

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.23068 of 2022

***Mount Litera Zee School,
Bhubaneswar and another***

....

Petitioners

*Mr. Millan Kanungo, Sr.
Advocate*

-Versus -

State of Odisha and others

....

Opposite Parties

*Mr. R. Roy, Advocate
(Intervenor)*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.10.2022

I.A. No. 13475 of 2022

Order No.

5.

1. This matter is taken up through hybrid mode.
2. Heard.
3. This I.A. has been filed by Rohitaswa Educational Trust represented through its Managing Trustee, Mr. Srikanta Kumar Parida and Mount Litera Zee School (Bhubaneswar) represented through its Chairman, Mr. Srikanta Kumar Parida seeking intervention in the disposed of writ petition. It is claimed that the management of the School is in the hands of Rohitaswa Educational Trust. It is submitted that suppressing several relevant facts, the writ petition was filed by Gurukrupa Foundation Trust represented through its Chairman, Prafulla Kumar Swain claiming to be in-charge of Management of the School. It is further submitted that the present intervenors were not made parties to the writ petition deliberately and an order was

obtained suppressing the fact that the fact that a civil suit is pending between the parties.

4. This Court by order dated 14.09.2022 has simply directed, the Director, Secondary Education to take a decision on the instructions issued by the Principal Secretary to Government in the Department of School and Mass Education vide letter dated 06.06.2022 within a period of two weeks and also directed the CBSE to consider the representation submitted by the petitioners on 24.08.2022 as early as possible. The petitioners in the writ petition have filed a counter to the I.A. objecting to the averments in the I.A.

5. Since several factual disputes have been raised, this Court does not deem it proper to go into the details thereof, particularly, after disposal of the writ petition. Moreover, an innocuous order has been passed directing the authorities to take a decision in the matter. However, considering the submissions of learned counsel appearing for the intervenors, the order dated 14.09.2022 is modified only to the extent that the opposite party no.2 shall also consider the case of Rohitaswa Educational Trust before passing any order as directed. Similarly, it shall be open to the said Trust to submit a representation to the opposite party no.3 in the matter which shall also be considered and disposed of in accordance with law. Two weeks further time is granted to opposite party nos. 2 and 3 to act as directed by this Court.

6. With these observations, the I.A. is disposed of.

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

(Sashikanta Mishra)
Judge