

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19334 of 2022

*Dambarudhara Gadaba* .... *Petitioner*

*Mr. Dipti Ranjan Bokta, Adv.*

*-versus-*

*State of Odisha and Ors.* .... *Opposite Parties*

*Mr. Debasis Mohapatra, SC*  
*(for S & ME Deptt. )*

**CORAM:**  
**DR. JUSTICE S.K. PANIGRAHI**

**Order**  
**No.**

**ORDER**  
**21.09.2022**

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. Learned counsel for the Petitioner submits that the Petitioner has served for 22 years as Teacher in Durkajodi Primary School under Mathili Block, in the district of Malkangiri since 1976. He was performing his duties to the utmost satisfaction of his higher authorities. However, he was transferred from Mathili Block to Singarajakhunta Primary School under Balimeda Block by the then D.I. of School, Malkangiri-II on 13.09.1997.

Accordingly, he was allowed to join at the new station with immediate effect. The Petitioner joined the aforesaid school till he had been transferred to Kanaguda Primary School vide letter dated 08.07.1998 issued by the D.I. of School, Malkangiri. When the matter stood thus, while he was ready to join at Kanaguda Primary School on 23.08.1998 at 11.00 P.M. the Naxalites kidnapped the Petitioner and his wife and assaulted them by means of deadly weapons. When they became unconscious, they left them alone inside the jungle. Thereafter, some of the villagers recovered them from the jungle and admitted them in Government Hospital for their treatment. After recovery, due to continuous threat by the Naxalites, the Petitioner did not join the school till date. When the situation became normal, the Petitioner submitted an application before the authority on 01.12.2009 to allow him to re-join. The application of the Petitioner was duly forwarded by the D.I. of Schools, Malkangiri-II to the Opposite Party No.2- Director, Elementary Education, Odisha, Bhubaneswar vide letter dated 28.12.2009. But the authority did not take any decision on the representation of the Petitioner and sat over the matter for such a long period. Though the Petitioner had

submitted number of representations and met the Collector, Malkangiri in his Grievance Cell requesting for necessary permission for his joining in the school, but till date all the higher authorities remain silent and sit over the matter without taking any decision. Since the Petitioner has now crossed his age for any Government service and in spite of rendering 22 years of service, his pensionary benefit has not been extended to him. He further submits that the Petitioner had submitted so many representations to the authorities, but the same have not yet been considered.

4. In such view of the matter, the Petitioner is granted liberty to file a fresh representation before the authority i.e. the Opposite Party No.3/ District Education Officer, Malkangiri along with a copy of this order. On such event, the Opposite Party No.3/ District Education Officer, Malkangiri shall dispose of the representation to be filed by the Petitioner by passing a reasoned order within a period of one month from the date of submission of fresh representation by the Petitioner failing which contempt proceeding will be issued by this Court automatically.

5. Accordingly, this Writ Petition is disposed of.

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

**(Dr. S.K. Panigrahi)**  
**Judge**

*B.Jhankar*

