

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12521 of 2014

Kusuma Behera

....

Petitioner

Mr. P.K. Das, Advocate

-versus-

***Deputy Commandant General
and another***

Opposite Parties

Mr. S. Das, ASC

CORAM: JUSTICE V. NARASINGH

**ORDER
28.06.2022**

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner who was working as a Home Guard was discharged from his service on account of her involvement in Basudevpur P.S. Case No.189 of 2013 under Sections 363/294/323/379/506/109/34 of IPC.
4. Challenging such discharge the petitioner moved the authorities and by order dated 27.12.2013 by commandant Home Guards Bhadrak (Annexure-3) rejected her explanation and the petitioner was discharged from Home Guard organization.
5. Assailing the same the petitioner preferred appeal. On considering the said appeal by the impugned order at Annexure-5,

appeal of the petitioner was rejected. And, such rejection order is the subject matter of challenge in the present Writ Petition.

6. In Paragraph-3 of the appellate order at Annexure-5 the Appellate Authority has made following the observations which is extracted hereunder for convenience of ready reference;

x x x x x “3. I, considered all aspects of the issue and am of the considered opinion that since, the appellant was involved in a serious criminal case, he cannot be re-appointed as Home Guards volunteer. She may, however, apply if and when she is acquitted in the criminal case.” x x x x x

7. In view of such order there being prima facie no infirmity in the approach of the Appellate Authority in dealing with the grievance of the petitioner, this Court **does not find any merit** in the present Writ petition.

8. It shall be open to the petitioner to seek reinstatement in terms of the appellate order (if she is acquitted the Criminal Case) quoted herein above.

9. The Writ petition stands disposed of accordingly.

10. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi