

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.749 of 2015

Smt. Asrita Pradhan

....

Appellant

Mr. Sameer Kumar Das, Advocate
-versus-

State of Odisha and others

....

Respondents
None

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER
28.09.2022

Order No.

04.

Misc. Case No.1017 of 2015

1. For the reasons stated, the delay of 42 days in filing the appeal is condoned. The Misc. Case is allowed.

W.A. No.749 of 2015

2. This appeal is directed against an order dated 9th October 2015 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.8647 of 2015 by which she had challenged an order dated 21st April 2015 passed by the Collector, Kandhamal disengaging her from the post of Sikshya Sahayak (SS) with immediate effect.

3. The Appellant was engaged as SS and while she was working in Adipadara Primary School of Saramuli Gram Panchayat (GP), she was posted due to exigency at the Sulumaha Project Upper Primary School under Sraniketa GP by an order dated 7th December, 2013. Subsequently, by an order dated 6th September 2014, the posting order was cancelled.

4. The said order dated 6th September 2014 was challenged by the Appellant by filing W.P.(C) No.17549 of 2014 in which status quo was ordered by this Court on 15th September, 2014. When the Appellant represented to the Block Education Officer (BEO), Daringibadi Block for resuming duty in Sulumaha School, the Headmaster of the Sulumaha School refused to accept her joining report on the ground that she had already been relieved on 15th September 2014, by order of the BEO.

5. Pursuant to the order passed by this Court in the aforementioned writ petition i.e., W.P.(C) No.17549 of 2014, the Collector passed an order rejecting the claim of the Appellant directing her to join in her parents School in terms of the order dated 6th September 2014 of the BEO, Daringibadi.

6. According to the Appellant even after the order dated 26th February 2015 of the Collector, she could not join since she was not relieved by the Headmaster, Sulumaha School. However, the authority issued her a show cause notice (SCN) on 10th March 2015, asking her to show cause why she should not be disengaged. Her case was that without considering her reply to the SCN, the impugned order dated 21st April 2015 of the Collector came to be passed disengaging her.

7. According to the Appellant, unless she was relieved by the Headmaster Sulumaha School, she could not have joined in terms of the order dated 6th September, 2014. The stand of the Respondents on the other hand was that she ought to have resumed duty pursuant to the order passed by the Collector, but did not do

so. It is only after waiting for 30 days that the disengagement order was passed.

8. The learned Single Judge has in the impugned order after noticing the entire facts rejected the contention of the Appellant that she was somehow prevented from joined duty. On the other hand, she seems to have disregarded the orders, maintained her own attendance register insisting on the attending the Sulumaha School. Referring to a letter written by her on 4th March 2015, the learned Single Judge noted that she was “not willing to join Adipadar Primary School”. In view of the conduct of the Appellant, the learned Single Judge has not inclined to interfere and accordingly dismissed the writ petition.

9. This Court has heard the submissions of Mr. Sameer Kumar Das, learned counsel appearing for the Appellant.

10. It is seen that the Appellant indeed did not report for duty pursuant to the order dated 6th September, 2014. The fact remains that she did not join the Adipadara Primary School despite there being a specific order to that effect. Without making the attempt to comply with the order, the Appellant could not have expected the learned Single Judge to have allowed the prayers made by her in the writ petition. There is no merit in the present writ appeal and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge