

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10239 of 2022

Mahendra Kumar Guin

.... ***Petitioner***
Mr. Satyajit Behera, Adv.

-versus-

State of Odisha and Ors.

.... ***Opposite Parties***
Mr. Biswajit Mohanty, SC
(for S & ME Deptt.)

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
10.05.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. The petitioner has filed this writ petition challenging the order of punishment dated 14.12.2020 passed by the opposite party No.4-Block Education Officer, Keonjhar Sadar, Keonjhar who is not his appointing authority.
4. Learned counsel for the petitioner submits that while the petitioner was serving as an Assistant Teacher in Atopur Nodal U.P. School, in the district of Keonjhar, he was placed under suspension due to his arrest in Keonjhar Town P.S. Case No.143 of 2012. Later, he was acquitted of the charges vide judgment dated 20.02.2019 passed by the learned J.M.F.C., Keonjhar in G.R. No.764 of 2012/ TC No.202 of 2018. Learned counsel for the petitioner further submits that the opposite party No.4-Block Education Officer, Keonjhar Sadar, Keonjhar is not the competent

authority to pass such order of punishment. Instead the opposite party No.3- District Education Officer, Keonjhar is the competent authority to pass such order as per the letter dated 06.07.2013 issued by the Government of Odisha, School and Mass Education Department, wherein it has been clearly prescribed as follows:

“The District Education Officer will be the appointing authority and cadre controlling authority of ministerial staff, teaching and non-teaching staff of the Government Secondary and Elementary Schools of the concerned revenue district except the cadre which belongs to State cadre. The cadre of the Elementary teachers, zilla parishad teachers and Secondary School teacher (except th cadre which belongs to State cadre) shall be revenue district cadre instead of education district/ Circle cadre.”

In such view of the matter, the petitioner approached the opposite party No.2- Director, Elementary Education, Odisha, Bhubaneswar under Rule-22 of OCS (CCA) Rules, 1962 by filing an appeal against the order of punishment dated 14.12.2020 passed by the opposite party No.4-Block Education Officer, Keonjhar Sadar, Keonjhar. However, the opposite party No.2- Director, Elementary Education, Odisha, Bhubaneswar has not yet decided the said appeal. Hence, the petitioner is constrained to approach this Court for expeditious disposal of the said appeal.

5. In such view of the matter, let the appeal of the petitioner be disposed of by the opposite party No.2- Director, Elementary Education, Odisha, Bhubaneswar within a period of one month from the date of presentation of a certified copy of this order along with 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.

(S.K. Panigrahi)
Judge

BJ

