

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19974 of 2022

Prafulla Kumar Malik *Petitioner*

Mr. Durgesh Narayan Rath, Adv.

-versus-

State of Orissa and Ors. *Opposite Parties*

Mr. Debasis Mohapatra, SC

(for S & ME Deptt.)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

25.08.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. In this Writ Petition, the Petitioner challenges the order dated 12.07.2022 directing him to file written statement of defense within a period of 30 days and the order dated 29.07.2022 placing him under suspension passed by the Opposite Party No.3/ Block Education Officer, Basudevpur, in the district of Bhadrak.
4. Learned counsel for the Petitioner submits that the Petitioner having requisite qualification applied for the post of Sikshya Sahayak. He was selected as a Sikshya Sahayak and vide engagement order dated 31.12.2007 issued by the Opposite Party No.5/ District Project Coordinator, SSA, Bhadrak he was posted at

Sudarsanpur U.G.M.E. School. After completion of three years of engagement as Sikhya Sahayak, the Petitioner was treated as a Junior Teacher with effect from 02.01.2011 vide Office Order dated 26.11.2011 issued by the Opposite Party No.5/ District Project Coordinator, SSA, Bhadrak. While the Petitioner was continuing as such, he was appointed as the Regular Primary School Teacher with effect from 02.01.2014 vide order dated 09.03.2015 of the issued by the Opposite Party No.5/ District Project Coordinator, SSA, Bhadrak. He further submits that while the Petitioner was continuing as Regular Primary School Teacher and discharging his duty, all of a sudden, show cause notice dated 12.07.2022 was issued by Opposite Party No.3/ Block Education Officer, Basudevpur, in the district of Bhadrak stating therein that the Petitioner has changed his date of birth from 10.06.1983 to 10.08.1984 and took admission in Madhyama Course as a regular candidate without Transfer Certificate or School Leaving Certificate from Julia Nodal Government High School, Gudsuan. It was also alleged that in the same academic session 1996-97 and 1997-98, he had manipulated and managed himself to study in 10th and similar course in two different

institutions. While issuing such notice, 30 days time was given to the Petitioner. The show cause was issued showing to have been issued as per Rule-15 of the OCS (CCA) Rules, 1962.

5. Learned Standing Counsel for the Department of School and Mass Education submits that despite stipulation of time for filing of written statement of defense by the authority, till date the Petitioner has not filed the same.

6. In such facts and circumstances, the Petitioner is directed to file written statement of defense before the authority i.e. the Opposite Party No.3/ Block Education Officer, Basudevpur, in the district of Bhadrak within a period of thirty days from today.

7. Till disciplinary proceeding is over, no coercive action shall be taken against the Petitioner.

8. Accordingly, the Writ Petition is disposed of.

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

(Dr. S.K. Panigrahi)
Judge