

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20024 of 2022

Ajaya Kumar Behera

....

Petitioner

**Mr. A.K.Pandey
Advocate**

-versus-

State of Odisha & others

....

Opposite Parties

**Mr. B.Mohanty,
Addl. Standing Counsel
(S and ME Depett.)**

CORAM:

JUSTICE SASHIKANTA MISHRA

**ORDER
07.9.2022.**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Government Advocate for the State.
3. The Petitioner has approached this Court challenging the order passed by the Principal Secretary to Government, School and Mass Education Department on 4th June, 2022 rejecting his representation for reengagement as Sikshya Sahayak. The Petitioner had earlier approached this Court in W.P.(C)

No.23695/2021, which was disposed of by order dated 17th August, 2021 with the following direction:-

“Considering the limited grievance of the Petitioner, this Court, without expressing any opinion on the merits of the case, disposes of the writ petition directing opposite party no.1 to consider the representation filed by the petitioner vide Annexure-6 and pass appropriate order in accordance with law within a period of three months from the date of production of authenticated/certified copy of this order.”

4. It is submitted by Mr. A.K.Pandey, learned counsel for the Petitioner, that in his representation the Petitioner had specifically referred to the report submitted by the DSP (Vigilance), Khordha Squad on 31st May, 2017, which clearly shows actual reasons for disengagement of the Petitioner and non-renewal of his contract. The said report of the DSP (Vigilance) addressed to the S.P. (Co-ordination), Vigilance Directorate, Odisha, Cuttack, is enclosed to the Writ Petition as Annexure-4. It is further submitted by Mr. Pandey that no opportunity of hearing whatsoever was granted to the Petitioner before passing the impugned order.

5. Having regard to the fact that the authority is required to consider the representation by applying his mind to all the relevant facts and circumstances of the case and further that due opportunity of hearing was required to be given to the representationist keeping in view the principle of natural justice, this Court is of the considered view that the impugned

order cannot be sustained in the eye of law and is therefore, quashed.

6. However, without expressing any opinion on the merits of the case, the Writ Petition is disposed with further direction to the Principal Secretary to Government, School and Mass Education Department, Odisha, Bhubaneswar to consider the representation afresh specifically taking into account the report submitted by the DSP (Vigilance), Khordha Squad to the S.P. (Co-ordination) Vigilance Directorate, Odisha, Cuttack. Further, an opportunity of hearing shall also be granted to the Petitioner. The representation shall be disposed of within a period of four weeks from the date of communication of this order or on production of certified copy thereof by the Petitioner.

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

AKB

(Sashikanta Mishra)
Judge