

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15957 of 2022

Bharat Chhualsingh

....

Petitioner

Mr. P.K. Satapathy, Advocate

- Versus -

State of Odisha & Others

....

Opp.Parties

Mr. P.K. Panda, Standing Counsel for
S & ME Department

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

20.09.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Standing Counsel for School and Mass Education Department.
3. The petitioner has approached this Court seeking the following relief;

“The petitioner therefore prays that your Lordships would be graciously pleased to admit this Writ Petition, call for the records, after hearing the parties, issue writ/writs in the nature of certiorari/mandamus or any other writ/directions directing the State Level School Consolidation Committee to make an enquiry regarding validity of merger of Jhatiapada Project Primary School with Sailopada Primary School and the hardship of the villagers/students in such merger of School and take decision within a stipulated period considering the further of the minor children in getting their primary education.

And for this act of kindness the petitioner as in duty bound shall ever pray.”

4. It is the case of the petitioner that the proposed merger of the School, Jhatiapada Project Primary School with Sailopada Primary School is against the norms as also will adversely affect the welfare of the students.

5. In course of hearing, it is brought to notice of the Court that ventilating such grievance, the villagers including the petitioner have submitted a grievance petition addressed to the Collector, Jajpur on 17.05.2022, which is pending consideration.

6. Mr. P.K. Panda, learned Standing Counsel for School and Mass Education Department has obtained instructions that the grievance petition is indeed pending before the Collector.

7. Since the Collector is to take a decision at the first instance, without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the Collector, Jajpur to consider and dispose of the grievance petition relating to merger of the School in question in accordance with law and after granting due opportunity of hearing to the persons who have made the representation including the petitioner. Such decision shall be taken within a period of three weeks from the date of communication of this order or on production of certified copy thereof by the petitioner.

8. Writ petition is disposed of accordingly.

9. Issue urgent certified copy as per Rules.

(Sashikanta Mishra)
Judge

A.K. Rana