

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20853 of 2022

Sarada Kanta Mishra

....

Petitioner

Dr. Purusottam Chuli, Adv.

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. D. Munda, AGA

**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. The Petitioner who has been serving as senior most Lecturer in Political Science (1 Post) in Raghunath Jew Higher Secondary School, Deulasahi, Po-Tulasipur, District-Cuttack challenges the legality of the Office Order No.3947 dated 27.02.2020 issued by the Opposite Party No.4/Special Secretary-Cum-Director, Higher Secondary Education, Odisha, arbitrarily approving the name of Opposite Party No.6 namely, Smt. Snehalata Mishra as Principal-In-Charge-Cum- Secretary of the said

School. He also seeks for a direction from this Court to the Opposite Party No.4/ Special Secretary-Cum-Director, Higher Secondary Education, Odisha to approve the Petitioner's name as Principal-In-Charge-Cum- Secretary of Raghunath Jew Higher Secondary School, Deulasahi, Po-Tulasipur, Dist-Cuttack on the basis of date of joining in pursuance to the judgment dated 11.07.2022 passed by this Court in Kamala Kanta Das –versus- State of Odisha and others (W.P.(C.) No.230 of 2022). In that view of the matter, the Petitioner approaches this Court for seeking relief.

4. Learned counsel for the petitioner submits that as mentioned above this Court has earlier decided the similar issue in **Kamalakanta Das Vs. State of Odisha & Ors.** vide common judgment dated 11.07.2022 passed in W.P.(C) No.230 of 2022 and batch of cases. Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in **Kamalakanta Das** (supra).

5. Learned Additional Government Advocate for the State submits that he has no objection, if this matter is disposed of in the light of the judgment passed in **Kamalakanta Das** (supra).

6. On perusal of the records and the judgment passed in the case of **Kamalakanta Das** (supra), it appears that similar issue has been decided in the said judgment which was disposed of on 11.07.2022. The ordering portion of the said judgment is as follows.

“32. In the light of above discussions, and guided by the precedents narrated hereinabove, this Court hereby quashes Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha containing the mechanism for fixing the seniority of teachers of non-Government Colleges for the purpose of appointment of Principal and HODs and directive issued by the State Government whereby the inter se seniority was to be adjudged according to the date of birth. Consequently, the Government letter No.17 dated 01.01.2022/ Annexure-7 issued to the O.P. No.4 is also invalidated. It is further clarified that all the appointments of Principal-in-Charge made by following the Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha be made afresh by taking into consideration of date of entry into service as the basis for seniority. The O.P. No.1 is directed to come out with fresh guidelines accommodating the principle of seniority as enunciated by the Supreme Court of India which is an integral part of our service jurisprudence. The Writ Petition is accordingly allowed. No order as to cost.

33. Accordingly, all the Writ Petitions are disposed of."

7. In view of aforesaid common judgment passed in W.P.(C) No.230 of 2022 and batch of cases, this Writ Petition is disposed of.

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

B.Jhankar



(Dr. S.K. Panigrahi)
Judge