

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C) No. 16604 of 2022

Suvasini Sarangi

.... *Petitioner*
Mr. S.K. Mishra, Adv.

-versus-

State of Odisha & Ors.

.... *Opposite Parties*
Mr. Debasis Mohapatra, SC
(for S & M.E. Deptt.)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
18.07.2022

- 02.
1. This matter is taken up through hybrid arrangement.
 2. Heard.
 3. Learned counsel for the petitioner submits that in the present Writ Petition the petitioner challenges the order dated 22.06.2022 under Annexure-10 on the ground that the same is total of non-application of mind, in so far as inter-se seniority is concerned. The said letter fixed the inter-se seniority on the basis of date of birth and instead of date of joining. Hence, she prays for quashing the same. Further the order dated. 31.08.2020 passed by Higher Education Department has no application to the Junior Colleges.

4. Learned counsel for the petitioner submits that this Court has earlier decided the similar issue in **Kamalakanta Das Vs. State of Odisha & Ors.** vide common judgment dated 11.07.2022 passed in W.P.(C) No. 230 of 2022 and batch of cases. Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in **Kamalakanta Das** (supra).

5. Learned Additional Government Advocate for the State submits that he has no objection, if this matter is disposed of in the light of the judgment passed in **Kamalakanta Das** (supra).

6. On perusal of the records and the judgment passed in the case of **Kamalakanta Das** (supra), it appears that similar issue has been decided in the said judgment which was disposed of on 11.07.2022. The ordering portion of the said judgment is as follows.

“32. In the light of above discussions, and guided by the precedents narrated hereinabove, this Court hereby quashes Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha containing the mechanism for fixing the seniority of teachers of non-Government Colleges for the purpose of appointment of Principal and HODs and directive issued by the State Government whereby the inter-se seniority was to be adjudged according to the date of birth.

Consequently, the Government letter No. 17 dated 01.01.2022/ Annexure-7 issued to the O.P. No.4 is also invalidated. It is further clarified that all the appointments of Principal-in-Charge made by following the Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha be made afresh by taking into consideration of date of entry into service as the basis for seniority. The O.P. No.1 is directed to come out with fresh guidelines accommodating the principle of seniority as enunciated by the Supreme Court of India which is an integral part of our service jurisprudence. The Writ Petition is accordingly allowed. No order as to cost.

33. Accordingly, all the Writ Petitions are disposed of."

7. In view of aforesaid common judgment passed in W.P. (C) No. 230 of 2022 and batch of cases, this Writ Petition is disposed of.

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

(Dr. S.K. Panigrahi)
Judge