

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26440 of 2022

Ananta Prasad Behera

....

Petitioner

Mr. Sameer Kumar Das, Adv.

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. D. Munda, AGA

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

21.10.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The Petitioner who is serving as a Lecturer in History of Anchalika Degree Mahavidyalaya, Puruna Baripada, P.S.- Khunta, in the district of Mayurbhanj seeks a direction from this Court to the Opposite Parties to appoint and approve him as Principal-in-Charge of the said College being the senior most approved Lecturer of the institution keeping in view the ratio decided in the judgment dated 11.07.2022 passed by this Court in

Kamala Kanta Das –versus- State of Odisha and others
(W.P.(C.) No.230 of 2022).

4. Learned counsel for the Petitioner submits that this Court has earlier decided the similar issue in the case of **Kamalakanta Das** (supra). Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in the case of **Kamalakanta Das** (supra).

5. Learned Additional Government Advocate for the State submits that he has no objection, if this matter is disposed of in the light of the judgment passed in the case of **Kamalakanta Das** (supra).

6. On perusal of the records and the judgment passed in the case of **Kamalakanta Das** (supra), it appears that similar issue has been decided in the said judgment which was disposed of on 11.07.2022. The ordering portion of the said judgment is as follows.

“32. In the light of above discussions, and guided by the precedents narrated hereinabove, this Court hereby quashes Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha containing the mechanism for fixing the seniority of teachers of non-Government Colleges for the purpose of appointment of Principal and HODs and directive issued by the State Government whereby the inter se seniority was to be adjudged according to the date of birth. Consequently, the Government letter

No.17 dated 01.01.2022/ Annexure-7 issued to the O.P. No.4 is also invalidated. It is further clarified that all the appointments of Principal-in-Charge made by following the Guidelines dated 31.08.2020 issued by the Department of Higher Education, Government of Odisha be made afresh by taking into consideration of date of entry into service as the basis for seniority. The O.P. No.1 is directed to come out with fresh guidelines accommodating the principle of seniority as enunciated by the Supreme Court of India which is an integral part of our service jurisprudence. The Writ Petition is accordingly allowed. No order as to cost.

33. Accordingly, all the Writ Petitions are disposed of."

7. In view of aforesaid common judgment passed in W.P.(C) No.230 of 2022 and batch of cases, this Writ Petition is disposed of. However, the authorities shall examine the facts and circumstances of the present Writ Petition in the light of the common judgment passed in W.P.(C) No.230 of 2022 and batch of cases and if the issue involved therein is squarely covered the present case, the authorities shall consider the Petitioner's case as expeditiously as possible preferably within a period of three months from the date of production of a copy of this order.

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

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

