

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 18737 of 2018

Suresh Chandra Bavi

....

Petitioner

Mr. S.C.Dash, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Prabhat Kumar Panda, SC, S&ME

Department for OP. Nos. 1 to 3

Mr. Sameer Kumar Das, Advocate for OP. No. 4

Mr. Bishnu Charan Sahu, Advocate for OP. No. 5

CORAM:

JUSTICE M.S.SAHOO

ORDER

30.03.2022

Order No.

6.

1. This matter is taken up through hybrid mode.
2. Writ Petition has been filed by the petitioner challenging the order dated 16.8.2018 communicated vide letter dated 20.10.2018 (Annexure-10) passed by the Director of Secondary Education, Odisha (O.P. No.2), inter alia, on the ground that the order was passed in violation of principles of natural justice as all the affected parties were not granted proper opportunity of hearing.
3. It is submitted by learned counsel for the O.P. No.4 that though the matter was posted for consideration of amendment application, but final orders were passed without granting an opportunity of effective hearing to the affected parties.
4. It is submitted by learned counsel for petitioner that he also adopts the submissions of learned counsel for the O.P. No.4 and further contends that the officer who

has passed the order, never heard the matter in his official capacity and there was no effective hearing in the matter before passing the order.

5. Learned counsel for the O.P. No.5 Mr. Sahu submits that the allegations of violation of principle of natural justice in the proceedings, are not correct and he has instruction that the matter was heard and, thereafter, the final order was passed.

6. It is further submitted by learned counsel for O.P. No.5 that the petitioner instead of maintaining a writ petition, should have approached the learned State Education Tribunal under the provisions of the Odisha Education Act.

7. In response, learned counsel for the petitioner and learned counsel for petitioner and the O.P.4 submit that since they have specifically alleged non-compliance of principle of natural justice, which is evident from the records, determination in the writ petition has to be in a limited compass, as the authority has to re-hear the matter by granting opportunity to all the parties.

8. Learned Standing Counsel submits that is the matter is remanded to the authority, the same shall be heard and disposed of in accordance with law.

9. Having heard learned counsel for the parties, the order dated 16.8.2018 communicated vide letter dated 20.10.2018 (Annexure-10) passed by the Director of Secondary Education, Odisha (O.P. No.2) is set aside.

10. The matter is remanded back to the Director of Secondary Education, Odisha (O.P. No.2) with a direction for hearing the matter fresh.

11. The writ petition is disposed of directing that all the parties shall appear before the Director or an officer duly authorized on his behalf on 22.4.2022; on which date, the Director or an officer duly authorized on his behalf, shall fix a further date of hearing.

12. It is also directed that all the parties to the proceeding before the Director shall cooperate for effective hearing of the matter expeditiously.

13. It is clarified that this Court has not expressed any opinion regarding merits of the individual claims in any manner whatsoever.

14. With the aforesaid observations, the writ petition is disposed of.

15. Urgent certified copy of the order be granted on proper application.

16. The order be uploaded in the official website.

(M.S.Sahoo)
Judge