

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9126 of 2022

Dr.Bansidhar Kar

....

Petitiones

Mr.Durgesh Narayan Rath, Adv.

-versus-

State of Odisha & Ors.

....

Opp. Parties

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

12.07.2022

Order

No.

04

1.This matter is taken up through hybrid mode.

2. Heard.

3. It is apparent from the record and the submissions made by the learned counsel for the parties that the fact of this case is similar to the case of *Kamalakanta Das Vs. State of Odisha & Ors.* (W.P.(C) No.230 of 2022) which was disposed of vide common judgment dated 11.07.2022 passed in W.P.(C) No.230 of 2022 and batch of cases.

4. The ordering portion of the said judgment is as follows.

“ In the light of above discussions, and guided by the precedents narrated hereinabove, this Court hereby quashes Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha containing the mechanism for fixing the seniority of teachers of non-government Colleges for the purpose of appointment of Principal and HODs and

directive issued by the State Government whereby the inter se seniority was to be adjudged according to the date of birth. Consequently, the Government letter No.17 dated 01.01.2022/ Annexure-7 issued to the O.P.No.4 is also invalidated. It is further clarified that all the appointments of Principal-in-Charge made by following the Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha be made afresh by taking into consideration of date of entry into service as the basis for seniority. The O.P.No.1 is directed to come out with fresh guidelines accommodating the principle of seniority as enunciated by the Supreme Court of India which is an integral part of our service jurisprudence. The Writ Petition is accordingly allowed. No order as to cost.

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5. In the light of the aforesaid common judgment passed in W.P.(C) No.230 of 2022, this Writ Petition is disposed of.

(Dr. S.K. Panigrahi)
Judge

LB