

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.175 of 2022

Managing Committee of* *Appellant
Konark Girls High School

-versus-

State of Odisha & Others* *Respondents

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
21.06.2022

Order
No.

1. This matter is taken up through Hybrid mode.
2. Heard Mr. D.N.Rath, learned counsel for the Appellant and Mr. N. Prusty, learned Standing Counsel for the State-Respondents.
3. The present appeal has been filed challenging the order dated 09.03.2022 passed by the learned State Education Tribunal, Bhubaneswar in G.I.A Case No.404 of 2011 under Annexure-6.
4. Vide the aforesaid order, learned Tribunal has rejected the petition filed by the Appellant seeking amendment of the petition filed in G.I.A Case No.404 of 2011.

5. It is submitted that the aforesaid G.I.A Case when was disposed of with a direction on the State- Opposite Parties to consider the grievance, the matter was challenged before this Court in W.P.(C) No.16660 of 2019. This Court vide order dated 17.09.2019 was pleased to quash the order passed by the learned Tribunal on 26.07.2012 as well as the consequential order dated 13.11.2017 and remanded the matter for fresh adjudication by the learned Tribunal with an observation that all the parties shall be given opportunity of hearing.

6. It is submitted that after such remand of the matter, the appellant filed a petition for amendment during November, 2019.

7. It is further submitted that since the matter has been remanded by this Court with an observation that all the parties shall be given opportunity of hearing, the application filed seeking amendment of the petition is essential for effectual adjudication of the lis.

8. It is accordingly submitted that the learned Tribunal without applying judicial mind to the facts of the case rejected the same vide the impugned order dated 09.03.2022. Accordingly, Mr. Rath prayed for interference of this Court in the said order.

9. Per contra, Mr. Prusty while supporting the

order submitted that since various documents have been filed by the Appellant, learned Tribunal has rightly rejected the same.

10. Heard learned counsel for the Parties at length.

11. It is not disputed that this Court while remanding the matter vide order dated 17.09.2019, directed learned Tribunal to adjudicate the matter afresh by giving opportunity of hearing to the Parties. The petition for amendment was also filed by the Appellant as annexed under Annexure-5 and it shows that the Appellant only relies on various circulars issued by the Government and some orders passed by this Court as well as by the Hon'ble Apex Court in support of its case.

12. In view of such position and for effectual adjudication of the matter, I am of the considered view that the amendment as prayed for should have been allowed by the learned Tribunal. Accordingly, while setting aside the impugned order dated 09.03.2022, I direct the learned Tribunal to allow the amendment as prayed for under Annexure-5 and decide the matter in terms of the earlier order passed by this Court.

13. Since the case is of the year 2011, this Court further directs the learned Tribunal to dispose of the matter by giving opportunity of hearing to all the

parties concerned within a period of six months from the date of receipt of this order.

14. With the aforesaid observations and directions, the FAO stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat

