

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.2642 of 2016

Sanju Rani Sikdar

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

11.08.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. Agasti Kanungo, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned standing counsel appearing for the Opp. Parties.
3. At the outset Mr. Kanungo submitted that he will not press prayer No.7 (B).
3. It is submitted that the impugned proceeding under Annexure-5 has been initiated by the BEO, Koraput. It is submitted that in respect of Elementary Cadre Teachers, the DEO being the appointing authority, BEO cannot exercise the said power and initiate the disciplinary proceeding against Elementary Cadre Teachers.
4. Mr. Kanungo brought to the notice of this Court the order passed by the learned Tribunal under Annexure-8, wherein similar view has been taken. In spite of notice, no counter affidavit has been filed and an interim order has been passed staying the operation of

Annexure-5. In absence of any counter and taking into account the order passed under Annexure-8, this Court finds that the proceeding initiated against the Petitioner under Annexure-5 is not maintainable at the instance of BEO, Koraput. Accordingly, this Court quash the same.

5. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

