

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23060 OF 2022

Jubaraj Mishra **Petitioner**

-versus-

State of Odisha & Others **Opp. Parties**

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
29.9.2022

Order No

- 3.** 1. This matter is taken up through Hybrid Mode.
- 2.** At the outset, Mr. G.R. Sethi, learned counsel for the petitioner submitted that for the present, he does not want to press prayer No.(i).
- 3.** Heard Mr. G.R. Sethi, learned counsel or the petitioner and Mr. Panigrahi, learned A.S.C.
- 4.** The petitioner has filed the present writ petition challenging the inaction of the opp. parties in sending him to undergo the ASI police course of training. It is submitted that even though the petitioner's name is reflected in the list issued vide office order No.806 dated 30.8.2022 under Annexure-7 and persons below him have been allowed to go to undergo the said training, but the petitioner has not yet been allowed to go for the same. It is further submitted that the petitioner is not being allowed to undergo the training, on the ground that he has been inflicted with a punishment in a Disciplinary Proceeding initiated on 11.11.2008. It is further submitted that the said Disciplinary Proceeding has already been finalized vide

order dated 28.2.2017 under Annexure-1 and the same is pending before this Court in W.P.C(OAC) No.2946 of 2017.

5. Even though this Court on 8.9.2022 directed the learned State Counsel to obtain instruction in the matter, but no instruction could be provided when the matter was taken up today.

6. In view of the fact that the petitioner has been found eligible to undergo the training as reflected in the order dated 30.8.2022 under Annexure-7, this Court finds that the action of the opp. parties in not sending the petitioner to undergo the said training on the ground that the petitioner has been inflicted with a punishment in a Disciplinary Proceeding vide order at Annexure-1 is not a just and proper ground . Therefore, this Court while disposing the writ petition, directs opp. party no.2 to take appropriate steps in allowing the petitioner to undergo the training in question, if there is no other legal impediment. The said exercise shall be completed within a period of three weeks from the date of receipt of this order.

7. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

