

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15045 of 2020

***Narendra Kumar Mohanty and
others***

....

Petitioners

Mr. S.S.Pratap
Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. B.P.Tripathy,
Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
20.9.2022.

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Government Advocate for the State.
3. The Petitioners are teaching and non-teaching staff of Ashok Kumar Rout Sanskrit Mohavidyalaya, Samadaspur in the district of Jajpur. They have approached this Court seeking the following relief:

“Under the above circumstances, it is therefore, humbly prayed that the Hon’ble Court be graciously pleased to quash the orders under Annexures-4 and 5 as those are illegal, without jurisdiction and authority and direct the Opposite Party Nos.1 and 2 to release the monthly duty pay salary of the petitioners from the months of January 2020 till date within a stipulated period as deem fit and proper and further be pleased to direct the opposite parties to go on paying the monthly salary of the petitioners month following the month as required under Rule 9 of the 1974 Rules.”

4. It is the case of the Petitioners that by order dated 1st August, 2011 the College was granted permanent recognition to Upashastri course from the academic session 2005-2006. Further, block grant was released in favour of the College by order dated 9th July, 2014 of the Government. Consequential order in approving the post was issued on 16th October, 2014 by the Directorate of Higher Education, Bhubaneswar, Odisha (Opposite Party No.2). It is submitted that because of certain allegations levelled against the Managing Committee of the College a Committee was constituted being headed by Opposite Party No.2 and other Senior officials to enquire into the matters of Ashok Kumar Rout Sanskrit Higher Secondary School as also another Institution namely, Mukta Devi Sanskrit College, Sahaspur in the district of Jajapur by order dated 1st January, 2020. On the same day another order was passed withholding release of GIA/Block Grant in favour of the Institution until further orders. In the mean time, the said order in so far as it

relates to Mukta Devi Sanskrit College was withdrawn vide order dated 26th February, 2021. It is submitted that no action has been taken in respect of the Petitioner Institution. It is stated at the bar that the enquiry on the allegations are still pending before the Committee in respect of the Petitioner Institution.

5. Considering the above facts and without expressing any opinion on the merits of the case, the Writ Petition is disposed of with a direction to the Opposite Party No.2 to take necessary steps to finalize the enquiry against the Petitioner Institution as early as possible preferably within a period of four weeks from the date of communication of this order or on production of certified copy thereof by the Petitioners.

6. It goes without saying that the Petitioner Institution shall be granted opportunity of hearing through its representative before finalizing the enquiry. Further, the fact that the GIA/Block Grant has been withheld since 1st January, 2020, the authorities shall pass necessary orders to release at least the current salary due to the employees forthwith, if there is no other legal impediment.

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

AKB

(Sashikanta Mishra)
Judge

