

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9937 of 2022

Nibedita Dash

Petitioner

Mr. S. Pr. Swain, Advocate

-versus-

***The Secretary, Board of Secondary
Education, Odisha and another***

Opposite Parties

Mr. S.S. Rao, Sr. Advocate.

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

03.11.2022

Order No.

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the opposite parties. Perused the record.
 3. The present writ petition has been filed by the petitioner with the following prayer :-

“It is therefore prayed that this Hon’ble Court would be graciously pleased to:

- a) Allow this writ petition,
- b) Issue Rule NISI, thereby asking the Opp.Parties to show cause as to why the marks awarded with respect to Set-C(Arts) answer in question No.125 as per scoring key of paper-I vide Annexure-5 shall not be treated as arbitrary, unjust and improper and if the Opp.Parties do not show cause or show insufficient cause, then your lordships be pleased to issue a writ of mandamus in nature by directing the Opp.Parties for proper evaluation/re-addition/re-checking by adding one mark in the answer paper-1 of Set-C(Arts) question No.125 of Odisha Secondary School Teacher Eligibility Test-2021, declaring qualified within a stipulated period in the interest of justice;

And /or pass an appropriate order(s)/direction(s)
as your lordship deem fit and proper”

4. It is submitted by learned counsel for the petitioner that in the light of the judgment rendered by this Court of Identical issue, the petitioner would make a fresh representation before the Secretary, Board of Secondary Education, Odisha, Cuttack and the same be disposed within a stipulated period of time.

5. Considering the aforesaid submissions made and limited nature of grievance, this Court disposes of the writ petition with a direction to the petitioner to file a fresh representation highlighting her grievances along with copies of the relevant documents in support of her claim before the Secretary, Board of Secondary Education, Odisha, Cuttack-opposite party no.1 within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, opposite party no.1 is directed to take decision on the representation of the petitioner keeping in view the judgment rendered by this Court in the case of ***Saswat Bej vrs State of Odisha and another***; reported in ***2017(II) OLR-345*** within a period of four weeks from the date of filing of fresh representation by passing a speaking and reasoned order. Decision so taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

6. With the aforesaid observation/direction, the writ petition stands disposed of.

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

(A.K. Mohapatra)
Judge