

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23580 of 2022

Susanta Kumar Mallik

....

Petitioner

Mr. T. Dash, Adv.

- Versus -

State of Odisha and Others.

.... Opposite Parties

Mr. P.K. Panda, Standing Counsel for
S & ME Department

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner.
3. The petitioner has approached this Court seeking the following relief:

"It is therefore, prayed that this Hon'ble Court may graciously be pleased to admit the writ petition and to issue Rule NISI to the opposite parties to show cause as to;

(i) Why a direction will not be given to the opposite parties to regularize the petitioner from Level-V(B) & IV who is eligible for such promotions during the year and similar placed persons are promoted to such Level of promotion and now eligible to next promotion of Level-III after correcting the date of regularization as 31.03.2011 instead of 01.04.2011 as date of initial joining on 31.03.2005;

And any other or further order/orders, direction/directions as deem fit and proper may pass in favour of the petitioner;"

4. It appears that the petitioner had earlier approached this Court seeking the self same relief in W.P.(C) No. 35289 of 2020, wherein this Court passed the following order on 16.12.2020:

*"This matter is taken up through Video conferencing.
Heard learned counsel for the petitioner.
This writ petition involves the following prayer:*

“That, the petitioner therefore prays that the Hon’ble Court may kindly be pleased to admit the writ petition and to issue RULR NISI to the opposite parties to show cause as to:

Why opposite parties will not direct to correct the date of regularize as 31.03.2011 instead of 01.04.2011 as date of initial joining on 31.03.2005.

Why opposite parties will not direct to promote the petitioner after correction of date of regularize as (Level-IV) Regular Primary Teacher cutoff date of promotion is 31.03.2011.

And any other order(s)/Direction(s) as deemed fit and proper. And for which act of kindness, the petitioners as in duty bound shall ever pray.”

Looking to the prayer made in this Writ Petition, this Court observes, an administrative decision in the matter is required to be taken at the first hand. Accordingly this Writ Petition stands disposed of with a direction to the opposite party no.2 to consider the grievance of the petitioner in this Writ Petition in the matter of correction of date of regularization treating the same as a representation at the instance of the petitioner and take a lawful decision thereon within a period of six weeks from the date of communication of this order along with copy of the writ petition by the petitioner. It is needless to say that this Court has not expressed any opinion on the merit involving the writ petition.

As restrictions are continuing for Covid-19, petitioner may utilize the soft copy of this order available in the High Court’s Website or print out thereof at par with certified copies in the manner prescribed vide Court’s Notification No.4587 dated 25.3.2020.”

5. It is submitted that despite such direction, no action has been taken in the matter as yet. Further, the petitioner claims to have filed representation to opposite party no.4 on 18.08.2022, the same has also not been disposed of.

6. Considering the above fact, the writ petition is disposed of with a direction to opposite party no.4 to consider the representation said to have been filed by the petitioner on 18.08.2022 as also to act upon the order dated 16.12.2020 passed by this Court in W.P.(C) No.35289 of 2020 within a

period of two weeks from the date of communication of this order or on production of certified copy by the petitioner.

7. Issue urgent certified copy as per Rules.

(Sashikanta Mishra)
Judge

A.K. Rana

