

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.940 of 2016

Rushi Buyya

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.07.2022

Order No

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Sahu, learned counsel for the Petitioner and Mr. Satapathy, learned counsel appearing for the Department.

3. This writ Petition has been filed by the Petitioner challenging the order dtd.04.05.2016 passed by the Collector and District Magistrate, Ganjam under Annexure-10.

4. Mr. Sahu, learned counsel for the Petitioner at the outset submitted that since the Petitioner is a regular Primary School Teacher, Collector-O.P. No. 3 is not competent to pass order of dismissal disengaging the Petitioner from his service without taking recourse to the relevant provision contained under Orissa Civil Service (CCA) Rules, 1962.

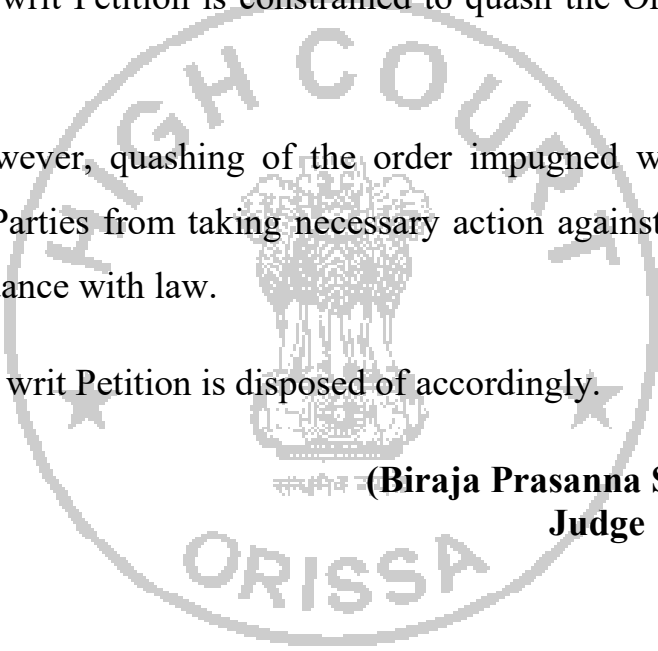
5. Even though notice of the writ Petition was issued since 17.05.2016, but no counter affidavit has been filed by the State till

date. This Court after going through the order at Annexure-10 finds that since the Petitioner is a regular Primary School Teacher, any action can be taken against the Petitioner in consonance with the provision contained under OCS(CCA) Rules, 1962.

6. Order passed by the Collector at Annexure-10 nowhere shows that the Petitioner prior to being inflicted with the order of dismissal, the provision of the aforesaid rules has been followed. No proceeding has also been initiated against the Petitioner for the alleged misconduct. This Court therefore, in absence of any counter to the writ Petition is constrained to quash the Order at Annexure-10.

7. However, quashing of the order impugned will not debar the Opp. Parties from taking necessary action against the Petitioner in accordance with law.

8. The writ Petition is disposed of accordingly.

The seal of the Orissa High Court is a circular emblem. It features the text 'HIGH COURT' at the top and 'ORISSA' at the bottom. In the center is the State Emblem of India, which is a four-lion capital of an abacus. Below the emblem, the text '(Biraja Prasanna Satapathy)' is written, followed by 'Judge' on the next line.
(Biraja Prasanna Satapathy)
Judge

Sneha