

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 9096 of 2022

Satyabati Bag & Ors.

....

Petitioners

Mr. G.M. Rath, Adv.

-versus-

State of Odisha & Ors.

....

Opp. Parties

Mr. Debasis Mohapatra

SC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

19.07.2022

Order
No.

02.

1. This matter is taken up through hybrid mode.

2. Heard.

3. Learned counsel for the petitioner submits that in the present Writ Petition the petitioner challenge the order of recovery dated 08.07.2021 passed by the opposite party No. 2- Additional Secretary, Department of School and Mass Education, Government of Odisha, Bhubaneswar directing for recovery of excess amount paid towards 2nd RACP to them. It is further submitted that the impugned letter dated 08.07.2021 is thoroughly vitiated in as much as similar attempt for recovery earlier in the year 2016 has already been adjudicated by learned Tribunal to be illegal

and has quashed the same. Hence, the Opposite Parties ought not to have once again attempted recovery vide the impugned letter dated 08.07.2021 particularly when the order of the Tribunal as on date has not been stayed.

4. Learned counsel for the petitioner submits that this Court has earlier decided the similar issue in **State of Odisha & Ors. Vs. Saraswati Bhoi & Ors.** vide common judgment dated 24.06.2022 passed in W.P.(C) No. 7281 of 2018 and W.P.(C) No. 4848 of 2021. Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in **Saraswati Bhoi** (supra).

5. Learned Additional Government Advocate for the State submits that he has no objection, if this matter is disposed of in the light of the judgment passed in **Saraswati Bhoi** (supra.)

6. On perusal of the records and the judgment passed in the case of **Saraswati Bhoi** (supra), it appears that similar issue has been decided in the said judgment which was disposed of on 24.06.2022. The ordering portion of the said judgment is as follows.

“ 22. In view of the facts and law, as discussed above, this Court does not find any error apparent on the face of record in the impugned Order dated 24.10.2017 passed in O.A. No. 2576 of 2016 and batch, as well as the Order dated 09.11.2017 passed

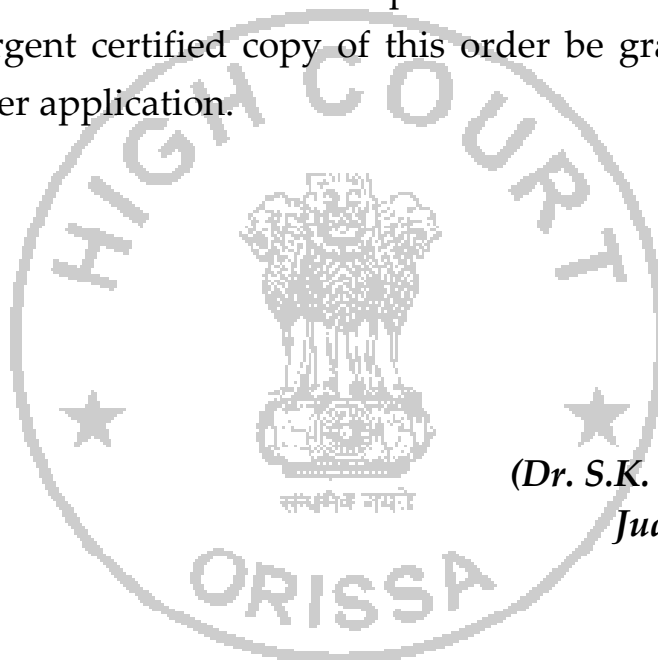
in O.A. No. 2499 of 2016 and batch by the Tribunal.

23. For the foregoing reasons, the Writ Petitions merit no consideration and the same stand dismissed. In view of dismissal of these two Writ Petitions, all other connected Writ Petitions stand dismissed. No as to costs.

7. In view of aforesaid common judgment passed in W.P. (C) No. 7281 of 2018 and W.P.(C) No. 4848 of 2021, this Writ Petition is disposed of.

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

SD



(Dr. S.K. Panigrahi)
Judge