

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 528 of 2019

Manas Mukhi

Appellant

Mr. Manas Pati, Advocate

-versus-

State of Odisha and Others

Respondents

Mr. D.R. Mohapatra, Senior Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

29.11.2022

Order No.

03. 1. The challenge in the present appeal is to an order dated 17th September, 2019 passed by the learned Single Judge disposing of writ petition i.e. W.P.(C) No.16788 of 2019 filed by the present Appellant.
2. By the said writ petition, the Appellant had sought the quashing of an order dated 9th October, 2018 passed by the Collector-cum-CEO, Zilla Parishad, Kandhamal, disengaging the Appellant from the post of Junior Teacher (Contractual)/Sikshaya Sahayak with effect from 1st April, 2016.
3. The background facts are that the Appellant was engaged as Sikshya Sahayak for a period of one year by virtue of an agreement dated 27th March, 2011 between him and Collector-cum-CEO, Zilla

Parishad, Kandhamal (Respondent No.3) for a period of one year and posted to the Kapadi NPS of Phiringia Block in Phulbani. While the Appellant was working as such, S.T. Case No.59 of 2016 was initiated against him and others arising out of Khajuripada P.S. Case No.118 dated 20th November, 2015 resulting in G.R. Case No.767 of 2015 in the Court of the S.D.J.M., Phulbani.

4. As a result of his involvement in the above criminal case, the Appellant was absent from duty since 22nd November, 2015. Apparently, he never informed the Authorities of the above development and finally reported for duty only as a result of his subsequent acquittal by the Additional Sessions Judge, Phulbani by the order dated 30th January, 2017. According to the Appellant, when after the above acquittal, he reported for duty, the authorities did not permit him to join. Instead, a show cause notice was issued to him on 10th May, 2017.

5. The impugned order dated 9th October, 2018 shows that the Appellant was unauthorizedly absent from duty since December, 2015. His one-year contract came to an end and was not renewed for the subsequent years. The reason for disengagement was in fact non-renewal of the contract for 2016 and 2017.

6. It is seen from the impugned order of the learned Single Judge that since renewal of contract was subject to satisfactory performance and the performance of the Appellant indicated that he was involved in a criminal case, 'the same has not been taken into consideration'.

7. The crux of the matter is the unauthorized absence of the Appellant from duties since December, 2015. It appears that no attempt was made by the Appellant to ever inform the authorities, why was he absent. There appears to be no document produced to show that the Appellant sought to join duty and was refused permission to do so. The Appellant was obviously aware that his contractual appointment which was on yearly basis was required to be renewed year after year. He appears to have made no attempt in that direction either.

8. In the given facts, therefore, the impugned order of the authorities dated 9th October, 2018 disengaging him from contractual appointment cannot be faulted with. This is irrespective of the fact that the Appellant may have been subsequently acquitted in the criminal case. Consequently, the Court finds no reason to interfere with the impugned order. The appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.