

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7890 of 2022

Kailash Chandra Behera

.... *Petitioner*
Mr. Abhiram Swain, Advocate

-versus-

State of Odisha and others

.... *Opposite Parties*
Standing Counsel for S.&M.E.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
18.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Standing Counsel for the S.& M.E. Department.
3. The writ petition has been filed praying for the following relief:

“Under the above facts, circumstances and contentions, it is humbly prayed this Hon’ble Court may graciously be pleased to admit this writ petition, call for the records and after hearing the counsel for the petitioner would be pleased to issue notice under **RULE NISI** to the opposite parties as to why the prayer made in this writ petition shall not be absolute in case of non-filing of show cause or filing of insufficient cause;

And further would be pleased to issue a writ of mandamus or any other suitable writ/writs by directing the opposite parties to reinstate the petitioner in the post of Additional Block Education Officer as per order dated 8.11.2013 and taking into consideration of the stay order therein;

And further would be pleased to direct the opposite parties to promote the petitioner to the post of Block Education Officer in the district of Nabarangpur with consequential service benefits;

And further would be pleased to pass any other appropriate order/orders, direction/directions as would deem just and proper as per circumstances of the case;

And for which act of kindness, the petitioner as in duty bound shall ever pray.”

4. Learned counsel for the Petitioner submits that ventilating his grievance, Petitioner has filed a representation before the Director, Elementary Education, Odisha, Bhubaneswar, Opposite Party No.2, dated 11.11.2021. It is submitted that the said representation is pending before the Authority till date and no decision has been taken on such representation.

5. Learned Standing Counsel for School and Mass Education Department on the other hand submits that he has no objection if a direction is given to the Authority to consider and dispose of the said representation of the Petitioner within specific period of time.

6. Considering the limited nature of grievance and considering the facts and circumstances of the case, this Court directs the Opposite Party No.2 to consider the representation of the Petitioner dated 11.11.2021 (Annexure-5) strictly in accordance with law within a period of two months from the date of receipt of certified copy of this order. The Opposite Party No.2 shall dispose of the same by passing a speaking and reasoned order. Decision so taken be communicated to the Petitioner within a period of two weeks thereafter.

7. With the above direction, the writ petition stands disposed of.

8. Issue urgent certified copy of this order subject to removal of defects.

(A.K. Mohapatra)
Judge

U.K.Sahoo

