

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11830 of 2015

Sakti Prasad Jena

.....

Petitioner

Mr. S. Patra, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.N. Mohapatra,

Standing Counsel (S & ME)

(O.P. Nos. 1 to 3)

(O.P.4-None)

CORAM:

JUSTICE SAVITRI RATHO

ORDER

12.07.2022

Order No.

16.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Patra, learned counsel for the petitioner and Mr. S.N. Mohapatra, learned Standing Counsel for School & Mass Education Department for opp. party nos. 1 to 3.

3. This writ application has been filed challenging the order dated 22.05.2015 passed by the Commissioner -cum-Secretary, School and Mass Education, Orissa (Annexure-10), the decision taken by the opp. party no.1 in the impugned letter dated 01.12.2016 (Annexure-11) and consequential letter dated 13.12.2016 by the opp. party no.2 directing the disengagement of services of all additional section teachers continuing in the fully aided High Schools (Annexure-12).

4. Mr. S.N. Mohapatra, learned Standing Counsel for School & Mass Education Department submits that alternate remedy is available to the petitioner under Section 24B of the Orissa Education Act, 1969.

5. Since the matter is pending before this Court since the year 2015 and counter affidavits have already been filed on behalf of opp. party nos.3 and 4 and additional affidavit filed by the opp. party no.3 to the consolidated writ petition instead of disposing of the writ petition as not maintainable and granting liberty to the petitioner to approach the Orissa Education Tribunal (in short “Tribunal”). I am of the view that interest of justice would be served if the case is transferred to the Orissa Education Tribunal to be registered as a GIA case under Section 24B of the Orissa Education Act.

6. Registry is directed to send the records to the Orissa Education Tribunal by 22.07.2022.

7. Notice shall be issued to the parties for appearance, by the Tribunal.

8. The writ application is accordingly disposed of.

(SAVITRI RATHO)
JUDGE

Sukanta

