

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 28939 of 2022

Rashmirani Das

.....

Petitioner

Mr. C.R. Pattnaik, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S. N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

04.11.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. C.R. Pattnaik, learned counsel appearing for the petitioner and Mr. S. N. Nayak, learned Additional Standing Counsel for the State.

3. The petitioner has filed this writ petition seeking to quash the order dated 12.10.2022 issued by the Sub-Collector, Balasore and the subsequent letter dated 15.10.2022 under Annexures-7 and 8 and further seeks for direction to the authorities to correct her experience in the college from one year to ten year in the forwarding letter made by the Principal for the purpose of recognition and other purposes.

4. Mr. C.R. Patnaik, learned counsel for the petitioner contended that the petitioner pursuant to the advertisement made by the Governing Body dated 23.4.2011 applied for the post of Lecturer in Odia and was selected on 21.10.2011 and the petitioner was issued with an engagement order on 28.02.2013 on contractual period basis, pursuant to which she joined in service and rendered service from 28th February 2013 for the academic session 2012-13. Thereafter she was not allowed to continue and she was intimated such fact vide letter dated 28.02.2013. Accordingly she filed W.P.(C) No. 14249 of 2013 seeking for quashing

of letter dated 28.02.2013 issued by the opposite party no.4. However, the same was disposed of on the ground of no instruction granting liberty to the petitioner to file fresh writ petition, if any cause of action survives. Consequentially, the petitioner filed W.P.(C) No. 12598 of 2019, which was disposed of vide order dated 29.07.2019 directing the authorities to dispose of her representation within a period of three months from the date of receipt of the said order. In compliance to the same, the Governing Body held a meeting on 11.12.2019, where the decision was taken to allow her to resume her duties as Lecturer in Oriya (4th post) and the period of her absence from 01.03.2013 till her re-joining shall be treated as no work no pay. Therefore, vide order dated 15.02.2020, the petitioner was allowed to join in her service. But she claims that the period from 01.03.2013 till her re-joining should be considered as continuity of service so that she can get some benefit, but the same was not acceded to. Therefore, the petitioner filed W.P.(C) no. 28678 of 2021, which was disposed of vide order dated 21.09.2021 directing opposite party no.3 to consider the representation filed by the petitioner in accordance with law. On consideration of the same the order impugned has been passed.

5. After going through the order itself, it is clearly mentioned that since the matter is relating to appointment and regularization of service of Lecturer (Management paid), the Governing Body of the college is the appointing authority as per Rule 30 of the Odisha Service Code to take a decision in the matter. Consequently the matter was referred to the President of the Governing Body for taking a decision on 01.11.2021. The Sub Collector, Balasore-cum-President of the governing Body vide letter dated 12.10.2022 has intimated with the observation that “her continuity in the subject of Odia at Saraswata Mahavidyalaya, Anantapur, could not be established and directed the Principal-cum-

Secretary to intimate the petitioner accordingly” In that view of the matter, this Court does not find any illegality or irregularity in the order passed by the authority, so as to cause any interference.

6. Accordingly, the writ petition merits no consideration and the same stands dismissed.

Arun

(DR. B.R. SARANGI, J.)

