

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15641 of 2019

Narayan Chandra Roul

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

05.07.2022

Order No

04. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S.K. Mishra, learned counsel for the Petitioner and Mr. N.N. Satpathy, learned standing counsel appearing for the Opp. Parties.

3. The Petitioner is aggrieved by the order dtd.26.02.2018 passed by the learned State Education Tribunal in Execution Case No.217 of 2011 under Annexure-9. Vide the said order learned Tribunal closed the Execution case relying on a decision of this Court reported in 2003(I) OLR 438.

4. It is submitted that challenging the non-approval of his services passed under Annexure-7 by the Headmaster of the concerned school on the direction issued by the D.E.O., Bhadrak, the Petitioner approached this Court in OJC No.17548 of 1996. This Court vide order dtd.23.09.2010 remitted the matter to the learned Tribunal for its adjudication. It is submitted that learned Tribunal

while deciding the said matter on remand in Education Appeal No. 57 of 2010, passed an order directing the Managing Committee of the School to allow the Petitioner to continue till he is terminated in accordance with law.

5. It is submitted that since the said order was not complied, the Execution case was filed in Execution Case No.217 of 2011. But learned Tribunal illegally closed the Execution Proceeding by passing the impugned order.

6. Mr. Satpathy, learned standing counsel on the other hand submitted that the school in question has already been taken over from 07.06.1994 and by the time the order was passed declining approval of the services of the Petitioner, the school was already taken over.

7. Mr. Satpathy further submitted that since the school was already taken over w.e.f. 07.06.1994, no direction should have been issued by the Tribunal in directing the Managing Committee to allow the Petitioner to continue in Education Appeal No.57 of 2010.

7. Even though the present writ Petition has been filed with a prayer to quash the impugned order dtd.26.02.2018 passed by the learned Tribunal in the aforesaid Execution Case, but the fact remains that the Petitioner is aggrieved by the non-approval of his services issued by the Headmaster of the School basing on the letter issued by the D.E.O., Bhadrak on 03.02.1996.

8. In view of such factual facts, this Court while not inclined to interfere with the impugned order grants liberty to the Petitioner to move the District Education Officer with regard to approval of his services.

9. It is observed that if any such application is made by the Petitioner before the O.P. No. 3 within a period of two (2) weeks from today, the said Opp. Party shall take a lawful decision on the same by giving opportunity of hearing to Petitioner as well as Headmaster of the concerned school. The entire exercise shall be completed within a period of four (4) months from the date of receipt of this Order.

10. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

