

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 9531 of 2022

Sanjay Prasad Gupta

....

Petitioner

*Ms. Adisha Mohanty,
Advocate*

-Versus -

State of Odisha and others

....

Opposite parties

*Mr. R.N. Acharya,
Standing Counsel for SM&E
Mr. S. Sekhar, Advocate
(for O.P. No.4)*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

08.08.2022

Order No.

6.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner, learned Standing Counsel for the School and Mass Education Department and learned counsel for the opposite party No.4.
3. The petitioner has approached this Court with the following prayer:-

“In the light of the above noted facts and circumstances the petitioner prays before this Hon’ble Court to admit this writ petition and issue rule nisi to the Opposite Parties 1 to 3 to show cause as to why they should not be directed to enforce readmission of the children of the petitioner in the opposite party no.4 school;

And if the Opposite parties 1 to 3 fail to show cause or show insufficient cause then this Hon’ble Court may be kind enough to pass a direction in the form of a writ of mandamus or any other appropriate writ to direct the opposite parties 1 to 3 to readmit the children of

the petitioner in the opposite party no.4 school;

And to pass such other order/orders, direction/directions as this Hon'ble Court may deem fit, proper, and equitable in the facts and circumstance of the case;

And for this act of kindness the petitioner shall as in duty bound every pray."

4. It is submitted by learned counsel for the petitioner that the school authorities had forced her to make a written request for grant of TC to her children who were students of the school. The petitioner lodged an FIR before the IIC of Angul police station stating such facts but the same was not registered. The petitioner does not appear to have taken any further step in such regard. In the meantime, the so called application submitted by her was allowed and she was granted 100% fees relaxation while issuing the transfer certificates in favour of the children. It is submitted that the petitioner is interested to admit her children to the school because the medium of instruction is Hindi, which is the mother tongue of the children. If such admission is denied to the children, it would amount to denying them their right to education as guaranteed under the Right of Children to Free and Compulsory Education Act, 2009. This is because all the other schools at Angul provide education with Odia as the medium of instruction, which the children of the petitioner are not at all conversant with. In course of hearing, it has come to notice that ventilating her grievance the petitioner has already approached the District Education Officer-opposite party no.3 by submitting a representation, which is enclosed as Annexure-5, on 24.12.2021. The same is said to be pending.

5. Having regard to the above fact, this Court deems it proper to dispose of the writ petition with a direction to the District Education Officer to dispose of the representation of the petitioner after affording an opportunity of hearing to all concerned and by passing a lawful order within a period of two weeks. It goes without saying that while disposing of the representation, the District Education Officer shall take into consideration the fact that the children of the petitioner are not conversant in Odia, so as to study in any other Government school at Angul, keeping in mind the provision under Section 8 of the Act.

6. The writ petition is disposed of accordingly.

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

(Sashikanta Mishra)
Judge



B.C. Tudu