

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 25433 of 2022

Padmabati Giri

.....

Petitioner

Mr. S. Satpathy, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Satapathy, learned counsel for the petitioner and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this writ petition seeking to quash the office order dated 31.03.2021 under Annexure-1, by which the claim of the petitioner has been denied.

4. Mr. S. Satapathy, learned counsel for the petitioner contended that though the claim of the petitioner is covered by the judgment of this Court in the case of *Ritanjali Giri @ Paul v. State of Odisha*, 2016 (1) ILR 1162, but the same was not considered by the authority in proper perspective. It is further contended that even though this Court vide order dated 05.02.2021 in W.P.(C) No.4221 of 2021 directed the authority to consider the case of the petitioner in the light of the judgment of this Court in the case of *Ritanjali Giri* (supra), but without considering the same in proper perspective, the authority has rejected the same, vide order impugned dated 31.03.2021 under Annexure-1. Therefore, the petitioner has approached this Court by filing the present writ petition.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department very fairly contended that the order dated 31.03.2021 passed by the authority under Annexure-1 cannot be sustained in the eye of law, in view of the order dated 05.02.2021 passed by this Court in W.P.(C) No.4221 of 2021. As such, the District Education Officer, Balasore has to comply the order passed by this Court on 05.02.2021.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the order dated 31.03.2021 under Annexure-1 has been passed by the authority on a wrong premises and, as such, the District Education Officer, Balasore has not applied its mind with regard to the order dated 05.02.2021 passed by this Court in W.P.(C) No.4221 of 2021. Thereby, the order so passed on 31.03.2021 in Annexure-1 cannot sustain in the eye of law and the same is liable to be quashed and is hereby quashed. The matter is remitted back to District Education Officer, Balasore to consider the case of the petitioner afresh in pursuance of the order dated 05.02.2021 passed by this Court in W.P.(C) No.4221 of 2021 and pass a reasoned and speaking order in accordance with law within a period of four months from the date of production of certified copy of this order.

7. The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok