

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9889 of 2022

Swati Patnaik

....

Petitioner

Mr. Prafulla Kumar Mohapatra, Adv.

-versus-

State of Orissa and Ors.

....

Opposite Parties

*Mr. Debasis Mohapatra, SC
(for S & ME Deptt.)*

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

12.08.2022

**Order
No.**

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In this Writ Petition, the petitioner challenges the action of the Opposite Parties in not granting similar benefits by antedating her promotion to the cadre of Junior SES as has been granted to similarly situated person.
4. Learned counsel for the petitioner submits that though similarly situated persons have been granted benefit of promotion retrospectively on the basis of gradation list submitted by the Director, Secondary Education, Orissa,

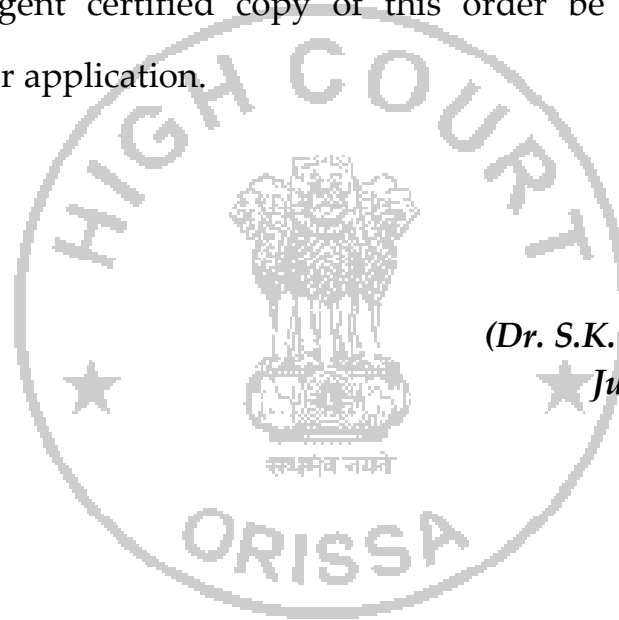
Bhubaneswar, whereas the case of the present petitioner has not been considered by the authority which should have been granted in accordance with the order dated 16.09.2016 passed in O.A. No.3885(C) of 2012 and batch of applications by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack. The said order was not challenged by the authority before this Court. However, a contempt petition i.e. CONTC (CPC) No.214 of 2017 was filed by one Pratyusa Kumar Das wherein this Court has directed to comply the order dated 16.09.2016 passed in O.A. No.3885(C) of 2012. Learned counsel for the petitioner further submits that the petitioner has filed a representation under Annexure-5 before the opposite party No.1- Commissioner-cum-Secretary, School and Mass Education Department, Odisha, Bhubaneswar. However, there is no proof of submission of representation before the opposite party No.1.

5. In such view of the matter, the opposite party No.1- Commissioner-cum-Secretary, School and Mass Education Department, Odisha, Bhubaneswar is directed to consider and dispose of the representation of the petitioner, if it has been submitted, or else the petitioner is directed to submit a fresh representation which will be

considered and disposed of by the opposite party No.1-
Commissioner-cum-Secretary, School and Mass
Education Department, Odisha, Bhubaneswar within a
period of three months from the date of presentation of
fresh representation along with a certified copy of this
order and a copy of the Writ Petition.

6. Accordingly, this Writ Petition is disposed of.

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



(Dr. S.K. Panigrahi)
Judge

BJ