

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11754 of 2022

Nabaghan Mallick

....

Petitioner

Mr. B.K.Parida along with Mr. B.K.Barik, Advocate

-versus-

***Board of Secondary Education,
Odisha & another***

....

Opp. Parties

Mr. D.R.Mohapatra, Standing Counsel,
S&ME Department

**CORAM:
JUSTICE M.S.SAHOO**

ORDER

12.5.2022

Order No.

- 2.** 1. This matter is taken up by hybrid mode.
2. The petitioner who was stated to be working as Secretary of the Educational agency, namely Jateswar Dev College of Education and Vocational, Sagada has filed the writ petition with the following prayers :

“(i) the inaction and callousness of the opposite parties in taking any action to the proposal for approval vide letter dated 6.8.2021 under Annexure-4 made before the Opp. Party NO.2 under Odisha Education Act (Establishment Recognition and Management of Private Junior College/Higher Secondary Schools) Rules, 1991 shall not be declared illegal, unreasonable and unsustainable in the eyes of law.

(ii) A specific direction shall not be issued to the Opp. Party No.2 to pass necessary order to the proposal for approval dated 06.08.2021 submitted by the petitioner under Odisha Education Act (Establishment Recognition & Management of Private Junior College/Higher Secondary Schools) Rules, 1991.”

3. In the recital of the writ petition, in the cause-title or in any of the paragraph of the petition, it has not been stated that the petitioner educational agency has been impleaded as O.P. Nos.14 & 15 in the another writ petition, i.e., W.P.(C) No.1226 of 2022 (that was taken up and disposed of on 11.05.2022).

4. For the reasons best known to the petitioner though the writ petition was filed on 6.5.2022, the order passed by the Director, Higher Secondary Education (OP No.2), i.e. order no.4980 dated 6.5.2022, which forms part of the record in the W.P.(C) No.1226 of 2022, has not been referred to. The said order is as follows :

*"DIRECTORATE OF HIGHER SECONDARY EDUCATION,
ODISHA*

No. 4980

Date : 6.5.2022

OFFICE ORDER

In exercise of powers conferred under Section 7-A(3) of O.E. Act, 1989 the Tahasildar, Nimapada, Dist.Puri is hereby appointed as Special Officer in respect of Jateswar Dev Higher Secondary School of Education & Vocational, Sagada Dist. Puri till completion of the Annual +2 Examination process for the year 2022.

The earlier office order issued vide this Directorate Office Order No.4826 dtd 02.05.2022 is hereby withdrawn.

*By orders of DHSE(O)
Dr Bijaya Kumari Patra,
Additional Director"*

5. W.P.(C) No.1226 of 2022 was filed to quash the order dated 20.12.2021 (Annexure-6 to the said writ petition) where the Governing Body of the petitioner-institution was reconstituted and approved i.e. the present petitioner/Governing Body.

6. The W.P.(C) No.1226 of 2022 was disposed of as the said order dated 20.12.2021 was superseded by order dated 6.5.2022 appointing Tahasildar, Nimapara as Special Officer for the educational institution.

For reference, the order dated 6.5.2022 filed in W.P.(C) No.1226 of 2022, is also kept on record in the present writ petition.

In view of the above, the writ petition is devoid of any merit and is dismissed.

(M.S.Sahoo)
Judge

dutta

