expeditiously as possible preferably within a period of four months from the date of communication of the certified copy of this order.

11. Urgent certified copy of the order be granted as per Rules.

12. Copy of the order be uploaded in the official website.

(M.S.Sahoo)
Judge

dutta