

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No. 151 of 2014

Rudra Sahu

.... ***Appellant***
Mr. K. Swain, Advocate

-versus-

State of Odisha and Others

... ***Respondents***

Mr. D.R. Mohapatra, Senior Standing Counsel
Mr. S.K. Purohit, Advocate
Mr. K.M.H. Niamati, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
08.09.2022**

Order No.

05. 1. The challenge in the present appeal is to an order dated 25th March, 2014 passed by the learned Single Judge dismissing W.P.(C) No.22502 of 2011 filed by the present Appellant.
2. By the said writ petition, the Appellant questioned an order dated 10th May, 2011 passed by the Joint Director, Regional Director of Education, Orissa rejecting his representation for being permitted to discharge the duties of a Classical Teacher by the Management of the Panchayat High School, Jamutapali, Bargarh pursuant to an engagement order issued in his favour by the Management on 14th September, 2007.
3. The learned Single Judge considered the plea of the Appellant that there had been a tampering of documents by the Managing

Committee and that the appointment of Respondent No.6, Sunil Chandra Pradhan, pursuant thereto was therefore, illegal.

4. The learned Single Judge observed in the impugned order that there was no pleading in the memo of appeal filed before the Joint Director to the effect that there was any tampering of documents and therefore, such plea could not be raised for the first time in the writ petition. The learned Single Judge was satisfied that the Joint Director had passed the order dated 10th May, 2011 after complying the principles of natural justice and declined to interfere.

5. Learned counsel for the Appellant refers to the letter of engagement issued to the Appellant by the Managing Committee and states that on the other hand, there was no resolution backing the appointment of Respondent No.6. He drew attention to the enquiry report dated 3rd June, 2010 submitted by the Inspector of Schools, Sambalpur Education Circle pursuant to the first round of writ petition i.e. W.P.(C) No.72 of 2010 filed by the present Appellant.

6. The Court has perused the said report. Neither was there a resolution in the resolution register backing the appointment of the present Appellant nor any resolution backing the appointment of Sri Sunil Chandra Pradhan.

7. As far as the Appellant is concerned, he cannot go only by the order of engagement since, there was in fact no resolution backing such engagement. Therefore, the learned Single Judge cannot be

faulted for not accepting the plea of the Appellant that a direction should be issued to the School authorities to permit him to function as a Classical Teacher.

8. As far as Respondent No.6 is concerned, the finding by the Joint Director on scrutiny of the resolution register is that there was a resolution dated 14th September, 2007 under which the appointment of Shri Sunil Chandra Pradhan was made, which perhaps justifies the appointment. Consequently, the Court sees no reason to interfere with the impugned order of the learned Single Judge.

9. The writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.