

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9965 of 2020

Dr.Kshyanaprava Pattnaik

....

Petitioner

**Mr. Sidheswar Mohanty
Advocate**

-versus-

State of Odisha & others

....

Opposite Parties

**Mr. B.P.Tripathy,
Addl. Govt. Advocate**

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.10.2022.

Order No.

13. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Government Advocate for the State.
3. The Petitioner is aggrieved by order dated 18th August, 2020 issued by the Deputy Director of Higher Education enclosed as Annexure-7 to the Writ Petition whereby her representation dated 13th February, 2020 for release of grant-in-aid in her favour as per GIA Order 2017 was not considered on the ground of pendency of a vigilance case against her. Originally, the Petitioner had approached this Court seeking a direction to

the Opposite Parties to approve her post under the provision of GIA Order 2017 and to consider her representation within a stipulated period. During pendency of the Writ Petition the order under Annexure-7 was issued for which the Petitioner amended the Writ Petition to seek quashment of the same.

4. In course of hearing, several legal and factual points have been raised by the learned counsel for the Petitioner questioning correctness of the Government order. However, this Court finds that the basic dispute is related to non-payment of grant-in-aid in favour of the Petitioner. The statute provides an alternative remedy for redressal of such grievance by the Odisha Education Tribunal under Section 24-B(1) of the Act.

5. Therefore, without expressing any opinion on the merits of the case, the Writ Petition is disposed of granting liberty to the Petitioner to approach the Tribunal by filing appropriate application within a period of two weeks from the date of receipt of a copy of this order. If such an application is filed within the period as aforesaid, learned Tribunal shall consider the same after condoning the delay in view of the fact that the Petitioner had approached this Court and the impugned order was passed during pendency of the Writ Petition. Further, learned Tribunal shall do well to make efforts to dispose of the appeal as expeditiously as possible preferably, within a period of four months.

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

AKB

(Sashikanta Mishra)
Judge

