

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 15664 of 2022

Niroj Barik

....

Petitioner

Mr. K.C. Sahu, Advocate

- Versus -

State of Odisha & Ors.

....

Opposite Parties

Mr. B. Mohanty, Standing Counsel for
School and Mass Education Department.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.07.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. The petitioner has approached this Court seeking the following relief:

“It is therefore, prayed that the Hon’ble Court be pleased to allow this writ petition by further directing the Opp.Parties to supply/handover the revised original pass certificate-cum-mark sheet to the petitioner on the basis of the revised mark as has been passed pursuant to Annexure-6 & 7 within a time bound period for the interest of justice.

And may pass any other Writ(s), Direction(s), Order(s) as this Hon’ble Court may be deemed fit and proper;”

3. It is submitted that pursuant to order passed in W.P.(C) No. 14378 of 2021, the marks of the petitioner in First Language Odia (FLO) was revised from 35 to 43 by the Board of Secondary Education (BSE), Odisha as per communication dated 16.02.2021, annexed as Annexure-6 to the writ petition. An order was passed by the BSE on 26.07.2021, enclosed as Annexure-7 to the writ petition, also indicating the aforementioned enhancement of marks. Copy of the said order was endorsed to the Deputy Secretary, BSE, Odisha, Sambalpur Zone with instructions to

deliver the revised original pass certificate to the concerned Headmaster immediately as also to the Headmaster of Shreeharsha High School, At/P.O.- Sikuan, in the district of Bolangir to handover the revised original pass certificate-cum-marks to the petitioner after the same is received by him and to report compliance. It is further submitted that neither the Deputy Director of BSE, Sambalpur Zone nor the Headmaster of the concerned School has acted upon the order passed by the BSE.

4. Since a specific order has been passed by the BSE enhancing the marks of the petitioner, there is no reason as to why the same shall not be acted upon and that too for such a long period. In such view of the matter, the writ petition is disposed of with a direction to the Headmaster, Shreeharsha High School (opposite party no.3) to obtain the necessary certificate/mark sheet from the Deputy Secretary of BSE, Sambalpur Zone and to handover the same to the petitioner within a period of three weeks from the date of communication of this order or on production of certified copy thereof by the petitioner.

5. The writ petition is disposed of accordingly.

(Sashikanta Mishra)
Judge

A.K. Rana