

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32721 of 2021

Nirupama Mishra

.... ***Petitioner***
Mr. K.C. Sahu, *Advocate*

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. S. Mishra,
Standing Counsel for S & ME

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
05.01.2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).
 2. Heard Mr. K.C. Sahu, learned counsel for the Petitioner and Mr. S. Mishra, learned Standing Counsel appearing for the School and Mass Education Department.
 3. The present writ petition has been filed by the Petitioner challenging the inaction on the part of the Opposite Parties in finalizing the departmental proceeding pending against the Petitioner as well as disbursement of the pre and post retirement benefits in favour of the Petitioner.
 4. It is submitted by learned counsel for the Petitioner that the departmental proceeding initiated against the Petitioner has progressed substantially and the same is required to be disposed of by passing a final order by the disciplinary authority.
 5. It is further submitted by learned counsel for the Petitioner that the Petitioner entered into Government service as a Primary School

Teacher in the year 1987. Subsequently while continuing as such in the year 2014, she was further promoted to the post of Level-IV Headmaster. Thereafter while serving as such under the Block Education Officer, Sonapur Block, she was retired from service on attaining the age of superannuation with effect from 31.08.2021. Learned counsel for the Petitioner also submitted that the entire service career of the Petitioner has remained unblemished and she has discharged his duty sincerely and honestly to the satisfaction of the higher authority. However, while working as Headmaster of Sahajpita Government Primary School, she was placed under suspension vide Order No.107 dated 25.01.2021 by the Block Education Officer, Sonapur as per Rule-12(a) of the O.C.S. (C.C. & A) Rules, 1962 on contemplation of a disciplinary proceeding against her vide Memo No.803 dated 06.05.2021 a departmental proceeding was initiated against the Petitioner and the charges were framed against her. The principal allegation against the petitioner was that on negligence in duty, insubordination of higher authorities and disobedience of order of higher authorities amounting to gross misconduct.

6. Learned for the Petitioner submits that while all the charges continuing against the Petitioner, he would be satisfied, if a direction would be given to the disciplinary authority to conclude the proceeding expeditiously by passing final order.

7. Mr. S. Mishra, learned Standing Counsel appearing for the School and Mass Education Department submits that he has no objection, if such direction is given to the disciplinary authority for passing final order within stipulated time.

8. Having heard learned counsel for both the sides, this Court

feels that in the interest of justice, it would be best serve if the writ petition is disposed of with a direction to the Opposite Party No.4 i.e. Block Education Officer, Sonepur to finalize the disciplinary proceeding pending against the Petitioner within a period of six weeks from the date of production of a certified copy of this order. It is needless to mention here that the final order be passed by the disciplinary authority, which is pending against the Petitioner. The decision taken on the same shall be communicated to the Petitioner within a period of ten days thereafter.

6. With the aforesaid direction, the writ petition stands disposed of. There shall no order as to cost.

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

Jagabandhu

