

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1580 of 2015

Laxmipriya Parida

.... Petitioner

-versus-

State of Odisha & Ors.

.... Opposite Parties

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
21.06.2022**

Order No

04. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. S.K.Padhi, learned counsel for the Petitioner and Mr. Sharma learned counsel for the State-Opposite Parties.

3. The Petitioner is aggrieved by the order issued by the Superintendent T.B. & I.D., Hospital, Puri-Opposite Party No.3 in discharging the Petitioner from her service w.e.f. 27.03.2015.

4. It is submitted that prior to issuance of such order, the Petitioner was never show caused nor any opportunity of hearing was given.

5. It is also submitted that the order at Annexure-5 does not reveal any ground, for which the Petitioner has been made to retire from her service. Accordingly, Mr. Padhi prayed for interference of this Court in the matter.

6. Per contra, Mr. Sharma made his submission relying on the counter affidavit filed by the said Opposite Party No.3.

7. It is submitted that basing on some enquiry when it was found that the Petitioner has forged her date of birth, the impugned order at Annexure-5 has been issued. But in the counter it is never intimated as to whether the Petitioner was given any opportunity of hearing and show caused prior to taking such action under Annexure-5.

8. Since as revealed from the pleadings, the Petitioner was never given an opportunity nor was show caused prior to issuance of Annexure-5, this Court has got no hesitation in quashing the same and while quashing the said order at Annexure-5 directs the Opposite Party No.3 to take a fresh decision by giving a reasonable opportunity of hearing to the Petitioner. The said Opposite Party No.3 is directed to take a fresh decision within a period of three months from the date of receipt of this order. The Petitioner is directed to produce a copy of this order before the Opposite Party No.3 within a period of ten days hence.

9. With the aforesaid observations and directions, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat