

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20855 of 2022

Dr. SARbajit Das

....

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

29.08.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioner, in this Writ Petition, challenges the Officer Order No.495/CAST/22 dated 17.06.2022 issued by the Opposite Party No.4/ Principal-cum-Secretary, College of Arts, Science and Technology, Bandomunda, in the district of Sundargarh, fixing the seniority of the Lecturers of the English Department on the basis of date of birth for the purpose of appointment of the Head of Department of English. He also prays for a direction from this Court to the Opposite Party No.4/ Principal-cum-Secretary, College of Arts, Science and Technology, Bandomunda, in the district of Sundargarh to fix the seniority of the Lecturers of the English Department on

the basis of the date of joining for the purpose of appointment of the Head of Department of English.

4. Learned counsel for the Petitioner submits that 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.

(Dr. S.K. Panigrahi)
Judge