IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3485 of 2016

Minarva Sahoo .... **Petitioner**

-versus-

State of Odisha & Others .... **Opposite Parties**

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

Order No **25.08.2022**

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

2. Heard Mr. B.S. Tripathy, learned counsel for the petitioner and Mr. N.N. Satpathy, learned Standing Counsel appearing for the State-Opp. Parties.

3. The petitioner has filed the present writ petition challenging the order dated 18.2.2015 passed by the District Project Coordinator, SSA, Jagatsinghpur under Annexure-5.

4. It is submitted that the said order has passed on the ground that the petitioner was detained in police custody in connection with the Paradeep P.S. Case No.35 of 2010. It is submitted that prior to issuance of such order, no show-cause notice was ever served on the petitioner nor any opportunity of hearing was ever given to the petitioner and the said order was passed in complete violation of principle of natural justice. Not only that, in the report annexed vide Annexure-D/4 to

the counter filed by the B.E.O, Kujang, it has been specifically indicated that on the relevant date, the petitioner was in the school and she has never taken part in the alleged crime.

5. Be that as it may, since prior to issuance of the order of termination/suspension, the petitioner was never given an opportunity of hearing, this Court while quashing the said order passed under Annexure-5, directs the opp. party No.4 to take a fresh decision on the matter by giving reasonable opportunity of hearing to the petitioner. It is also observed that while taking such a fresh decision, opp. party No.4 shall take into consideration the report submitted by the B.E.O, Kujang and communicated to the said Opp. Party vide letter dated 23.2.2016 under Annexure-D/4 to the counter. This court directs Opp. Party No.4 to take a fresh decision within a period of two months from the date of receipt of this order.

6. On such re-consideration of the matter, consequential step for re-instatement of the petitioner be also considered within that time.

7. With the aforesaid observation and direction, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sangita

HIGH COURT
ORISSA