

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P(C) No. 16811 of 2022

Santabala Kabi Satpathy *Petitioner*
Mr. B.S. Panigrahi, 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. By way of this Writ Petition, the petitioner has challenged the illegal and arbitrary action of the Opposite Party authorities in withholding the arrear payment and increment of the petitioner and not regularizing the service of the petitioner on the basis of the order passed in the disciplinary proceeding initiated by the Block Education Officer, Dhenkanal.
2. Heard.
3. The brief facts of the case is that, the petitioner was initially appointed as Sikhsya Karmi vide order No. 437 dated 10.01.1992 and joined on 16.01.1992. Subsequently, he being regularized w.e.f. 01.02.1994 served as Assistant

Teacher in different school for a different period under the Block Education Officer, Dhenkanal. While continuing in his service, the BEO, Dhenkanal, by office order dated 29.10.2014 contemplated initiation of disciplinary proceeding and pending drawal of charges, placed the petitioner under suspension with immediate effect. As consequence of suspension, the headquarter of the petitioner was fixed at Giripada Chhak Primary School with subsistence allowance of 50% of the pay.

4. Learned counsel for the petitioner submits that the petitioner is an Elementary Cadre Teacher, as per amended Rule- 15(1) (a), of the OEES Rules the District Education Officer is the appointing authority of elementary teacher. It is made clear that the Deputy Inspector of School has been substituted by the District Education Officer (DEO) as per-11 of OEE (Amendment) Rules, 2014. Which relates to amendment of Rule-15(1).

5. It is further submitted that similarly placed teacher of the same District who was put under suspension by the Block Education Officer had, moved the OA before the OAT BBSR in O.A. No. 442 of 2015 which was allowed in favour of the applicant & it was also confirmed by this Court in W.P.(C) No. 23546 of 2017.

5. In the above premises, the petitioner has approached the D.E.O., Dhenkanal, Sub-Collector, Dhenkanal & ADM, Dhenkanal under Annexure- 5 & 6 series ventilating his grievances but the same are still pending for consideration till date.

6. Considering the above facts & submission made herein above, this Court disposes the Writ Petition under directing the Opposite Party No. 3/ District Education Officer, Dhenkanal to disposed the representation filed by the petitioner under Annexure- 5 & 7 series within a period of 30 days from the date of production of authenticated/certified copy of this order by the petitioner.

5. With the aforesaid observation, the Writ Petition is accordingly disposed of.

(Dr. S.K. Panigrahi)
Judge