

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1187 of 2018

Sukadeb Ojha

.....

Petitioners

Mr. J.K. Khuntia, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

16.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. J.K. Khuntia, 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 order dated 02.04.2018 passed by opposite party no.3 under Annexure-6, by which Inquiring Officer has been appointed by the authority concerned in the departmental proceeding to enquire into the matter.

4. Mr. J.K. Khuntia, learned counsel for the petitioner contended that since vigilance case bearing VGR No.4 of 2017 is pending before the learned Special Judge, Keonjhar, there is no justifiable reason to appoint the Inquiring Officer in a departmental proceeding to enquire into the matter.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that both the vigilance and departmental proceeding are separate and distinct from each other and, as such, appointment of Inquiring Officer in the departmental proceeding could not have been challenged by the petitioner in the present writ petition. Rather, the petitioner should have participated

in the departmental proceeding itself.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that even if vigilance case is pending against the petitioner that itself cannot debar the authority to initiate proceeding against him departmentally. Therefore, if in the departmental proceeding Inquiring Officer has been appointed by the authority vide Annexure-6, the petitioner could not have challenged the same. In any case, proceeding in a departmental and criminal proceeding are separate and distinct proceeding and, therefore, the authority passed order on 02.04.2018 in appointing inquiring officer to conduct enquiry against the petitioner in a departmental proceeding.

7. In the above view of the matter, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok

